

1 AN ACT concerning education.

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

4 Section 5. The School Code is amended by adding Section  
5 34-21.8 as follows:

6 (105 ILCS 5/34-21.8 new)

7 Sec. 34-21.8. Chicago public schools violence prevention  
8 hotline.

9 (a) In consultation with the Chicago Police Department, the  
10 Board must establish a hotline for the purpose of receiving  
11 anonymous phone calls for information that may prevent  
12 violence.

13 (b) Calls that are placed to the hotline must be answered  
14 by the Chicago Police Department.

15 (c) Each call placed to the hotline must be recorded and  
16 investigated by the Chicago Police Department.

17 (d) Prior to receiving any information, notice must be  
18 provided to the caller that the call is being recorded for  
19 investigation by the Chicago Police Department. The notice may  
20 be provided by a pre-recorded message or otherwise.

21 (e) The hotline shall be known as the "CPS Violence  
22 Prevention Hotline" and its number and anonymous nature must be  
23 posted in all Chicago Public Schools.

1           Section 10. The Criminal Code of 1961 is amended by  
2 changing Section 14-3 as follows:

3           (720 ILCS 5/14-3)

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

6           (a) Listening to radio, wireless and television  
7 communications of any sort where the same are publicly made;

8           (b) Hearing conversation when heard by employees of any  
9 common carrier by wire incidental to the normal course of their  
10 employment in the operation, maintenance or repair of the  
11 equipment of such common carrier by wire so long as no  
12 information obtained thereby is used or divulged by the hearer;

13           (c) Any broadcast by radio, television or otherwise whether  
14 it be a broadcast or recorded for the purpose of later  
15 broadcasts of any function where the public is in attendance  
16 and the conversations are overheard incidental to the main  
17 purpose for which such broadcasts are then being made;

18           (d) Recording or listening with the aid of any device to  
19 any emergency communication made in the normal course of  
20 operations by any federal, state or local law enforcement  
21 agency or institutions dealing in emergency services,  
22 including, but not limited to, hospitals, clinics, ambulance  
23 services, fire fighting agencies, any public utility,  
24 emergency repair facility, civilian defense establishment or

1 military installation;

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

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

16 (g) With prior notification to the State's Attorney of the  
17 county in which it is to occur, recording or listening with the  
18 aid of any device to any conversation where a law enforcement  
19 officer, or any person acting at the direction of law  
20 enforcement, is a party to the conversation and has consented  
21 to it being intercepted or recorded under circumstances where  
22 the use of the device is necessary for the protection of the  
23 law enforcement officer or any person acting at the direction  
24 of law enforcement, in the course of an investigation of a  
25 forcible felony, a felony violation of the Illinois Controlled  
26 Substances Act, a felony violation of the Cannabis Control Act,

1 a felony violation of the Methamphetamine Control and Community  
2 Protection Act, any "streetgang related" or "gang-related"  
3 felony as those terms are defined in the Illinois Streetgang  
4 Terrorism Omnibus Prevention Act, or any felony offense  
5 involving any weapon listed in paragraphs (1) through (11) of  
6 subsection (a) of Section 24-1 of this Code. Any recording or  
7 evidence derived as the result of this exemption shall be  
8 inadmissible in any proceeding, criminal, civil or  
9 administrative, except (i) where a party to the conversation  
10 suffers great bodily injury or is killed during such  
11 conversation, or (ii) when used as direct impeachment of a  
12 witness concerning matters contained in the interception or  
13 recording. The Director of the Department of State Police shall  
14 issue regulations as are necessary concerning the use of  
15 devices, retention of tape recordings, and reports regarding  
16 their use;

17 (g-5) With approval of the State's Attorney of the county  
18 in which it is to occur, recording or listening with the aid of  
19 any device to any conversation where a law enforcement officer,  
20 or any person acting at the direction of law enforcement, is a  
21 party to the conversation and has consented to it being  
22 intercepted or recorded in the course of an investigation of  
23 any offense defined in Article 29D of this Code. In all such  
24 cases, an application for an order approving the previous or  
25 continuing use of an eavesdropping device must be made within  
26 48 hours of the commencement of such use. In the absence of

1 such an order, or upon its denial, any continuing use shall  
2 immediately terminate. The Director of State Police shall issue  
3 rules as are necessary concerning the use of devices, retention  
4 of tape recordings, and reports regarding their use.

5 Any recording or evidence obtained or derived in the course  
6 of an investigation of any offense defined in Article 29D of  
7 this Code shall, upon motion of the State's Attorney or  
8 Attorney General prosecuting any violation of Article 29D, be  
9 reviewed in camera with notice to all parties present by the  
10 court presiding over the criminal case, and, if ruled by the  
11 court to be relevant and otherwise admissible, it shall be  
12 admissible at the trial of the criminal case.

13 This subsection (g-5) is inoperative on and after January  
14 1, 2005. No conversations recorded or monitored pursuant to  
15 this subsection (g-5) shall be inadmissible in a court of law  
16 by virtue of the repeal of this subsection (g-5) on January 1,  
17 2005;

18 (g-6) With approval of the State's Attorney of the county  
19 in which it is to occur, recording or listening with the aid of  
20 any device to any conversation where a law enforcement officer,  
21 or any person acting at the direction of law enforcement, is a  
22 party to the conversation and has consented to it being  
23 intercepted or recorded in the course of an investigation of  
24 child pornography, aggravated child pornography, indecent  
25 solicitation of a child, child abduction, luring of a minor,  
26 sexual exploitation of a child, predatory criminal sexual

1 assault of a child, aggravated criminal sexual abuse in which  
2 the victim of the offense was at the time of the commission of  
3 the offense under 18 years of age, criminal sexual abuse by  
4 force or threat of force in which the victim of the offense was  
5 at the time of the commission of the offense under 18 years of  
6 age, or aggravated criminal sexual assault in which the victim  
7 of the offense was at the time of the commission of the offense  
8 under 18 years of age. In all such cases, an application for an  
9 order approving the previous or continuing use of an  
10 eavesdropping device must be made within 48 hours of the  
11 commencement of such use. In the absence of such an order, or  
12 upon its denial, any continuing use shall immediately  
13 terminate. The Director of State Police shall issue rules as  
14 are necessary concerning the use of devices, retention of  
15 recordings, and reports regarding their use. Any recording or  
16 evidence obtained or derived in the course of an investigation  
17 of child pornography, aggravated child pornography, indecent  
18 solicitation of a child, child abduction, luring of a minor,  
19 sexual exploitation of a child, predatory criminal sexual  
20 assault of a child, aggravated criminal sexual abuse in which  
21 the victim of the offense was at the time of the commission of  
22 the offense under 18 years of age, criminal sexual abuse by  
23 force or threat of force in which the victim of the offense was  
24 at the time of the commission of the offense under 18 years of  
25 age, or aggravated criminal sexual assault in which the victim  
26 of the offense was at the time of the commission of the offense

1 under 18 years of age shall, upon motion of the State's  
2 Attorney or Attorney General prosecuting any case involving  
3 child pornography, aggravated child pornography, indecent  
4 solicitation of a child, child abduction, luring of a minor,  
5 sexual exploitation of a child, predatory criminal sexual  
6 assault of a child, aggravated criminal sexual abuse in which  
7 the victim of the offense was at the time of the commission of  
8 the offense under 18 years of age, criminal sexual abuse by  
9 force or threat of force in which the victim of the offense was  
10 at the time of the commission of the offense under 18 years of  
11 age, or aggravated criminal sexual assault in which the victim  
12 of the offense was at the time of the commission of the offense  
13 under 18 years of age, be reviewed in camera with notice to all  
14 parties present by the court presiding over the criminal case,  
15 and, if ruled by the court to be relevant and otherwise  
16 admissible, it shall be admissible at the trial of the criminal  
17 case. Absent such a ruling, any such recording or evidence  
18 shall not be admissible at the trial of the criminal case;

19 (h) Recordings made simultaneously with the use of an  
20 in-car video camera recording of an oral conversation between a  
21 uniformed peace officer, who has identified his or her office,  
22 and a person in the presence of the peace officer whenever (i)  
23 an officer assigned a patrol vehicle is conducting an  
24 enforcement stop; or (ii) patrol vehicle emergency lights are  
25 activated or would otherwise be activated if not for the need  
26 to conceal the presence of law enforcement.

1           For the purposes of this subsection (h), "enforcement stop"  
2 means an action by a law enforcement officer in relation to  
3 enforcement and investigation duties, including but not  
4 limited to, traffic stops, pedestrian stops, abandoned vehicle  
5 contacts, motorist assists, commercial motor vehicle stops,  
6 roadside safety checks, requests for identification, or  
7 responses to requests for emergency assistance;

8           (h-5) Recordings of utterances made by a person while in  
9 the presence of a uniformed peace officer and while an occupant  
10 of a police vehicle including, but not limited to, (i)  
11 recordings made simultaneously with the use of an in-car video  
12 camera and (ii) recordings made in the presence of the peace  
13 officer utilizing video or audio systems, or both, authorized  
14 by the law enforcement agency;

15           (h-10) Recordings made simultaneously with a video camera  
16 recording during the use of a taser or similar weapon or device  
17 by a peace officer if the weapon or device is equipped with  
18 such camera;

19           (h-15) Recordings made under subsection (h), (h-5), or  
20 (h-10) shall be retained by the law enforcement agency that  
21 employs the peace officer who made the recordings for a storage  
22 period of 90 days, unless the recordings are made as a part of  
23 an arrest or the recordings are deemed evidence in any  
24 criminal, civil, or administrative proceeding and then the  
25 recordings must only be destroyed upon a final disposition and  
26 an order from the court. Under no circumstances shall any



1 recording be altered or erased prior to the expiration of the  
2 designated storage period. Upon completion of the storage  
3 period, the recording medium may be erased and reissued for  
4 operational use;

5 (i) Recording of a conversation made by or at the request  
6 of a person, not a law enforcement officer or agent of a law  
7 enforcement officer, who is a party to the conversation, under  
8 reasonable suspicion that another party to the conversation is  
9 committing, is about to commit, or has committed a criminal  
10 offense against the person or a member of his or her immediate  
11 household, and there is reason to believe that evidence of the  
12 criminal offense may be obtained by the recording;

13 (j) The use of a telephone monitoring device by either (1)  
14 a corporation or other business entity engaged in marketing or  
15 opinion research or (2) a corporation or other business entity  
16 engaged in telephone solicitation, as defined in this  
17 subsection, to record or listen to oral telephone solicitation  
18 conversations or marketing or opinion research conversations  
19 by an employee of the corporation or other business entity  
20 when:

21 (i) the monitoring is used for the purpose of service  
22 quality control of marketing or opinion research or  
23 telephone solicitation, the education or training of  
24 employees or contractors engaged in marketing or opinion  
25 research or telephone solicitation, or internal research  
26 related to marketing or opinion research or telephone

1           solicitation; and

2                   (ii) the monitoring is used with the consent of at  
3           least one person who is an active party to the marketing or  
4           opinion research conversation or telephone solicitation  
5           conversation being monitored.

6           No communication or conversation or any part, portion, or  
7           aspect of the communication or conversation made, acquired, or  
8           obtained, directly or indirectly, under this exemption (j), may  
9           be, directly or indirectly, furnished to any law enforcement  
10          officer, agency, or official for any purpose or used in any  
11          inquiry or investigation, or used, directly or indirectly, in  
12          any administrative, judicial, or other proceeding, or divulged  
13          to any third party.

14          When recording or listening authorized by this subsection  
15          (j) on telephone lines used for marketing or opinion research  
16          or telephone solicitation purposes results in recording or  
17          listening to a conversation that does not relate to marketing  
18          or opinion research or telephone solicitation; the person  
19          recording or listening shall, immediately upon determining  
20          that the conversation does not relate to marketing or opinion  
21          research or telephone solicitation, terminate the recording or  
22          listening and destroy any such recording as soon as is  
23          practicable.

24          Business entities that use a telephone monitoring or  
25          telephone recording system pursuant to this exemption (j) shall  
26          provide current and prospective employees with notice that the

1 monitoring or recordings may occur during the course of their  
2 employment. The notice shall include prominent signage  
3 notification within the workplace.

4 Business entities that use a telephone monitoring or  
5 telephone recording system pursuant to this exemption (j) shall  
6 provide their employees or agents with access to personal-only  
7 telephone lines which may be pay telephones, that are not  
8 subject to telephone monitoring or telephone recording.

9 For the purposes of this subsection (j), "telephone  
10 solicitation" means a communication through the use of a  
11 telephone by live operators:

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

13 (ii) receiving orders for the sale of goods or  
14 services;

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

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

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

26 (k) Electronic recordings, including but not limited to, a

1 motion picture, videotape, digital, or other visual or audio  
2 recording, made of a custodial interrogation of an individual  
3 at a police station or other place of detention by a law  
4 enforcement officer under Section 5-401.5 of the Juvenile Court  
5 Act of 1987 or Section 103-2.1 of the Code of Criminal  
6 Procedure of 1963;

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

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

24 Recordings made pursuant to this subsection (m) shall be  
25 confidential records and may only be used by school officials  
26 (or their designees) and law enforcement personnel for

1 investigations, school disciplinary actions and hearings,  
2 proceedings under the Juvenile Court Act of 1987, and criminal  
3 prosecutions, related to incidents occurring in or around the  
4 school bus;

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

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

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

23 (Source: P.A. 95-258, eff. 1-1-08; 95-352, eff. 8-23-07;  
24 95-463, eff. 6-1-08; 95-876, eff. 8-21-08; 96-425, eff.  
25 8-13-09; 96-547, eff. 1-1-10; 96-643, eff. 1-1-10; 96-670, eff.  
26 8-25-09; revised 10-9-09.)

1           Section 90. The State Mandates Act is amended by adding  
2 Section 8.34 as follows:

3           (30 ILCS 805/8.34 new)

4           Sec. 8.34. Exempt mandate. Notwithstanding Sections 6 and 8  
5 of this Act, no reimbursement by the State is required for the  
6 implementation of any mandate created by this amendatory Act of  
7 the 96th General Assembly.