

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 Juvenile Court Act of 1987 is amended by
5 adding Section 5-402 as follows:

6 (705 ILCS 405/5-402 new)

7 Sec. 5-402. Lineup identification procedures.

8 (1) Legislative intent. Whereas the goal of a police
9 investigation is to apprehend the minor or minors responsible
10 for committing a crime or crimes, and whereas studies have
11 shown that the sequential method for photo and live lineups
12 increases the accuracy of positive identifications, the
13 sequential method for lineup procedures shall be utilized
14 whenever possible.

15 (2) Lineup procedures.

16 (a) For any offense alleged to have been committed
17 on or after July 1, 2003, the lineup identification
18 procedure shall be presented in the sequential method, in
19 which a witness is shown lineup participants one at a
20 time. The witness shall be requested to state whether the
21 individual shown is the minor accused of a violation of
22 law, prior to viewing the next lineup participant. Only
23 one member of the lineup shall be a suspect, and the
24 remainder shall be "fillers" who are not suspects, but
25 fit the general description of the suspect.

26 (b) Whenever possible, the lineup administrator
27 shall be someone who is not aware of which member of the
28 lineup is the suspect in the case. Prior to presenting
29 the lineup using the sequential method, the lineup
30 administrator shall:

31 (i) inform the witness that the accused minor

1 may or may not be among those shown, and the witness
2 should not feel compelled to make an identification;
3 and

4 (ii) inform the witness that he or she will
5 view individuals one at a time and will be requested
6 to state whether the individual shown is the minor
7 accused of a violation of law, prior to viewing the
8 next lineup participant.

9 (c) During the lineup, the lineup administrator
10 shall ask the witness to state in his or her own words
11 how sure he or she is that the person identified is the
12 actual suspect, and make the witness's words part of the
13 record.

14 (d) This Section applies to any live lineups that
15 are composed and presented at a police station, and to
16 all photo lineups regardless of where presented.

17 Section 10. The Code of Criminal Procedure of 1963 is
18 amended by adding Article 107A as follows:

19 (725 ILCS 5/ Art. 107A heading new)

20 ARTICLE 107A. LINEUP PROCEDURES

21 (725 ILCS 5/107A-5 new)

22 Sec. 107A-5. Legislative intent. Whereas the goal of a
23 police investigation is to apprehend the person or persons
24 responsible for committing a crime or crimes, and whereas
25 studies have shown that the sequential method for photo and
26 live lineups increases the accuracy of positive
27 identifications, the sequential method for lineup procedures
28 shall be utilized whenever possible.

29 (725 ILCS 5/107A-10 new)

1 Sec. 107A-10. Lineup procedures.

2 (a) For any offense alleged to have been committed on or
3 after July 1, 2003, the lineup identification procedure shall
4 be presented in the sequential method, in which a witness is
5 shown lineup participants one at a time. The witness shall be
6 requested to state whether the individual shown is the
7 perpetrator of the crime, prior to viewing the next lineup
8 participant. Only one member of the lineup shall be a
9 suspect, and the remainder shall be "fillers" who are not
10 suspects, but fit the general description of the suspect.

11 (b) Whenever possible, the lineup administrator shall be
12 someone who is not aware of which member of the lineup is the
13 suspect in the case. Prior to presenting the lineup using the
14 sequential method, the lineup administrator shall:

15 (1) inform the witness that the perpetrator may or
16 may not be among those shown, and the witness should not
17 feel compelled to make an identification; and

18 (2) Inform the witness that he or she will view
19 individuals one at a time and will be requested to state
20 whether the individual shown is the perpetrator of the
21 crime, prior to viewing the next lineup participant.

22 (c) During the lineup, the lineup administrator shall
23 ask the witness to state in his or her own words how sure he
24 or she is that the person identified is the actual suspect,
25 and make the witness's words part of the record.

26 (d) This Section applies to any live lineups that are
27 composed and presented at a police station, and to all photo
28 lineups regardless of where presented.