

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 1961 is amended by changing
5 Section 32-8 as follows:

6 (720 ILCS 5/32-8) (from Ch. 38, par. 32-8)

7 (Text of Section before amendment by P.A. 96-1508)

8 Sec. 32-8. Tampering with public records.

9 (a) A person who knowingly and without lawful authority
10 alters, destroys, defaces, removes or conceals any public
11 record commits a Class 4 felony.

12 (b) "Public record" expressly includes, but is not limited
13 to, court records pertaining to any civil or criminal
14 proceeding in any court.

15 (c) Any judge, circuit clerk or clerk of court, public
16 official or employee, court reporter, or other person who
17 knowingly and without lawful authority alters, destroys,
18 defaces, removes, ~~or~~ conceals, or falsifies any public record
19 received or held by any judge or by a clerk of any court
20 commits a Class 3 felony.

21 (d) Any person convicted under subsection (c):

22 (1) shall forfeit his or her public office or public
23 employment, if any, and shall thereafter be ineligible for

1 both State and local public office and public employment in
2 this State for a period of 5 years after completion of any
3 term of probation, conditional discharge, or mandatory
4 supervised release;

5 (2) shall forfeit all retirement, pension, and other
6 benefits arising out of public office or public employment
7 in accordance with the applicable provisions of the
8 Illinois Pension Code;

9 (3) shall be subject to termination of any professional
10 licensure or registration in this State in accordance with
11 the provisions of the applicable professional licensing or
12 registration laws;

13 (4) may be ordered by the court, after a hearing in
14 accordance with applicable law and in addition to any other
15 penalty or fine imposed by the court, to forfeit to the
16 State an amount equal to any financial gain or the value of
17 any advantage realized by the person as a result of the
18 offense; and

19 (5) may be ordered by the court, after a hearing in
20 accordance with applicable law and in addition to any other
21 penalty or fine imposed by the court, to pay restitution to
22 the victim in an amount equal to any financial loss or the
23 value of any advantage lost by the victim as a result of
24 the offense.

25 For the purposes of this subsection (d), an offense under
26 subsection (c) committed by a person holding public office or

1 public employment shall be rebuttably presumed to relate to or
2 arise out of or in connection with that public office or public
3 employment.

4 (e) Any party having an interest in the protection and
5 integrity of any court record, whether such party be a public
6 official or a private individual, shall have the right to
7 request and, if necessary, to demand that an investigation be
8 opened into the alteration, destruction, defacement, removal,
9 ~~or~~ concealment, or falsification of any public record. Such
10 request may be made to any law enforcement agency, including,
11 but not limited to, local law enforcement and the State Police.

12 (f) When the local law enforcement agency having
13 jurisdiction declines to investigate, or inadequately
14 investigates, a violation of subsection (c), the State Police
15 shall have the authority to investigate, and shall investigate,
16 the same, without regard to whether such local law enforcement
17 agency has requested the State Police to do so.

18 (g) When the State's Attorney having jurisdiction declines
19 to prosecute a violation of subsection (c), the Attorney
20 General shall have the authority to prosecute the same, without
21 regard to whether such State's Attorney has requested the
22 Attorney General to do so.

23 (h) Prosecution of a violation of subsection (c) shall be
24 commenced within 3 years after the act constituting the
25 violation is discovered or reasonably should have been
26 discovered.

1 (Source: P.A. 96-1217, eff. 1-1-11.)

2 (Text of Section after amendment by P.A. 96-1508)

3 Sec. 32-8. Tampering with public records.

4 (a) A person who knowingly, without lawful authority, and
5 with the intent to defraud any party, public officer or entity,
6 alters, destroys, defaces, removes or conceals any public
7 record commits a Class 4 felony.

8 (b) "Public record" expressly includes, but is not limited
9 to, court records, or documents, evidence, or exhibits filed
10 with the clerk of the court and which have become a part of the
11 official court record, pertaining to any civil or criminal
12 proceeding in any court.

13 (c) Any judge, circuit clerk or clerk of court, public
14 official or employee, court reporter, or other person who
15 knowingly, without lawful authority, and with the intent to
16 defraud any party, public officer or entity, alters, destroys,
17 defaces, removes, ~~or~~ conceals, or falsifies any public record
18 received or held by any judge or by a clerk of any court
19 commits a Class 3 felony.

20 (d) Any person convicted under subsection (c) who at the
21 time of the violation was responsible for making, keeping,
22 storing, or reporting the record for which the tampering
23 occurred:

24 (1) shall forfeit his or her public office or public
25 employment, if any, and shall thereafter be ineligible for

1 both State and local public office and public employment in
2 this State for a period of 5 years after completion of any
3 term of probation, conditional discharge, or incarceration
4 in a penitentiary including the period of mandatory
5 supervised release;

6 (2) shall forfeit all retirement, pension, and other
7 benefits arising out of public office or public employment
8 as may be determined by the court in accordance with the
9 applicable provisions of the Illinois Pension Code;

10 (3) shall be subject to termination of any professional
11 licensure or registration in this State as may be
12 determined by the court in accordance with the provisions
13 of the applicable professional licensing or registration
14 laws;

15 (4) may be ordered by the court, after a hearing in
16 accordance with applicable law and in addition to any other
17 penalty or fine imposed by the court, to forfeit to the
18 State an amount equal to any financial gain or the value of
19 any advantage realized by the person as a result of the
20 offense; and

21 (5) may be ordered by the court, after a hearing in
22 accordance with applicable law and in addition to any other
23 penalty or fine imposed by the court, to pay restitution to
24 the victim in an amount equal to any financial loss or the
25 value of any advantage lost by the victim as a result of
26 the offense.

1 For the purposes of this subsection (d), an offense under
2 subsection (c) committed by a person holding public office or
3 public employment shall be rebuttably presumed to relate to or
4 arise out of or in connection with that public office or public
5 employment.

6 (e) Any party litigant who believes a violation of this
7 Section has occurred may seek the restoration of the court
8 record as provided in the Court Records Restoration Act. Any
9 order of the court denying the restoration of the court record
10 may be appealed as any other civil judgment.

11 (f) When the sheriff or local law enforcement agency having
12 jurisdiction declines to investigate, or inadequately
13 investigates, the court or any interested party, shall notify
14 the State Police of a suspected violation of subsection (a) or
15 (c), who shall have the authority to investigate, and may
16 investigate, the same, without regard to whether such local law
17 enforcement agency has requested the State Police to do so.

18 (g) If the State's Attorney having jurisdiction declines to
19 prosecute a violation of subsection (a) or (c), the court or
20 interested party shall notify the Attorney General of such
21 refusal. The Attorney General shall, thereafter, have the
22 authority to prosecute, and may prosecute, the same, without a
23 referral from such State's Attorney.

24 (h) Prosecution of a violation of subsection (c) shall be
25 commenced within 3 years after the act constituting the
26 violation is discovered or reasonably should have been

1 discovered.

2 (Source: P.A. 96-1217, eff. 1-1-11; 96-1508, eff. 6-1-11.)

3 Section 95. No acceleration or delay. Where this Act makes
4 changes in a statute that is represented in this Act by text
5 that is not yet or no longer in effect (for example, a Section
6 represented by multiple versions), the use of that text does
7 not accelerate or delay the taking effect of (i) the changes
8 made by this Act or (ii) provisions derived from any other
9 Public Act.

10 Section 99. Effective date. This Act takes effect upon
11 becoming law.