

AN ACT concerning criminal law.

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

Section 5. The Criminal Code of 1961 is amended by changing Section 32-8 as follows:

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

Sec. 32-8. Tampering with public records.

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

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

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

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

(1) shall forfeit his or her public office or public employment, if any, and shall thereafter be ineligible for both State and local public office and public employment in

this State for a period of 5 years after completion of any term of probation, conditional discharge, or mandatory supervised release;

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

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

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

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

For the purposes of this subsection (d), an offense under subsection (c) committed by a person holding public office or public employment shall be rebuttably presumed to relate to or

arise out of or in connection with that public office or public employment.

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

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

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

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

(Source: P.A. 77-2638.)