

1 AN ACT concerning criminal procedure.

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

4 Section 5. The Code of Criminal Procedure of 1963 is  
5 amended by changing Section 108B-8 as follows:

6 (725 ILCS 5/108B-8) (from Ch. 38, par. 108B-8)

7 Sec. 108B-8. Emergency use of eavesdropping device.

8 (a) An electronic criminal surveillance officer,  
9 pecially designated by the State's Attorney, may intercept a  
10 private oral communication, without an order, when he or she  
11 reasonably Whenever, upon informal application by the State's  
12 Attorney, a chief judge of competent jurisdiction determines  
13 that:

14 (1) there are ~~may--be~~ grounds upon which an order  
15 could be issued under this Article to authorize an  
16 interception;

17 (2) there is probable cause to believe that an  
18 emergency situation exists with respect to the  
19 investigation of an offense enumerated in Section 108B-3;  
20 and

21 (3) there is probable cause to believe that an  
22 emergency situation exists that involves immediate danger  
23 of death or serious physical injury to any person a  
24 substantial--danger--to-life-or-limb-exists justifying an  
25 ~~the-authorization-for~~ immediate interception of a private  
26 oral communication before formal application for an order  
27 could with due diligence be submitted to him and acted  
28 upon by; the chief judge of competent jurisdiction.

29 The electronic criminal surveillance officer shall file  
30 ~~may-grant-oral--approval--for--an--intereception,--without--an~~  
31 ~~order,--conditioned-upon-the-filing~~ with the chief judge him,

1 within 48 hours after the interception begins, of an  
2 application for an order under Sections 108B-3 and Section  
3 108B-4. The application shall ~~which shall--also~~ recite the  
4 interception oral--approval under this Section. The order  
5 shall and be retroactive to the time of the interception  
6 began to occur oral--approval.

7 (b) Interception under ~~oral--approval~~-under this Section  
8 shall immediately terminate when the communication sought is  
9 obtained or when the application for an order is denied,  
10 whichever is earlier.

11 (c) In the event no formal application for an order is  
12 subsequently made under this Section, the content of any  
13 private oral communication intercepted under ~~oral--approval~~  
14 under this Section shall be treated as having been obtained  
15 in violation of this Article.

16 (d) In the event no application for an order is made  
17 under this Section or an application made under this Section  
18 is subsequently denied, the judge shall cause an inventory to  
19 be served under Section 108B-11 of this Article and shall  
20 require the tape or other recording of the intercepted  
21 communication to be delivered to, and sealed by, the judge.  
22 The evidence shall be retained by the court, and it shall not  
23 be used or disclosed in any legal proceeding, except a civil  
24 action brought by an aggrieved person under Section 14-6 of  
25 the Criminal Code of 1961, or as otherwise authorized by the  
26 order of a court of competent jurisdiction. In addition to  
27 other remedies or penalties provided by law, failure to  
28 deliver any tape or other recording to the chief judge shall  
29 be punishable as contempt by the judge directing the  
30 delivery.

31 (e) If at least one electronic criminal surveillance  
32 officer is present at the scene of the emergency situation,  
33 any other police officer involved in the response to the  
34 emergency is authorized to overhear any oral communication

1 intercepted under this Section.

2 (Source: P.A. 85-1203.)