



## 101ST GENERAL ASSEMBLY

### State of Illinois

2019 and 2020

SB4013

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

#### SYNOPSIS AS INTRODUCED:

720 ILCS 5/33G-3

725 ILCS 5/108B-3

from Ch. 38, par. 108B-3

Amends the Criminal Code of 2012. In the Illinois Street Gang and Racketeer Influenced and Corrupt Organizations Law, expands the definition of "predicate activity" to include bribery, official misconduct, solicitation misconduct (State government), solicitation misconduct (local government)), and legislative misconduct. Amends the Code of Criminal Procedure of 1963. Expands the authority of the State's Attorney to seek a court order authorizing the interception of a private communication when no party has consented to the interception and the interception may provide evidence of, or may assist in the apprehension of a person who has committed, is committing, or is about to commit an offense to include predicate activity under the Illinois Street Gang and Racketeer Influenced and Corrupt Organizations Law.

LRB101 22336 RLC 73379 b

CORRECTIONAL  
BUDGET AND  
IMPACT NOTE ACT  
MAY APPLY

A BILL FOR

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 changing  
5 Section 33G-3 as follows:

6 (720 ILCS 5/33G-3)

7 (Section scheduled to be repealed on June 11, 2022)

8 Sec. 33G-3. Definitions. As used in this Article:

9 (a) "Another state" means any State of the United States  
10 (other than the State of Illinois), or the District of  
11 Columbia, or the Commonwealth of Puerto Rico, or any territory  
12 or possession of the United States, or any political  
13 subdivision, or any department, agency, or instrumentality  
14 thereof.

15 (b) "Enterprise" includes:

16 (1) any partnership, corporation, association,  
17 business or charitable trust, or other legal entity; and

18 (2) any group of individuals or other legal entities,  
19 or any combination thereof, associated in fact although not  
20 itself a legal entity. An association in fact must be held  
21 together by a common purpose of engaging in a course of  
22 conduct, and it may be associated together for purposes  
23 that are both legal and illegal. An association in fact

1 must:

2 (A) have an ongoing organization or structure,  
3 either formal or informal;

4 (B) the various members of the group must function  
5 as a continuing unit, even if the group changes  
6 membership by gaining or losing members over time; and

7 (C) have an ascertainable structure distinct from  
8 that inherent in the conduct of a pattern of predicate  
9 activity.

10 As used in this Article, "enterprise" includes licit and  
11 illicit enterprises.

12 (c) "Labor organization" includes any organization, labor  
13 union, craft union, or any voluntary unincorporated  
14 association designed to further the cause of the rights of  
15 union labor that is constituted for the purpose, in whole or in  
16 part, of collective bargaining or of dealing with employers  
17 concerning grievances, terms or conditions of employment, or  
18 apprenticeships or applications for apprenticeships, or of  
19 other mutual aid or protection in connection with employment,  
20 including apprenticeships or applications for apprenticeships.

21 (d) "Operation or management" means directing or carrying  
22 out the enterprise's affairs and is limited to any person who  
23 knowingly serves as a leader, organizer, operator, manager,  
24 director, supervisor, financier, advisor, recruiter, supplier,  
25 or enforcer of an enterprise in violation of this Article.

26 (e) "Predicate activity" means any act that is a Class 2

1 felony or higher and constitutes a violation or violations of  
2 any of the following provisions of the laws of the State of  
3 Illinois (as amended or revised as of the date the activity  
4 occurred or, in the instance of a continuing offense, the date  
5 that charges under this Article are filed in a particular  
6 matter in the State of Illinois) or any act under the law of  
7 another jurisdiction for an offense that could be charged as a  
8 Class 2 felony or higher in this State:

9 (1) under the Criminal Code of 1961 or the Criminal  
10 Code of 2012: 8-1.2 (solicitation of murder for hire), 9-1  
11 (first degree murder), 9-3.3 (drug-induced homicide), 10-1  
12 (kidnapping), 10-2 (aggravated kidnapping), 10-3.1  
13 (aggravated unlawful restraint), 10-4 (forcible  
14 detention), 10-5(b)(10) (child abduction), 10-9  
15 (trafficking in persons, involuntary servitude, and  
16 related offenses), 11-1.20 (criminal sexual assault),  
17 11-1.30 (aggravated criminal sexual assault), 11-1.40  
18 (predatory criminal sexual assault of a child), 11-1.60  
19 (aggravated criminal sexual abuse), 11-6 (indecent  
20 solicitation of a child), 11-6.5 (indecent solicitation of  
21 an adult), 11-14.3(a)(2)(A) and (a)(2)(B) (promoting  
22 prostitution), 11-14.4 (promoting juvenile prostitution),  
23 11-18.1 (patronizing a minor engaged in prostitution;  
24 patronizing a juvenile prostitute), 12-3.05 (aggravated  
25 battery), 12-6.4 (criminal street gang recruitment),  
26 12-6.5 (compelling organization membership of persons),

1 12-7.3 (stalking), 12-7.4 (aggravated stalking), 12-7.5  
2 (cyberstalking), 12-11 or 19-6 (home invasion), 12-11.1 or  
3 18-6 (vehicular invasion), 18-1 (robbery; aggravated  
4 robbery), 18-2 (armed robbery), 18-3 (vehicular  
5 hijacking), 18-4 (aggravated vehicular hijacking), 18-5  
6 (aggravated robbery), 19-1 (burglary), 19-3 (residential  
7 burglary), 20-1 (arson; residential arson; place of  
8 worship arson), 20-1.1 (aggravated arson), 20-1.2  
9 (residential arson), 20-1.3 (place of worship arson),  
10 24-1.2 (aggravated discharge of a firearm), 24-1.2-5  
11 (aggravated discharge of a machine gun or silencer equipped  
12 firearm), 24-1.8 (unlawful possession of a firearm by a  
13 street gang member), 24-3.2 (unlawful discharge of firearm  
14 projectiles), 24-3.9 (aggravated possession of a stolen  
15 firearm), 24-3A (gunrunning), 26-5 or 48-1 (dog-fighting),  
16 29D-14.9 (terrorism), 29D-15 (soliciting support for  
17 terrorism), 29D-15.1 (causing a catastrophe), 29D-15.2  
18 (possession of a deadly substance), 29D-20 (making a  
19 terrorist threat), 29D-25 (falsely making a terrorist  
20 threat), 29D-29.9 (material support for terrorism), 29D-35  
21 (hindering prosecution of terrorism), 31A-1.2  
22 (unauthorized contraband in a penal institution), 33-1  
23 (bribery), 33-3 (official misconduct), 33-3.1  
24 (solicitation misconduct (State government)), 33-3.2  
25 (solicitation misconduct (local government)), 33-8  
26 (legislative misconduct), or 33A-3 (armed violence);

1           (2) under the Cannabis Control Act: Sections 5  
2           (manufacture or delivery of cannabis), 5.1 (cannabis  
3           trafficking), or 8 (production or possession of cannabis  
4           plants), provided the offense either involves more than 500  
5           grams of any substance containing cannabis or involves more  
6           than 50 cannabis sativa plants;

7           (3) under the Illinois Controlled Substances Act:  
8           Sections 401 (manufacture or delivery of a controlled  
9           substance), 401.1 (controlled substance trafficking), 405  
10          (calculated criminal drug conspiracy), or 405.2 (street  
11          gang criminal drug conspiracy); or

12          (4) under the Methamphetamine Control and Community  
13          Protection Act: Sections 15 (methamphetamine  
14          manufacturing), or 55 (methamphetamine delivery).

15          (f) "Pattern of predicate activity" means:

16          (1) at least 3 occurrences of predicate activity that  
17          are in some way related to each other and that have  
18          continuity between them, and that are separate acts. Acts  
19          are related to each other if they are not isolated events,  
20          including if they have similar purposes, or results, or  
21          participants, or victims, or are committed a similar way,  
22          or have other similar distinguishing characteristics, or  
23          are part of the affairs of the same enterprise. There is  
24          continuity between acts if they are ongoing over a  
25          substantial period, or if they are part of the regular way  
26          some entity does business or conducts its affairs; and

1           (2) which occurs after the effective date of this  
2 Article, and the last of which falls within 3 years  
3 (excluding any period of imprisonment) after the first  
4 occurrence of predicate activity.

5           (g) "Unlawful death" includes the following offenses:  
6 under the Code of 1961 or the Criminal Code of 2012: Sections  
7 9-1 (first degree murder) or 9-2 (second degree murder).  
8 (Source: P.A. 97-686, eff. 6-11-12; 97-1150, eff. 1-25-13.)

9           Section 10. The Code of Criminal Procedure of 1963 is  
10 amended by changing Section 108B-3 as follows:

11           (725 ILCS 5/108B-3) (from Ch. 38, par. 108B-3)

12           Sec. 108B-3. Authorization for the interception of private  
13 communication.

14           (a) The State's Attorney, or a person designated in writing  
15 or by law to act for him and to perform his duties during his  
16 absence or disability, may authorize, in writing, an ex parte  
17 application to the chief judge of a court of competent  
18 jurisdiction for an order authorizing the interception of a  
19 private communication when no party has consented to the  
20 interception and (i) the interception may provide evidence of,  
21 or may assist in the apprehension of a person who has  
22 committed, is committing or is about to commit, a violation of  
23 Section 8-1(b) (solicitation of murder), 8-1.2 (solicitation  
24 of murder for hire), 9-1 (first degree murder), 10-9

1 (involuntary servitude, involuntary sexual servitude of a  
2 minor, or trafficking in persons), paragraph (1), (2), or (3)  
3 of subsection (a) of Section 11-14.4 (promoting juvenile  
4 prostitution), subdivision (a)(2)(A) or (a)(2)(B) of Section  
5 11-14.3 (promoting prostitution), 11-15.1 (soliciting for a  
6 minor engaged in prostitution), 11-16 (pandering), 11-17.1  
7 (keeping a place of juvenile prostitution), 11-18.1  
8 (patronizing a minor engaged in prostitution), 11-19.1  
9 (juvenile pimping and aggravated juvenile pimping), or 29B-1  
10 (money laundering) of the Criminal Code of 1961 or the Criminal  
11 Code of 2012, Section 401, 401.1 (controlled substance  
12 trafficking), 405, 405.1 (criminal drug conspiracy) or 407 of  
13 the Illinois Controlled Substances Act or any Section of the  
14 Methamphetamine Control and Community Protection Act, a  
15 violation of Section 24-2.1, 24-2.2, 24-3, 24-3.1, 24-3.3,  
16 24-3.4, 24-4, or 24-5 or subsection 24-1(a)(4), 24-1(a)(6),  
17 24-1(a)(7), 24-1(a)(9), 24-1(a)(10), or 24-1(c) of the  
18 Criminal Code of 1961 or the Criminal Code of 2012, or an  
19 offense listed as predicate activity under subsection (e) of  
20 Section 33G-3 of the Criminal Code of 1961 or the Criminal Code  
21 of 2012, or conspiracy to commit money laundering or conspiracy  
22 to commit first degree murder; (ii) in response to a clear and  
23 present danger of imminent death or great bodily harm to  
24 persons resulting from: (1) a kidnapping or the holding of a  
25 hostage by force or the threat of the imminent use of force; or  
26 (2) the occupation by force or the threat of the imminent use



1 of force of any premises, place, vehicle, vessel or aircraft;  
2 (iii) to aid an investigation or prosecution of a civil action  
3 brought under the Illinois Streetgang Terrorism Omnibus  
4 Prevention Act when there is probable cause to believe the  
5 interception of the private communication will provide  
6 evidence that a streetgang is committing, has committed, or  
7 will commit a second or subsequent gang-related offense or that  
8 the interception of the private communication will aid in the  
9 collection of a judgment entered under that Act; or (iv) upon  
10 information and belief that a streetgang has committed, is  
11 committing, or is about to commit a felony.

12 (b) The State's Attorney or a person designated in writing  
13 or by law to act for the State's Attorney and to perform his or  
14 her duties during his or her absence or disability, may  
15 authorize, in writing, an ex parte application to the chief  
16 judge of a circuit court for an order authorizing the  
17 interception of a private communication when no party has  
18 consented to the interception and the interception may provide  
19 evidence of, or may assist in the apprehension of a person who  
20 has committed, is committing or is about to commit, a violation  
21 of an offense under Article 29D of the Criminal Code of 1961 or  
22 the Criminal Code of 2012.

23 (b-1) Subsection (b) is inoperative on and after January 1,  
24 2005.

25 (b-2) No conversations recorded or monitored pursuant to  
26 subsection (b) shall be made inadmissible in a court of law by

1 virtue of subsection (b-1).

2 (c) As used in this Section, "streetgang" and  
3 "gang-related" have the meanings ascribed to them in Section 10  
4 of the Illinois Streetgang Terrorism Omnibus Prevention Act.

5 (Source: P.A. 96-710, eff. 1-1-10; 96-1464, eff. 8-20-10;  
6 97-897, eff. 1-1-13; 97-1150, eff. 1-25-13.)