

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 Code of Criminal Procedure of 1963 is
5 amended by changing Section 108-10 as follows:

6 (725 ILCS 5/108-10) (from Ch. 38, par. 108-10)

7 Sec. 108-10. Return to court of things seized.

8 (a) A return of all instruments, articles or things seized
9 shall be made without unnecessary delay before the judge
10 issuing the warrant or before any judge named in the warrant or
11 before any court of competent jurisdiction.

12 (b) Telecommunications carriers shall return all
13 electronic instruments, articles, or things within 7 business
14 days. If the judge issuing the warrant finds exigent
15 circumstances exist, the return of the electronic instruments,
16 articles, or things shall be as soon as possible. For the
17 purposes of this subsection (b), "exigent circumstances" means
18 circumstances involving the immediate risk of harm to an
19 individual, imminent danger to the community, or risk of
20 flight from the jurisdiction by a suspect. The judge issuing
21 the warrant shall make a finding of applicability of this
22 subsection and shall enter a reference to this subsection upon
23 the warrant.

1 (c) Telecommunications carriers shall not charge a fee for
2 production of the electronic instruments, articles, or things
3 listed in the search warrant.

4 (d) An inventory of any instruments, articles or things
5 seized shall be filed with the return and signed under oath by
6 the officer or person executing the warrant. The judge shall
7 upon request deliver a copy of the inventory to the person from
8 whom or from whose premises the instruments, articles or
9 things were taken and to the applicant for the warrant.

10 (e) As used in this Section, "telecommunications carrier"
11 has the meaning given to that term in Section 13-202 of the
12 Public Utilities Act.

13 (f) This amendatory Act of the 104th General Assembly does
14 not affect the ability of a law enforcement agency to obtain
15 information under the Freedom From Location Surveillance Act.

16 (Source: Laws 1963, p. 2836.)