

1 AN ACT concerning criminal law.

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

4 Section 5. The Criminal Code of 2012 is amended by
5 changing Sections 1-6 and 14-3 as follows:

6 (720 ILCS 5/1-6) (from Ch. 38, par. 1-6)

7 Sec. 1-6. Place of trial.

8 (a) Generally.

9 Criminal actions shall be tried in the county where the
10 offense was committed, except as otherwise provided by law.
11 The State is not required to prove during trial that the
12 alleged offense occurred in any particular county in this
13 State. When a defendant contests the place of trial under this
14 Section, all proceedings regarding this issue shall be
15 conducted under Section 114-1 of the Code of Criminal
16 Procedure of 1963. All objections of improper place of trial
17 are waived by a defendant unless made before trial.

18 (b) Assailant and Victim in Different Counties.

19 If a person committing an offense upon the person of
20 another is located in one county and his victim is located in
21 another county at the time of the commission of the offense,
22 trial may be had in either of said counties.

23 (c) Death and Cause of Death in Different Places or

1 Undetermined.

2 If cause of death is inflicted in one county and death
3 ensues in another county, the offender may be tried in either
4 county. If neither the county in which the cause of death was
5 inflicted nor the county in which death ensued are known
6 before trial, the offender may be tried in the county where the
7 body was found.

8 (d) Offense Commenced Outside the State.

9 If the commission of an offense commenced outside the
10 State is consummated within this State, the offender shall be
11 tried in the county where the offense is consummated.

12 (e) Offenses Committed in Bordering Navigable Waters.

13 If an offense is committed on any of the navigable waters
14 bordering on this State, the offender may be tried in any
15 county adjacent to such navigable water.

16 (f) Offenses Committed while in Transit.

17 If an offense is committed upon any railroad car, vehicle,
18 watercraft or aircraft passing within this State, and it
19 cannot readily be determined in which county the offense was
20 committed, the offender may be tried in any county through
21 which such railroad car, vehicle, watercraft or aircraft has
22 passed.

23 (g) Theft.

24 A person who commits theft of property may be tried in any
25 county in which he exerted control over such property.

26 (h) Bigamy.

1 A person who commits the offense of bigamy may be tried in
2 any county where the bigamous marriage or bigamous
3 cohabitation has occurred.

4 (i) Kidnaping.

5 A person who commits the offense of kidnaping may be tried
6 in any county in which his victim has traveled or has been
7 confined during the course of the offense.

8 (j) Pandering.

9 A person who commits the offense of pandering as set forth
10 in subdivision (a) (2) (A) or (a) (2) (B) of Section 11-14.3 may
11 be tried in any county in which the prostitution was practiced
12 or in any county in which any act in furtherance of the offense
13 shall have been committed.

14 (k) Treason.

15 A person who commits the offense of treason may be tried in
16 any county.

17 (l) Criminal Defamation.

18 If criminal defamation is spoken, printed or written in
19 one county and is received or circulated in another or other
20 counties, the offender shall be tried in the county where the
21 defamation is spoken, printed or written. If the defamation is
22 spoken, printed or written outside this state, or the offender
23 resides outside this state, the offender may be tried in any
24 county in this state in which the defamation was circulated or
25 received.

26 (m) Inchoate Offenses.

1 A person who commits an inchoate offense may be tried in
2 any county in which any act which is an element of the offense,
3 including the agreement in conspiracy, is committed.

4 (n) Accountability for Conduct of Another.

5 Where a person in one county solicits, aids, abets,
6 agrees, or attempts to aid another in the planning or
7 commission of an offense in another county, he may be tried for
8 the offense in either county.

9 (o) Child Abduction.

10 A person who commits the offense of child abduction may be
11 tried in any county in which his victim has traveled, been
12 detained, concealed or removed to during the course of the
13 offense. Notwithstanding the foregoing, unless for good cause
14 shown, the preferred place of trial shall be the county of the
15 residence of the lawful custodian.

16 (p) A person who commits the offense of narcotics
17 racketeering may be tried in any county where cannabis or a
18 controlled substance which is the basis for the charge of
19 narcotics racketeering was used; acquired; transferred or
20 distributed to, from or through; or any county where any act
21 was performed to further the use; acquisition, transfer or
22 distribution of said cannabis or controlled substance; any
23 money, property, property interest, or any other asset
24 generated by narcotics activities was acquired, used, sold,
25 transferred or distributed to, from or through; or, any
26 enterprise interest obtained as a result of narcotics

1 racketeering was acquired, used, transferred or distributed
2 to, from or through, or where any activity was conducted by the
3 enterprise or any conduct to further the interests of such an
4 enterprise.

5 (q) A person who commits the offense of money laundering
6 may be tried in any county where any part of a financial
7 transaction in criminally derived property took place or in
8 any county where any money or monetary instrument which is the
9 basis for the offense was acquired, used, sold, transferred or
10 distributed to, from or through.

11 (r) A person who commits the offense of cannabis
12 trafficking, methamphetamine trafficking, or controlled
13 substance trafficking may be tried in any county.

14 (s) A person who commits the offense of online sale of
15 stolen property, online theft by deception, or electronic
16 fencing may be tried in any county where any one or more
17 elements of the offense took place, regardless of whether the
18 element of the offense was the result of acts by the accused,
19 the victim or by another person, and regardless of whether the
20 defendant was ever physically present within the boundaries of
21 the county.

22 (t) A person who commits the offense of identity theft or
23 aggravated identity theft may be tried in any one of the
24 following counties in which: (1) the offense occurred; (2) the
25 information used to commit the offense was illegally used; or
26 (3) the victim resides.

1 (u) A person who commits the offense of financial
2 exploitation of an elderly person or a person with a
3 disability may be tried in any one of the following counties in
4 which: (1) any part of the offense occurred; or (2) the victim
5 or one of the victims reside.

6 If a person is charged with more than one violation of
7 identity theft or aggravated identity theft and those
8 violations may be tried in more than one county, any of those
9 counties is a proper venue for all of the violations.

10 (Source: P.A. 101-394, eff. 1-1-20.)

11 (720 ILCS 5/14-3)

12 Sec. 14-3. Exemptions. The following activities shall be
13 exempt from the provisions of this Article:

14 (a) Listening to radio, wireless electronic
15 communications, and television communications of any sort
16 where the same are publicly made;

17 (b) Hearing conversation when heard by employees of
18 any common carrier by wire incidental to the normal course
19 of their employment in the operation, maintenance or
20 repair of the equipment of such common carrier by wire so
21 long as no information obtained thereby is used or
22 divulged by the hearer;

23 (c) Any broadcast by radio, television or otherwise
24 whether it be a broadcast or recorded for the purpose of
25 later broadcasts of any function where the public is in

1 attendance and the conversations are overheard incidental
2 to the main purpose for which such broadcasts are then
3 being made;

4 (d) Recording or listening with the aid of any device
5 to any emergency communication made in the normal course
6 of operations by any federal, state or local law
7 enforcement agency or institutions dealing in emergency
8 services, including, but not limited to, hospitals,
9 clinics, ambulance services, fire fighting agencies, any
10 public utility, emergency repair facility, civilian
11 defense establishment or military installation;

12 (e) Recording the proceedings of any meeting required
13 to be open by the Open Meetings Act, as amended;

14 (f) Recording or listening with the aid of any device
15 to incoming telephone calls of phone lines publicly listed
16 or advertised as consumer "hotlines" by manufacturers or
17 retailers of food and drug products. Such recordings must
18 be destroyed, erased or turned over to local law
19 enforcement authorities within 24 hours from the time of
20 such recording and shall not be otherwise disseminated.
21 Failure on the part of the individual or business
22 operating any such recording or listening device to comply
23 with the requirements of this subsection shall eliminate
24 any civil or criminal immunity conferred upon that
25 individual or business by the operation of this Section;

26 (g) With prior notification to the Attorney General or

1 the State's Attorney of the county in which it is to occur,
2 recording or listening with the aid of any device to any
3 conversation where a law enforcement officer, or any
4 person acting at the direction of law enforcement, is a
5 party to the conversation and has consented to it being
6 intercepted or recorded under circumstances where the use
7 of the device is necessary for the protection of the law
8 enforcement officer or any person acting at the direction
9 of law enforcement, in the course of an investigation of a
10 forcible felony, a felony offense of involuntary
11 servitude, involuntary sexual servitude of a minor, or
12 trafficking in persons under Section 10-9 of this Code, an
13 offense involving prostitution, solicitation of a sexual
14 act, or pandering, a felony violation of the Illinois
15 Controlled Substances Act, a felony violation of the
16 Cannabis Control Act, a felony violation of the
17 Methamphetamine Control and Community Protection Act, any
18 "streetgang related" or "gang-related" felony as those
19 terms are defined in the Illinois Streetgang Terrorism
20 Omnibus Prevention Act, or any felony offense involving
21 any weapon listed in paragraphs (1) through (11) of
22 subsection (a) of Section 24-1 of this Code. Any recording
23 or evidence derived as the result of this exemption shall
24 be inadmissible in any proceeding, criminal, civil or
25 administrative, except (i) where a party to the
26 conversation suffers great bodily injury or is killed

1 during such conversation, or (ii) when used as direct
2 impeachment of a witness concerning matters contained in
3 the interception or recording. The Director of the
4 Illinois State Police shall issue regulations as are
5 necessary concerning the use of devices, retention of tape
6 recordings, and reports regarding their use;

7 (g-5) (Blank);

8 (g-6) With approval of the Attorney General or the
9 State's Attorney of the county in which it is to occur,
10 recording or listening with the aid of any device to any
11 conversation where a law enforcement officer, or any
12 person acting at the direction of law enforcement, is a
13 party to the conversation and has consented to it being
14 intercepted or recorded in the course of an investigation
15 of child pornography, aggravated child pornography,
16 indecent solicitation of a child, luring of a minor,
17 sexual exploitation of a child, aggravated criminal sexual
18 abuse in which the victim of the offense was at the time of
19 the commission of the offense under 18 years of age, or
20 criminal sexual abuse by force or threat of force in which
21 the victim of the offense was at the time of the commission
22 of the offense under 18 years of age. In all such cases, an
23 application for an order approving the previous or
24 continuing use of an eavesdropping device must be made
25 within 48 hours of the commencement of such use. In the
26 absence of such an order, or upon its denial, any

1 continuing use shall immediately terminate. The Director
2 of the Illinois State Police shall issue rules as are
3 necessary concerning the use of devices, retention of
4 recordings, and reports regarding their use. Any recording
5 or evidence obtained or derived in the course of an
6 investigation of child pornography, aggravated child
7 pornography, indecent solicitation of a child, luring of a
8 minor, sexual exploitation of a child, aggravated criminal
9 sexual abuse in which the victim of the offense was at the
10 time of the commission of the offense under 18 years of
11 age, or criminal sexual abuse by force or threat of force
12 in which the victim of the offense was at the time of the
13 commission of the offense under 18 years of age shall,
14 upon motion of the State's Attorney or Attorney General
15 prosecuting any case involving child pornography,
16 aggravated child pornography, indecent solicitation of a
17 child, luring of a minor, sexual exploitation of a child,
18 aggravated criminal sexual abuse in which the victim of
19 the offense was at the time of the commission of the
20 offense under 18 years of age, or criminal sexual abuse by
21 force or threat of force in which the victim of the offense
22 was at the time of the commission of the offense under 18
23 years of age be reviewed in camera with notice to all
24 parties present by the court presiding over the criminal
25 case, and, if ruled by the court to be relevant and
26 otherwise admissible, it shall be admissible at the trial

1 of the criminal case. Absent such a ruling, any such
2 recording or evidence shall not be admissible at the trial
3 of the criminal case;

4 (h) Recordings made simultaneously with the use of an
5 in-car video camera recording of an oral conversation
6 between a uniformed peace officer, who has identified his
7 or her office, and a person in the presence of the peace
8 officer whenever (i) an officer assigned a patrol vehicle
9 is conducting an enforcement stop; or (ii) patrol vehicle
10 emergency lights are activated or would otherwise be
11 activated if not for the need to conceal the presence of
12 law enforcement.

13 For the purposes of this subsection (h), "enforcement
14 stop" means an action by a law enforcement officer in
15 relation to enforcement and investigation duties,
16 including but not limited to, traffic stops, pedestrian
17 stops, abandoned vehicle contacts, motorist assists,
18 commercial motor vehicle stops, roadside safety checks,
19 requests for identification, or responses to requests for
20 emergency assistance;

21 (h-5) Recordings of utterances made by a person while
22 in the presence of a uniformed peace officer and while an
23 occupant of a police vehicle including, but not limited
24 to, (i) recordings made simultaneously with the use of an
25 in-car video camera and (ii) recordings made in the
26 presence of the peace officer utilizing video or audio

1 systems, or both, authorized by the law enforcement
2 agency;

3 (h-10) Recordings made simultaneously with a video
4 camera recording during the use of a taser or similar
5 weapon or device by a peace officer if the weapon or device
6 is equipped with such camera;

7 (h-15) Recordings made under subsection (h), (h-5), or
8 (h-10) shall be retained by the law enforcement agency
9 that employs the peace officer who made the recordings for
10 a storage period of 90 days, unless the recordings are
11 made as a part of an arrest or the recordings are deemed
12 evidence in any criminal, civil, or administrative
13 proceeding and then the recordings must only be destroyed
14 upon a final disposition and an order from the court.
15 Under no circumstances shall any recording be altered or
16 erased prior to the expiration of the designated storage
17 period. Upon completion of the storage period, the
18 recording medium may be erased and reissued for
19 operational use;

20 (i) Recording of a conversation made by or at the
21 request of a person, not a law enforcement officer or
22 agent of a law enforcement officer, who is a party to the
23 conversation, under reasonable suspicion that another
24 party to the conversation is committing, is about to
25 commit, or has committed a criminal offense against the
26 person or a member of his or her immediate household, and

1 there is reason to believe that evidence of the criminal
2 offense may be obtained by the recording;

3 (j) The use of a telephone monitoring device by either
4 (1) a corporation or other business entity engaged in
5 marketing or opinion research or (2) a corporation or
6 other business entity engaged in telephone solicitation,
7 as defined in this subsection, to record or listen to oral
8 telephone solicitation conversations or marketing or
9 opinion research conversations by an employee of the
10 corporation or other business entity when:

11 (i) the monitoring is used for the purpose of
12 service quality control of marketing or opinion
13 research or telephone solicitation, the education or
14 training of employees or contractors engaged in
15 marketing or opinion research or telephone
16 solicitation, or internal research related to
17 marketing or opinion research or telephone
18 solicitation; and

19 (ii) the monitoring is used with the consent of at
20 least one person who is an active party to the
21 marketing or opinion research conversation or
22 telephone solicitation conversation being monitored.

23 No communication or conversation or any part, portion,
24 or aspect of the communication or conversation made,
25 acquired, or obtained, directly or indirectly, under this
26 exemption (j), may be, directly or indirectly, furnished

1 to any law enforcement officer, agency, or official for
2 any purpose or used in any inquiry or investigation, or
3 used, directly or indirectly, in any administrative,
4 judicial, or other proceeding, or divulged to any third
5 party.

6 When recording or listening authorized by this
7 subsection (j) on telephone lines used for marketing or
8 opinion research or telephone solicitation purposes
9 results in recording or listening to a conversation that
10 does not relate to marketing or opinion research or
11 telephone solicitation; the person recording or listening
12 shall, immediately upon determining that the conversation
13 does not relate to marketing or opinion research or
14 telephone solicitation, terminate the recording or
15 listening and destroy any such recording as soon as is
16 practicable.

17 Business entities that use a telephone monitoring or
18 telephone recording system pursuant to this exemption (j)
19 shall provide current and prospective employees with
20 notice that the monitoring or recordings may occur during
21 the course of their employment. The notice shall include
22 prominent signage notification within the workplace.

23 Business entities that use a telephone monitoring or
24 telephone recording system pursuant to this exemption (j)
25 shall provide their employees or agents with access to
26 personal-only telephone lines which may be pay telephones,

1 that are not subject to telephone monitoring or telephone
2 recording.

3 For the purposes of this subsection (j), "telephone
4 solicitation" means a communication through the use of a
5 telephone by live operators:

6 (i) soliciting the sale of goods or services;

7 (ii) receiving orders for the sale of goods or
8 services;

9 (iii) assisting in the use of goods or services;

10 or

11 (iv) engaging in the solicitation, administration,
12 or collection of bank or retail credit accounts.

13 For the purposes of this subsection (j), "marketing or
14 opinion research" means a marketing or opinion research
15 interview conducted by a live telephone interviewer
16 engaged by a corporation or other business entity whose
17 principal business is the design, conduct, and analysis of
18 polls and surveys measuring the opinions, attitudes, and
19 responses of respondents toward products and services, or
20 social or political issues, or both;

21 (k) Electronic recordings, including but not limited
22 to, a motion picture, videotape, digital, or other visual
23 or audio recording, made of a custodial interrogation of
24 an individual at a police station or other place of
25 detention by a law enforcement officer under Section
26 5-401.5 of the Juvenile Court Act of 1987 or Section

1 103-2.1 of the Code of Criminal Procedure of 1963;

2 (1) Recording the interview or statement of any person
3 when the person knows that the interview is being
4 conducted by a law enforcement officer or prosecutor and
5 the interview takes place at a police station that is
6 currently participating in the Custodial Interview Pilot
7 Program established under the Illinois Criminal Justice
8 Information Act;

9 (m) An electronic recording, including, but not
10 limited to, a motion picture, videotape, digital, or other
11 visual or audio recording, made of the interior of a
12 school bus while the school bus is being used in the
13 transportation of students to and from school and
14 school-sponsored activities, when the school board has
15 adopted a policy authorizing such recording, notice of
16 such recording policy is included in student handbooks and
17 other documents including the policies of the school,
18 notice of the policy regarding recording is provided to
19 parents of students, and notice of such recording is
20 clearly posted on the door of and inside the school bus.

21 Recordings made pursuant to this subsection (m) shall
22 be confidential records and may only be used by school
23 officials (or their designees) and law enforcement
24 personnel for investigations, school disciplinary actions
25 and hearings, proceedings under the Juvenile Court Act of
26 1987, and criminal prosecutions, related to incidents

1 occurring in or around the school bus;

2 (n) Recording or listening to an audio transmission
3 from a microphone placed by a person under the authority
4 of a law enforcement agency inside a bait car surveillance
5 vehicle while simultaneously capturing a photographic or
6 video image;

7 (o) The use of an eavesdropping camera or audio device
8 during an ongoing hostage or barricade situation by a law
9 enforcement officer or individual acting on behalf of a
10 law enforcement officer when the use of such device is
11 necessary to protect the safety of the general public,
12 hostages, or law enforcement officers or anyone acting on
13 their behalf;

14 (p) Recording or listening with the aid of any device
15 to incoming telephone calls of phone lines publicly listed
16 or advertised as the "CPS Violence Prevention Hotline",
17 but only where the notice of recording is given at the
18 beginning of each call as required by Section 34-21.8 of
19 the School Code. The recordings may be retained only by
20 the Chicago Police Department or other law enforcement
21 authorities, and shall not be otherwise retained or
22 disseminated;

23 (q) (1) With prior request to and written or verbal
24 approval of the Attorney General or the State's Attorney
25 of the county in which the conversation is anticipated to
26 occur, recording or listening with the aid of an

1 eavesdropping device to a conversation in which a law
2 enforcement officer, or any person acting at the direction
3 of a law enforcement officer, is a party to the
4 conversation and has consented to the conversation being
5 intercepted or recorded in the course of an investigation
6 of a qualified offense. The Attorney General or the
7 State's Attorney may grant this approval only after
8 determining that reasonable cause exists to believe that
9 inculpatory conversations concerning a qualified offense
10 will occur with a specified individual or individuals
11 within a designated period of time.

12 (2) Request for approval. To invoke the exception
13 contained in this subsection (q), a law enforcement
14 officer shall make a request for approval to the Attorney
15 General or the appropriate State's Attorney. The request
16 may be written or verbal; however, a written
17 memorialization of the request must be made by the
18 Attorney General or the State's Attorney. This request for
19 approval shall include whatever information is deemed
20 necessary by the Attorney General or the State's Attorney
21 but shall include, at a minimum, the following information
22 about each specified individual whom the law enforcement
23 officer believes will commit a qualified offense:

24 (A) his or her full or partial name, nickname or
25 alias;

26 (B) a physical description; or

1 (C) failing either (A) or (B) of this paragraph
2 (2), any other supporting information known to the law
3 enforcement officer at the time of the request that
4 gives rise to reasonable cause to believe that the
5 specified individual will participate in an
6 inculpatory conversation concerning a qualified
7 offense.

8 (3) Limitations on approval. Each written approval by
9 the Attorney General or the State's Attorney under this
10 subsection (q) shall be limited to:

11 (A) a recording or interception conducted by a
12 specified law enforcement officer or person acting at
13 the direction of a law enforcement officer;

14 (B) recording or intercepting conversations with
15 the individuals specified in the request for approval,
16 provided that the verbal approval shall be deemed to
17 include the recording or intercepting of conversations
18 with other individuals, unknown to the law enforcement
19 officer at the time of the request for approval, who
20 are acting in conjunction with or as co-conspirators
21 with the individuals specified in the request for
22 approval in the commission of a qualified offense;

23 (C) a reasonable period of time but in no event
24 longer than 24 consecutive hours;

25 (D) the written request for approval, if
26 applicable, or the written memorialization must be

1 filed, along with the written approval, with the
2 circuit clerk of the jurisdiction on the next business
3 day following the expiration of the authorized period
4 of time, and shall be subject to review by the Chief
5 Judge or his or her designee as deemed appropriate by
6 the court.

7 (3.5) The written memorialization of the request for
8 approval and the written approval by the Attorney General
9 or the State's Attorney may be in any format, including
10 via facsimile, email, or otherwise, so long as it is
11 capable of being filed with the circuit clerk.

12 (3.10) Beginning March 1, 2015, the Attorney General
13 and each State's Attorney shall annually submit a report
14 to the General Assembly disclosing:

15 (A) the number of requests for each qualified
16 offense for approval under this subsection; and

17 (B) the number of approvals for each qualified
18 offense given by the Attorney General or the State's
19 Attorney.

20 (4) Admissibility of evidence. No part of the contents
21 of any wire, electronic, or oral communication that has
22 been recorded or intercepted as a result of this exception
23 may be received in evidence in any trial, hearing, or
24 other proceeding in or before any court, grand jury,
25 department, officer, agency, regulatory body, legislative
26 committee, or other authority of this State, or a

1 political subdivision of the State, other than in a
2 prosecution of:

3 (A) the qualified offense for which approval was
4 given to record or intercept a conversation under this
5 subsection (q);

6 (B) a forcible felony committed directly in the
7 course of the investigation of the qualified offense
8 for which approval was given to record or intercept a
9 conversation under this subsection (q); or

10 (C) any other forcible felony committed while the
11 recording or interception was approved in accordance
12 with this subsection (q), but for this specific
13 category of prosecutions, only if the law enforcement
14 officer or person acting at the direction of a law
15 enforcement officer who has consented to the
16 conversation being intercepted or recorded suffers
17 great bodily injury or is killed during the commission
18 of the charged forcible felony.

19 (5) Compliance with the provisions of this subsection
20 is a prerequisite to the admissibility in evidence of any
21 part of the contents of any wire, electronic or oral
22 communication that has been intercepted as a result of
23 this exception, but nothing in this subsection shall be
24 deemed to prevent a court from otherwise excluding the
25 evidence on any other ground recognized by State or
26 federal law, nor shall anything in this subsection be

1 deemed to prevent a court from independently reviewing the
2 admissibility of the evidence for compliance with the
3 Fourth Amendment to the U.S. Constitution or with Article
4 I, Section 6 of the Illinois Constitution.

5 (6) Use of recordings or intercepts unrelated to
6 qualified offenses. Whenever any private conversation or
7 private electronic communication has been recorded or
8 intercepted as a result of this exception that is not
9 related to an offense for which the recording or intercept
10 is admissible under paragraph (4) of this subsection (q),
11 no part of the contents of the communication and evidence
12 derived from the communication may be received in evidence
13 in any trial, hearing, or other proceeding in or before
14 any court, grand jury, department, officer, agency,
15 regulatory body, legislative committee, or other authority
16 of this State, or a political subdivision of the State,
17 nor may it be publicly disclosed in any way.

18 (6.5) The Illinois State Police shall adopt rules as
19 are necessary concerning the use of devices, retention of
20 recordings, and reports regarding their use under this
21 subsection (q).

22 (7) Definitions. For the purposes of this subsection
23 (q) only:

24 "Attorney General" includes and is limited to the
25 Attorney General or an Assistant Attorney General
26 designated by the Attorney General to provide verbal

1 approval to record or intercept conversations under
2 this subsection (g).

3 "Forcible felony" includes and is limited to those
4 offenses contained in Section 2-8 of the Criminal Code
5 of 1961 as of the effective date of this amendatory Act
6 of the 97th General Assembly, and only as those
7 offenses have been defined by law or judicial
8 interpretation as of that date.

9 "Qualified offense" means and is limited to:

10 (A) a felony violation of the Cannabis Control
11 Act, the Illinois Controlled Substances Act, or
12 the Methamphetamine Control and Community
13 Protection Act, except for violations of:

14 (i) Section 4 of the Cannabis Control Act;

15 (ii) Section 402 of the Illinois
16 Controlled Substances Act; and

17 (iii) Section 60 of the Methamphetamine
18 Control and Community Protection Act; and

19 (B) first degree murder, solicitation of
20 murder for hire, predatory criminal sexual assault
21 of a child, criminal sexual assault, aggravated
22 criminal sexual assault, aggravated arson,
23 kidnapping, aggravated kidnapping, child
24 abduction, trafficking in persons, involuntary
25 servitude, involuntary sexual servitude of a
26 minor, or gunrunning.

1 "State's Attorney" includes and is limited to the
2 State's Attorney or an assistant State's Attorney
3 designated by the State's Attorney to provide verbal
4 approval to record or intercept conversations under
5 this subsection (q).

6 (8) Sunset. This subsection (q) is inoperative on and
7 after January 1, 2027. No conversations intercepted
8 pursuant to this subsection (q), while operative, shall be
9 inadmissible in a court of law by virtue of the
10 inoperability of this subsection (q) on January 1, 2027.

11 (9) Recordings, records, and custody. Any private
12 conversation or private electronic communication
13 intercepted by a law enforcement officer or a person
14 acting at the direction of law enforcement shall, if
15 practicable, be recorded in such a way as will protect the
16 recording from editing or other alteration. Any and all
17 original recordings made under this subsection (q) shall
18 be inventoried without unnecessary delay pursuant to the
19 law enforcement agency's policies for inventorying
20 evidence. The original recordings shall not be destroyed
21 except upon an order of a court of competent jurisdiction;
22 and

23 (r) Electronic recordings, including but not limited
24 to, motion picture, videotape, digital, or other visual or
25 audio recording, made of a lineup under Section 107A-2 of
26 the Code of Criminal Procedure of 1963.

1 (Source: P.A. 101-80, eff. 7-12-19; 102-538, eff. 8-20-21;
2 102-918, eff. 5-27-22.)

3 Section 10. The Code of Criminal Procedure of 1963 is
4 amended by changing Sections 108A-1, 108A-3, 108A-6, and
5 108A-11 as follows:

6 (725 ILCS 5/108A-1) (from Ch. 38, par. 108A-1)

7 Sec. 108A-1. Authorization for use of eavesdropping
8 device. The Attorney General or an Assistant Attorney General
9 authorized by the Attorney General or the State's Attorney or
10 an Assistant State's Attorney authorized by the State's
11 Attorney may authorize an application to a circuit judge or an
12 associate judge assigned by the Chief Judge of the circuit
13 for, and such judge may grant in conformity with this Article,
14 an order authorizing or approving the use of an eavesdropping
15 device by a law enforcement officer or agency having the
16 responsibility for the investigation of any felony under
17 Illinois law where any one party to a conversation to be
18 monitored, or previously monitored in the case of an emergency
19 situation as defined in this Article, has consented to such
20 monitoring.

21 The Chief Judge of the circuit may assign to associate
22 judges the power to issue orders authorizing or approving the
23 use of eavesdropping devices by law enforcement officers or
24 agencies in accordance with this Article. After assignment by

1 the Chief Judge, an associate judge shall have plenary
2 authority to issue such orders without additional
3 authorization for each specific application made to him by the
4 Attorney General or the State's Attorney until such time as
5 the associate judge's power is rescinded by the Chief Judge.

6 (Source: P.A. 92-413, eff. 8-17-01.)

7 (725 ILCS 5/108A-3) (from Ch. 38, par. 108A-3)

8 Sec. 108A-3. Procedure for Obtaining Judicial Approval of
9 Use of Eavesdropping Device. (a) Where any one party to a
10 conversation to occur in the future has consented to the use of
11 an eavesdropping device to overhear or record the
12 conversation, a judge may grant approval to an application to
13 use an eavesdropping device pursuant to the provisions of this
14 section.

15 Each application for an order authorizing or subsequently
16 approving the use of an eavesdropping device shall be made in
17 writing upon oath or affirmation to a circuit judge, or an
18 associate judge assigned for such purpose pursuant to Section
19 108A-1 of this Code, and shall state the applicant's authority
20 to make such application. Each application shall include the
21 following:

22 (1) the identity of the investigative or law enforcement
23 officer making the application and the Attorney General or the
24 State's Attorney authorizing the application;

25 (2) a statement of the facts and circumstances relied upon

1 by the applicant to justify his belief that an order should be
2 issued including: (a) details as to the felony that has been,
3 is being, or is about to be committed; (b) a description of the
4 type of communication sought to be monitored; (c) the identity
5 of the party to the expected conversation consenting to the
6 use of an eavesdropping device; (d) the identity of the
7 person, if known, whose conversations are to be overheard by
8 the eavesdropping device;

9 (3) a statement of the period of time for which the use of
10 the device is to be maintained or, if the nature of the
11 investigation is such that the authorization for use of the
12 device should not terminate automatically when the described
13 type of communication is overheard or recorded, a description
14 of facts establishing reasonable cause to believe that
15 additional conversations of the same type will occur
16 thereafter;

17 (4) a statement of the existence of all previous
18 applications known to the individual making the application
19 which have been made to any judge requesting permission to use
20 an eavesdropping device involving the same persons in the
21 present application, and the action taken by the judge on the
22 previous applications;

23 (5) when the application is for an extension of an order, a
24 statement setting forth the results so far obtained from the
25 use of the eavesdropping device or an explanation of the
26 failure to obtain such results.

1 (b) The judge may request the applicant to furnish
2 additional testimony, witnesses, or evidence in support of the
3 application.

4 (Source: P.A. 86-391.)

5 (725 ILCS 5/108A-6) (from Ch. 38, par. 108A-6)

6 Sec. 108A-6. Emergency Exception to Procedures. (a)
7 Notwithstanding any other provisions of this Article, any
8 investigative or law enforcement officer, upon approval of the
9 Attorney General or a State's Attorney, or without it if a
10 reasonable effort has been made to contact the Attorney
11 General or the appropriate State's Attorney, may use an
12 eavesdropping device in an emergency situation as defined in
13 this Section. Such use must be in accordance with the
14 provisions of this Section and may be allowed only where the
15 officer reasonably believes that an order permitting the use
16 of the device would issue were there a prior hearing.

17 An emergency situation exists when, without previous
18 notice to the law enforcement officer sufficient to obtain
19 prior judicial approval, the conversation to be overheard or
20 recorded will occur within a short period of time, the use of
21 the device is necessary for the protection of the law
22 enforcement officer or it will occur in a situation involving
23 a clear and present danger of imminent death or great bodily
24 harm to persons resulting from: (1) a kidnapping or the
25 holding of a hostage by force or the threat of the imminent use

1 of force; or (2) the occupation by force or the threat of the
2 imminent use of force of any premises, place, vehicle, vessel
3 or aircraft; or (3) any violation of Article 29D.

4 (b) In all such cases, an application for an order
5 approving the previous or continuing use of an eavesdropping
6 device must be made within 48 hours of the commencement of such
7 use. In the absence of such an order, or upon its denial, any
8 continuing use shall immediately terminate.

9 In order to approve such emergency use, the judge must
10 make a determination (1) that he would have granted an order
11 had the information been before the court prior to the use of
12 the device and (2) that there was an emergency situation as
13 defined in this Section.

14 (c) In the event that an application for approval under
15 this Section is denied the contents of the conversations
16 overheard or recorded shall be treated as having been obtained
17 in violation of this Article.

18 (Source: P.A. 92-854, eff. 12-5-02.)

19 (725 ILCS 5/108A-11) (from Ch. 38, par. 108A-11)

20 Sec. 108A-11. Reports concerning use of eavesdropping
21 devices.

22 (a) In January of each year the Attorney General and the
23 State's Attorney of each county in which eavesdropping devices
24 were used pursuant to the provisions of this Article shall
25 report to the Illinois State Police the following with respect

1 to each application for an order authorizing the use of an
2 eavesdropping device, or an extension thereof, made during the
3 preceding calendar year:

4 (1) the fact that such an order, extension, or
5 subsequent approval of an emergency was applied for;

6 (2) the kind of order or extension applied for;

7 (3) a statement as to whether the order or extension
8 was granted as applied for was modified, or was denied;

9 (4) the period authorized by the order or extensions
10 in which an eavesdropping device could be used;

11 (5) the felony specified in the order extension or
12 denied application;

13 (6) the identity of the applying investigative or law
14 enforcement officer and agency making the application and
15 the Attorney General or the State's Attorney authorizing
16 the application; and

17 (7) the nature of the facilities from which or the
18 place where the eavesdropping device was to be used.

19 (b) Such report shall also include the following:

20 (1) a general description of the uses of eavesdropping
21 devices actually made under such order to overheard or
22 record conversations, including: (a) the approximate
23 nature and frequency of incriminating conversations
24 overheard, (b) the approximate nature and frequency of
25 other conversations overheard, (c) the approximate number
26 of persons whose conversations were overheard, and (d) the

1 approximate nature, amount, and cost of the manpower and
2 other resources used pursuant to the authorization to use
3 an eavesdropping device;

4 (2) the number of arrests resulting from authorized
5 uses of eavesdropping devices and the offenses for which
6 arrests were made;

7 (3) the number of trials resulting from such uses of
8 eavesdropping devices;

9 (4) the number of motions to suppress made with
10 respect to such uses, and the number granted or denied;
11 and

12 (5) the number of convictions resulting from such uses
13 and the offenses for which the convictions were obtained
14 and a general assessment of the importance of the
15 convictions.

16 (c) In April of each year, the Illinois State Police shall
17 transmit to the General Assembly a report including
18 information on the number of applications for orders
19 authorizing the use of eavesdropping devices, the number of
20 orders and extensions granted or denied during the preceding
21 calendar year, and the convictions arising out of such uses.

22 The requirement for reporting to the General Assembly
23 shall be satisfied by filing copies of the report as required
24 by Section 3.1 of the General Assembly Organization Act, and
25 filing such additional copies with the State Government Report
26 Distribution Center for the General Assembly as is required

1 under paragraph (t) of Section 7 of the State Library Act.

2 (Source: P.A. 102-538, eff. 8-20-21.)

3 Section 15. The Statewide Grand Jury Act is amended by
4 changing Sections 2, 3, and 4 as follows:

5 (725 ILCS 215/2) (from Ch. 38, par. 1702)

6 Sec. 2. (a) County grand juries and State's Attorneys have
7 always had and shall continue to have primary responsibility
8 for investigating, indicting, and prosecuting persons who
9 violate the criminal laws of the State of Illinois. However,
10 in recent years organized terrorist activity directed against
11 innocent civilians and certain criminal enterprises have
12 developed that require investigation, indictment, and
13 prosecution on a statewide or multicounty level. The criminal
14 enterprises exist as a result of the allure of profitability
15 present in narcotic activity, the unlawful sale and transfer
16 of firearms, retail theft, crimes committed by use of the
17 Internet, financial crimes, and streetgang related felonies
18 and organized terrorist activity is supported by the
19 contribution of money and expert assistance from
20 geographically diverse sources. In order to shut off the life
21 blood of terrorism and weaken or eliminate the criminal
22 enterprises, assets, and property used to further these
23 offenses must be frozen, and any profit must be removed. State
24 statutes exist that can accomplish that goal. Among them are

1 the offense of money laundering, violations of Article 29D of
2 the Criminal Code of 1961 or the Criminal Code of 2012, the
3 Narcotics Profit Forfeiture Act, and gunrunning. Local
4 prosecutors need investigative personnel and specialized
5 training to attack and eliminate these profits. In light of
6 the transitory and complex nature of conduct that constitutes
7 these criminal activities, the many diverse property interests
8 that may be used, acquired directly or indirectly as a result
9 of these criminal activities, and the many places that
10 illegally obtained property may be located, it is the purpose
11 of this Act to create a limited, multicounty Statewide Grand
12 Jury with authority to investigate, indict, and prosecute:
13 narcotic activity, including cannabis and controlled substance
14 trafficking, narcotics racketeering, money laundering,
15 violations of the Cannabis and Controlled Substances Tax Act,
16 and violations of Article 29D of the Criminal Code of 1961 or
17 the Criminal Code of 2012; the unlawful sale and transfer of
18 firearms; gunrunning; retail theft; crimes committed by use of
19 the Internet; financial crimes; and streetgang related
20 felonies.

21 (b) A Statewide Grand Jury may also investigate, indict,
22 and prosecute violations facilitated by the use of a computer
23 of any of the following offenses: indecent solicitation of a
24 child, sexual exploitation of a child, soliciting for a
25 juvenile prostitute, keeping a place of juvenile prostitution,
26 juvenile pimping, child pornography, aggravated child

1 pornography, obscene depiction of a purported child,
2 non-consensual dissemination of sexually explicit digitized
3 depictions, or promoting juvenile prostitution except as
4 described in subdivision (a)(4) of Section 11-14.4 of the
5 Criminal Code of 1961 or the Criminal Code of 2012.

6 (c) A Statewide Grand Jury may also investigate, indict,
7 and prosecute violations of organized retail crime, and its
8 related acts; continuing financial enterprises and Internet
9 offenses.

10 (Source: P.A. 101-593, eff. 12-4-19; 102-757, eff. 5-13-22.)

11 (725 ILCS 215/3) (from Ch. 38, par. 1703)

12 Sec. 3. Written application for the appointment of a
13 Circuit Judge to convene and preside over a Statewide Grand
14 Jury, with jurisdiction extending throughout the State, shall
15 be made to the Chief Justice of the Supreme Court. Upon such
16 written application, the Chief Justice of the Supreme Court
17 shall appoint a Circuit Judge from the circuit where the
18 Statewide Grand Jury is being sought to be convened, who shall
19 make a determination that the convening of a Statewide Grand
20 Jury is necessary.

21 In such application the Attorney General shall state that
22 the convening of a Statewide Grand Jury is necessary because
23 of an alleged offense or offenses set forth in this Section
24 involving more than one county of the State and identifying
25 any such offense alleged; and

1 (a) that he or she believes that the grand jury
2 function for the investigation and indictment of the
3 offense or offenses cannot effectively be performed by a
4 county grand jury together with the reasons for such
5 belief, and

6 (b) (1) that each State's Attorney with jurisdiction
7 over an offense or offenses to be investigated has
8 consented to the impaneling of the Statewide Grand Jury,
9 or

10 (2) if one or more of the State's Attorneys having
11 jurisdiction over an offense or offenses to be
12 investigated fails to consent to the impaneling of the
13 Statewide Grand Jury, the Attorney General shall set forth
14 good cause for impaneling the Statewide Grand Jury.

15 If the Circuit Judge determines that the convening of a
16 Statewide Grand Jury is necessary, he or she shall convene and
17 impanel the Statewide Grand Jury with jurisdiction extending
18 throughout the State to investigate and return indictments:

19 (a) For violations of any of the following or for any
20 other criminal offense committed in the course of
21 violating any of the following: Article 29D of the
22 Criminal Code of 1961 or the Criminal Code of 2012, the
23 Illinois Controlled Substances Act, the Cannabis Control
24 Act, the Methamphetamine Control and Community Protection
25 Act, or the Narcotics Profit Forfeiture Act; a streetgang
26 related felony offense; Section 16-1, 16-25, 16-25.1,

1 16-40, 17-10.6(h), 24-2.1, 24-2.2, 24-3, 24-3A, 24-3.1,
2 24-3.3, 24-3.4, 24-4, or 24-5 or subsection 24-1(a)(4),
3 24-1(a)(6), 24-1(a)(7), 24-1(a)(9), 24-1(a)(10), or
4 24-1(c) of the Criminal Code of 1961 or the Criminal Code
5 of 2012; or a money laundering offense; provided that the
6 violation or offense involves acts occurring in more than
7 one county of this State; and

8 (a-5) For violations facilitated by the use of a
9 computer, including the use of the Internet, the World
10 Wide Web, electronic mail, message board, newsgroup, or
11 any other commercial or noncommercial on-line service, of
12 any of the following offenses: indecent solicitation of a
13 child, sexual exploitation of a child, soliciting for a
14 juvenile prostitute, keeping a place of juvenile
15 prostitution, juvenile pimping, child pornography,
16 aggravated child pornography, obscene depiction of a
17 purported child, non-consensual dissemination of sexually
18 explicit digitized depictions, or promoting juvenile
19 prostitution except as described in subdivision (a)(4) of
20 Section 11-14.4 of the Criminal Code of 1961 or the
21 Criminal Code of 2012; and

22 (b) For the offenses of perjury, subornation of
23 perjury, communicating with jurors and witnesses, and
24 harassment of jurors and witnesses, as they relate to
25 matters before the Statewide Grand Jury.

26 "Streetgang related" has the meaning ascribed to it in

1 Section 10 of the Illinois Streetgang Terrorism Omnibus
2 Prevention Act.

3 Upon written application by the Attorney General for the
4 convening of an additional Statewide Grand Jury, the Chief
5 Justice of the Supreme Court shall appoint a Circuit Judge
6 from the circuit for which the additional Statewide Grand Jury
7 is sought. The Circuit Judge shall determine the necessity for
8 an additional Statewide Grand Jury in accordance with the
9 provisions of this Section. No more than 2 Statewide Grand
10 Juries may be empaneled at any time.

11 (Source: P.A. 101-593, eff. 12-4-19; 102-757, eff. 5-13-22.)

12 (725 ILCS 215/4) (from Ch. 38, par. 1704)

13 Sec. 4. (a) The presiding judge of the Statewide Grand
14 Jury will receive recommendations from the Attorney General as
15 to the county in which the Grand Jury will sit. Prior to making
16 the recommendations, the Attorney General shall obtain the
17 permission of the local State's Attorney to use his or her
18 county for the site of the Statewide Grand Jury. Upon
19 receiving the Attorney General's recommendations, the
20 presiding judge will choose one of those recommended locations
21 as the site where the Grand Jury shall sit.

22 Any indictment by a Statewide Grand Jury shall be returned
23 to the Circuit Judge presiding over the Statewide Grand Jury
24 and shall include a finding as to the county or counties in
25 which the alleged offense was committed. Thereupon, the judge

1 shall, by order, designate the county of venue for the purpose
2 of trial. The judge may also, by order, direct the
3 consolidation of an indictment returned by a county grand jury
4 with an indictment returned by the Statewide Grand Jury and
5 set venue for trial.

6 (b) Venue for purposes of trial for the offense of
7 narcotics racketeering shall be proper in any county where:

8 (1) Cannabis or a controlled substance which is the
9 basis for the charge of narcotics racketeering was used;
10 acquired; transferred or distributed to, from or through;
11 or any county where any act was performed to further the
12 use; acquisition, transfer or distribution of said
13 cannabis or controlled substance; or

14 (2) Any money, property, property interest, or any
15 other asset generated by narcotics activities was
16 acquired, used, sold, transferred or distributed to, from
17 or through; or,

18 (3) Any enterprise interest obtained as a result of
19 narcotics racketeering was acquired, used, transferred or
20 distributed to, from or through, or where any activity was
21 conducted by the enterprise or any conduct to further the
22 interests of such an enterprise.

23 (c) Venue for purposes of trial for the offense of money
24 laundering shall be proper in any county where any part of a
25 financial transaction in criminally derived property took
26 place, or in any county where any money or monetary interest

1 which is the basis for the offense, was acquired, used, sold,
2 transferred or distributed to, from, or through.

3 (d) A person who commits the offense of cannabis
4 trafficking, methamphetamine trafficking, or controlled
5 substance trafficking may be tried in any county.

6 (e) Venue for purposes of trial for any violation of
7 Article 29D of the Criminal Code of 1961 or the Criminal Code
8 of 2012 may be in the county in which an act of terrorism
9 occurs, the county in which material support or resources are
10 provided or solicited, the county in which criminal assistance
11 is rendered, or any county in which any act in furtherance of
12 any violation of Article 29D of the Criminal Code of 1961 or
13 the Criminal Code of 2012 occurs.

14 (f) Venue for purposes of trial for the offense of
15 organized retail crime shall be proper in any county where:

16 (1) any property, property interest, asset, money, or
17 thing of value that is the basis for the charge of
18 organized retail crime was used, acquired, transferred, or
19 distributed to, from, or through; or any county where any
20 act was performed to further the use, acquisition,
21 transfer, or distribution of the property, property
22 interest, asset, money, or thing or value; or

23 (2) any enterprise interest obtained as a result of
24 organized retail crime was acquired, used, transferred, or
25 distributed to, from, or through, or where any activity
26 was conducted by the enterprise or any conduct to further

1 the interests of such an enterprise.

2 (Source: P.A. 102-757, eff. 5-13-22.)