



93RD GENERAL ASSEMBLY
State of Illinois
2003 and 2004

Introduced 02/05/04, by John J. Millner, Patricia Bailey

SYNOPSIS AS INTRODUCED:

720 ILCS 5/29D-10

Amends the Terrorism Article of the Criminal Code of 1961. Exempts from the definition of "render criminal assistance" the acts of a licensed physician who provides treatment for an emergency medical condition to a person whom he or she reasonably believes has committed a terrorist act and reports this belief to a law enforcement agency. Provides that a person who makes the report, if acting in good faith, is immune from civil, administrative, or criminal liability that might otherwise apply to these actions. Eliminates the reference to a licensed medical doctor.

LRB093 14820 RLC 40381 b

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 Criminal Code of 1961 is amended by changing
5 Section 29D-10 as follows:

6 (720 ILCS 5/29D-10)

7 Sec. 29D-10. Definitions. As used in this Article, where
8 not otherwise distinctly expressed or manifestly incompatible
9 with the intent of this Article:

10 (a) "Computer network" means a set of related, remotely
11 connected devices and any communications facilities including
12 more than one computer with the capability to transmit data
13 among them through communication facilities.

14 (b) "Computer" means a device that accepts, processes,
15 stores, retrieves, or outputs data, and includes, but is not
16 limited to, auxiliary storage and telecommunications devices.

17 (c) "Computer program" means a series of coded instruction
18 or statements in a form acceptable to a computer which causes
19 the computer to process data and supply the results of data
20 processing.

21 (d) "Data" means representations of information,
22 knowledge, facts, concepts or instructions, including program
23 documentation, that are prepared in a formalized manner and are
24 stored or processed in or transmitted by a computer. Data may
25 be in any form, including but not limited to magnetic or
26 optical storage media, punch cards, or data stored internally
27 in the memory of a computer.

28 (e) "Biological products used in or in connection with
29 agricultural production" includes, but is not limited to,
30 seeds, plants, and DNA of plants or animals altered for use in
31 crop or livestock breeding or production or which are sold,
32 intended, designed, or produced for use in crop production or

1 livestock breeding or production.

2 (f) "Agricultural products" means crops and livestock.

3 (g) "Agricultural production" means the breeding and
4 growing of livestock and crops.

5 (h) "Livestock" means animals bred or raised for human
6 consumption.

7 (i) "Crops" means plants raised for: (1) human consumption,
8 (2) fruits that are intended for human consumption, (3)
9 consumption by livestock, and (4) fruits that are intended for
10 consumption by livestock.

11 (j) "Communications systems" means any works, property, or
12 material of any radio, telegraph, telephone, microwave, or
13 cable line, station, or system.

14 (k) "Substantial damage" means monetary damage greater
15 than \$100,000.

16 (l) "Terrorist act" or "act of terrorism" means: (1) any
17 act that is intended to cause or create a risk and does cause
18 or create a risk of death or great bodily harm to one or more
19 persons; (2) any act that disables or destroys the usefulness
20 or operation of any communications system; (3) any act or any
21 series of 2 or more acts committed in furtherance of a single
22 intention, scheme, or design that disables or destroys the
23 usefulness or operation of a computer network, computers,
24 computer programs, or data used by any industry, by any class
25 of business, or by 5 or more businesses or by the federal
26 government, State government, any unit of local government, a
27 public utility, a manufacturer of pharmaceuticals, a national
28 defense contractor, or a manufacturer of chemical or biological
29 products used in or in connection with agricultural production;
30 (4) any act that disables or causes substantial damage to or
31 destruction of any structure or facility used in or used in
32 connection with ground, air, or water transportation; the
33 production or distribution of electricity, gas, oil, or other
34 fuel; the treatment of sewage or the treatment or distribution
35 of water; or controlling the flow of any body of water; (5) any
36 act that causes substantial damage to or destruction of

1 livestock or to crops or a series of 2 or more acts committed
2 in furtherance of a single intention, scheme, or design which,
3 in the aggregate, causes substantial damage to or destruction
4 of livestock or crops; (6) any act that causes substantial
5 damage to or destruction of any hospital or any building or
6 facility used by the federal government, State government, any
7 unit of local government or by a national defense contractor or
8 by a public utility, a manufacturer of pharmaceuticals, a
9 manufacturer of chemical or biological products used in or in
10 connection with agricultural production or the storage or
11 processing of agricultural products or the preparation of
12 agricultural products for food or food products intended for
13 resale or for feed for livestock; or (7) any act that causes
14 substantial damage to any building containing 5 or more
15 businesses of any type or to any building in which 10 or more
16 people reside.

17 (m) "Terrorist" and "terrorist organization" means any
18 person who engages or is about to engage in a terrorist act
19 with the intent to intimidate or coerce a significant portion
20 of a civilian population.

21 (n) "Material support or resources" means currency or other
22 financial securities, financial services, lodging, training,
23 safe houses, false documentation or identification,
24 communications equipment, facilities, weapons, lethal
25 substances, explosives, personnel, transportation, any other
26 kind of physical assets or intangible property, and expert
27 services or expert assistance.

28 (o) "Person" has the meaning given in Section 2-15 of this
29 Code and, in addition to that meaning, includes, without
30 limitation, any charitable organization, whether incorporated
31 or unincorporated, any professional fund raiser, professional
32 solicitor, limited liability company, association, joint stock
33 company, association, trust, trustee, or any group of people
34 formally or informally affiliated or associated for a common
35 purpose, and any officer, director, partner, member, or agent
36 of any person.

1 (p) "Render criminal assistance" means to do any of the
2 following with the intent to prevent, hinder, or delay the
3 discovery or apprehension of, or the lodging of a criminal
4 charge against, a person who he or she knows or believes has
5 committed an offense under this Article or is being sought by
6 law enforcement officials for the commission of an offense
7 under this Article, or with the intent to assist a person in
8 profiting or benefiting from the commission of an offense under
9 this Article:

10 (1) harbor or conceal the person;

11 (2) warn the person of impending discovery or
12 apprehension;

13 (3) provide the person with money, transportation, a
14 weapon, a disguise, false identification documents, or any
15 other means of avoiding discovery or apprehension;

16 (4) prevent or obstruct, by means of force,
17 intimidation, or deception, anyone from performing an act
18 that might aid in the discovery or apprehension of the
19 person or in the lodging of a criminal charge against the
20 person;

21 (5) suppress, by any act of concealment, alteration, or
22 destruction, any physical evidence that might aid in the
23 discovery or apprehension of the person or in the lodging
24 of a criminal charge against the person;

25 (6) aid the person to protect or expeditiously profit
26 from an advantage derived from the crime; or

27 (7) provide expert services or expert assistance to the
28 person. Providing expert services or expert assistance
29 shall not be construed to apply to: (1) a licensed attorney
30 who discusses with a client the legal consequences of a
31 proposed course of conduct or advises a client of legal or
32 constitutional rights and (2) a licensed physician who
33 provides treatment for an emergency medical condition to a
34 person whom he or she reasonably believes has committed a
35 terrorist act and reports this belief to a law enforcement
36 agency. Any person who makes a report shall provide to law

1 enforcement investigators copies of records, photographs,
2 and x-rays concerning this treatment. No evidence shall be
3 excluded by reason of any common law or statutory privilege
4 related to communications between the alleged offender and
5 any other person. Any person who makes a report pursuant to
6 this paragraph (7) or who participates in good faith in any
7 investigation of a report or in taking photographs and
8 x-rays shall be immune from any civil, administrative, or
9 criminal liability that might otherwise apply by reason of
10 these actions. The good faith of any person who makes a
11 report or who participates in any investigation of a report
12 or in taking photographs or x-rays shall be presumed. For
13 the purposes of this paragraph (7), "emergency medical
14 condition" shall have the meaning ascribed to it in Section
15 370g of the Illinois Insurance Code ~~medical doctor who~~
16 ~~provides emergency medical treatment to a person whom he or~~
17 ~~she believes has committed an offense under this Article~~
18 ~~if, as soon as reasonably practicable either before or~~
19 ~~after providing such treatment, he or she notifies a law~~
20 ~~enforcement agency.~~

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