



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

SB4012

Introduced 1/4/2021, by Sen. John F. Curran - Dan McConchie - Dale A. Righter - Jil Tracy, Paul Schimpf, et al.

SYNOPSIS AS INTRODUCED:

725 ILCS 215/2	from Ch. 38, par. 1702
725 ILCS 215/3	from Ch. 38, par. 1703
725 ILCS 215/4	from Ch. 38, par. 1704

Amends the Statewide Grand Jury Act. Expands the authority of a Statewide Grand Jury to investigate and indict offenses involving the corruption of a public official, to include theft, fraud, extortion, or a violation of the Official Misconduct and Public Contracts Article of the Criminal Code of 2012. Provides that venue for purposes of trial for any offense involving the corruption of a public official may be in any county in which any portion of the offense occurred.

LRB101 22337 RLC 73380 b

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 Statewide Grand Jury Act is amended by
5 changing Sections 2, 3, and 4 as follows:

6 (725 ILCS 215/2) (from Ch. 38, par. 1702)

7 Sec. 2. (a) County grand juries and State's Attorneys have
8 always had and shall continue to have primary responsibility
9 for investigating, indicting, and prosecuting persons who
10 violate the criminal laws of the State of Illinois. However, in
11 recent years organized terrorist activity directed against
12 innocent civilians, ~~and~~ certain criminal enterprises, and
13 public corruption have developed that require investigation,
14 indictment, and prosecution on a statewide or multicounty
15 level. The criminal enterprises exist as a result of the allure
16 of profitability present in narcotic activity, public
17 corruption, the unlawful sale and transfer of firearms, and
18 streetgang related felonies and organized terrorist activity
19 is supported by the contribution of money and expert assistance
20 from geographically diverse sources. In order to shut off the
21 life 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

1 statutes exist that can accomplish that goal. Among them are
2 the offense of money laundering, violations of Articles ~~Article~~
3 29D, 33, and 33E of the Criminal Code of 1961 or the Criminal
4 Code of 2012, the Narcotics Profit Forfeiture Act, and
5 gunrunning. Local prosecutors need investigative personnel and
6 specialized training to attack and eliminate these profits. In
7 light of the transitory and complex nature of conduct that
8 constitutes these criminal activities, the many diverse
9 property interests that may be used, acquired directly or
10 indirectly as a result of these criminal activities, and the
11 many places that illegally obtained property may be located, it
12 is the purpose of this Act to create a limited, multicounty
13 Statewide Grand Jury with authority to investigate, indict, and
14 prosecute: narcotic activity, including cannabis and
15 controlled substance trafficking, narcotics racketeering,
16 money laundering, violations of the Cannabis and Controlled
17 Substances Tax Act, and violations of Articles ~~Article~~ 29D, 33,
18 and 33E of the Criminal Code of 1961 or the Criminal Code of
19 2012; public corruption crimes; the unlawful sale and transfer
20 of firearms; gunrunning; and streetgang related 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, or promoting juvenile prostitution except as
2 described in subdivision (a)(4) of Section 11-14.4 of the
3 Criminal Code of 1961 or the Criminal Code of 2012.

4 (Source: P.A. 101-593, eff. 12-4-19.)

5 (725 ILCS 215/3) (from Ch. 38, par. 1703)

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

15 In such application the Attorney General shall state that
16 the convening of a Statewide Grand Jury is necessary because of
17 an alleged offense or offenses set forth in this Section
18 involving more than one county of the State and identifying any
19 such offense alleged; and

20 (a) that he or she believes that the grand jury
21 function for the investigation and indictment of the
22 offense or offenses cannot effectively be performed by a
23 county grand jury together with the reasons for such
24 belief, and

25 (b) (1) that each State's Attorney with jurisdiction

1 over an offense or offenses to be investigated has
2 consented to the impaneling of the Statewide Grand Jury, or

3 (2) if one or more of the State's Attorneys having
4 jurisdiction over an offense or offenses to be investigated
5 fails to consent to the impaneling of the Statewide Grand
6 Jury, the Attorney General shall set forth good cause for
7 impaneling the Statewide Grand Jury.

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

12 (a) For violations of any of the following or for any
13 other criminal offense committed in the course of violating
14 any of the following: Article 29D of the Criminal Code of
15 1961 or the Criminal Code of 2012, the Illinois Controlled
16 Substances Act, the Cannabis Control Act, the
17 Methamphetamine Control and Community Protection Act, or
18 the Narcotics Profit Forfeiture Act; a streetgang related
19 felony offense; Section 24-2.1, 24-2.2, 24-3, 24-3A,
20 24-3.1, 24-3.3, 24-3.4, 24-4, or 24-5 or subsection
21 24-1(a)(4), 24-1(a)(6), 24-1(a)(7), 24-1(a)(9),
22 24-1(a)(10), or 24-1(c) of the Criminal Code of 1961 or the
23 Criminal Code of 2012; or a money laundering offense;
24 provided that the violation or offense involves acts
25 occurring in more than one county of this State; and

26 (a-5) For violations facilitated by the use of a

1 computer, including the use of the Internet, the World Wide
2 Web, electronic mail, message board, newsgroup, or any
3 other commercial or noncommercial on-line service, of any
4 of the following offenses: indecent solicitation of a
5 child, sexual exploitation of a child, soliciting for a
6 juvenile prostitute, keeping a place of juvenile
7 prostitution, juvenile pimping, child pornography,
8 aggravated child pornography, or promoting juvenile
9 prostitution except as described in subdivision (a)(4) of
10 Section 11-14.4 of the Criminal Code of 1961 or the
11 Criminal Code of 2012; and

12 (a-6) For violations of offenses involving the
13 corruption of a public official, including theft, fraud,
14 extortion or a violation of Article 33 or 33E of the
15 Criminal Code of 1961 or the Criminal Code of 2012; and

16 (b) For the offenses of perjury, subornation of
17 perjury, communicating with jurors and witnesses, and
18 harassment of jurors and witnesses, as they relate to
19 matters before the Statewide Grand Jury.

20 "Streetgang related" has the meaning ascribed to it in
21 Section 10 of the Illinois Streetgang Terrorism Omnibus
22 Prevention Act.

23 Upon written application by the Attorney General for the
24 convening of an additional Statewide Grand Jury, the Chief
25 Justice of the Supreme Court shall appoint a Circuit Judge from
26 the circuit for which the additional Statewide Grand Jury is

1 sought. The Circuit Judge shall determine the necessity for an
2 additional Statewide Grand Jury in accordance with the
3 provisions of this Section. No more than 2 Statewide Grand
4 Juries may be empaneled at any time.

5 (Source: P.A. 101-593, eff. 12-4-19.)

6 (725 ILCS 215/4) (from Ch. 38, par. 1704)

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

16 Any indictment by a Statewide Grand Jury shall be returned
17 to the Circuit Judge presiding over the Statewide Grand Jury
18 and shall include a finding as to the county or counties in
19 which the alleged offense was committed. Thereupon, the judge
20 shall, by order, designate the county of venue for the purpose
21 of trial. The judge may also, by order, direct the
22 consolidation of an indictment returned by a county grand jury
23 with an indictment returned by the Statewide Grand Jury and set
24 venue for trial.

25 (b) Venue for purposes of trial for the offense of

1 narcotics racketeering shall be proper in any county where:

2 (1) Cannabis or a controlled substance which is the
3 basis for the charge of narcotics racketeering was used;
4 acquired; transferred or distributed to, from or through;
5 or any county where any act was performed to further the
6 use; acquisition, transfer or distribution of said
7 cannabis or controlled substance; or

8 (2) Any money, property, property interest, or any
9 other asset generated by narcotics activities was
10 acquired, used, sold, transferred or distributed to, from
11 or through; or,

12 (3) Any enterprise interest obtained as a result of
13 narcotics racketeering was acquired, used, transferred or
14 distributed to, from or through, or where any activity was
15 conducted by the enterprise or any conduct to further the
16 interests of such an enterprise.

17 (c) Venue for purposes of trial for the offense of money
18 laundering shall be proper in any county where any part of a
19 financial transaction in criminally derived property took
20 place, or in any county where any money or monetary interest
21 which is the basis for the offense, was acquired, used, sold,
22 transferred or distributed to, from, or through.

23 (d) A person who commits the offense of cannabis
24 trafficking or controlled substance trafficking may be tried in
25 any county.

26 (e) Venue for purposes of trial for any violation of

1 Article 29D of the Criminal Code of 1961 or the Criminal Code
2 of 2012 may be in the county in which an act of terrorism
3 occurs, the county in which material support or resources are
4 provided or solicited, the county in which criminal assistance
5 is rendered, or any county in which any act in furtherance of
6 any violation of Article 29D of the Criminal Code of 1961 or
7 the Criminal Code of 2012 occurs.

8 (f) Venue for purposes of trial for any offense involving
9 the corruption of a public official may be in any county in
10 which any portion of the offense occurred.

11 (Source: P.A. 97-1150, eff. 1-25-13.)