

1 AN ACT in relation to criminal law.

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 Section 115-21 as follows:

6 (725 ILCS 5/115-21 new)

7 Sec. 115-21. Rules of evidence for the trial of capital  
8 cases. If a defendant is charged with an offense for which a  
9 sentence of death is authorized and the State's Attorney has  
10 not, at the time of trial, filed a certificate indicating he  
11 or she will not seek the death penalty or stated on the  
12 record in open court that the death penalty will not be  
13 sought, then the following special rules of evidence shall  
14 apply at the trial to determine the defendants' guilt:

15 (1) If the defendant chooses to testify, then,  
16 notwithstanding any other rules of evidence to the  
17 contrary, the following shall not be admissible, unless  
18 the defendant offers evidence of his good character:

19 (A) evidence of a prior conviction of the  
20 defendant;

21 (B) evidence of specific instances of conduct  
22 of the defendant offered solely for the purpose of  
23 attacking the defendant's credibility; and

24 (C) other evidence offered solely for the  
25 purpose of showing the defendant's character for  
26 untruthfulness.

27 (2) If the State introduces testimony from an  
28 eyewitness for the purpose of establishing the  
29 defendant's identity as the perpetrator of the offense,  
30 the defendant shall be permitted to introduce expert  
31 testimony regarding the possible fallibility of the

1 testifying eyewitness' identification.

2 (3) The State is not permitted to introduce any  
3 testimony from an accomplice of the defendant or an  
4 informant against the defendant who has been granted or  
5 promised immunity from prosecution, sentence reduction or  
6 any other form of leniency or other favorable treatment  
7 by the prosecution in exchange for his or her testimony.

8 (4) Unless it is corroborated by a tape recording,  
9 the State is not permitted to introduce a statement  
10 against interest made by the defendant while the  
11 defendant was in the custody of a law enforcement agency,  
12 a county department of corrections or detention, or the  
13 Illinois Department of Corrections through the testimony  
14 of a person who was in custody with the defendant at the  
15 time the statement was made.

16 (5) To the extent not inconsistent with clauses (1)  
17 through (4), the rules of evidence governing criminal  
18 trials in the State of Illinois shall be fully  
19 applicable.