

1 AN ACT in relation to perjury by peace officers.

2 Be it enacted by the People of the State of Illinois,  
3 represented in the General Assembly:

4 Section 5. The Code of Criminal Procedure of 1963 is  
5 amended by adding Sections 115-21 and 116-5 as follows:

6 (725 ILCS 5/115-21 new)

7 Sec. 115-21. Perjury by peace officer; new trial. If it  
8 is determined by the court during the trial of a capital case  
9 that a peace officer has committed perjury during that trial  
10 and the perjury is sufficiently material to affect the  
11 reliability of the verdict, the court shall grant the  
12 defendant a new trial upon that determination. The court may  
13 make such a determination on the defendant's oral or written  
14 motion or on its own motion and may make such a determination  
15 at any time during the course of the trial.

16 (725 ILCS 5/116-5 new)

17 Sec. 116-5. Perjury by peace officer; new trial.  
18 Following a verdict or finding of guilty in a capital case,  
19 the defendant may file a motion for a new trial on the  
20 grounds that a peace officer committed perjury during the  
21 defendant's trial. Upon the court determining that a peace  
22 officer committed perjury during the defendant's trial and  
23 the perjury is sufficiently material to affect the  
24 reliability of the verdict, the court shall vacate the  
25 verdict or finding of guilty and shall grant the defendant a  
26 new trial.

27 Section 10. The Unified Code of Corrections is amended by  
28 adding Section 5-4-1.5 as follows:

1 (730 ILCS 5/5-4-1.5 new)

2 Sec. 5-4-1.5. Perjury by peace officer; new trial. If it  
3 is determined by the court during sentencing in a capital  
4 case that a peace officer has committed perjury during the  
5 trial of that case or during the sentencing hearing and the  
6 perjury is sufficiently material to affect the reliability of  
7 the verdict, then upon that determination the court shall  
8 vacate the verdict or finding of guilty and shall grant the  
9 defendant a new trial. The court may make such a  
10 determination on the defendant's oral or written motion or on  
11 its own motion and may make such a determination at any time  
12 during the course of the sentencing hearing.

13 Section 99. Effective date. This Act takes effect upon  
14 becoming law.