

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 Code of Criminal Procedure of 1963 is
5 amended by changing Sections 108A-1 and 108A-5 as follows:

6 (725 ILCS 5/108A-1) (from Ch. 38, par. 108A-1)

7 Sec. 108A-1. Authorization for use of eavesdropping
8 device. The State's Attorney or an Assistant State's
9 Attorney authorized by the State's Attorney may authorize an
10 application to a circuit judge or an associate judge assigned
11 by the Chief Judge of the circuit for, and such judge may
12 grant in conformity with this Article, an order authorizing
13 or approving the use of an eavesdropping device by a law
14 enforcement officer or agency having the responsibility for
15 the investigation of any felony under Illinois law where any
16 one party to a conversation to be monitored, or previously
17 monitored in the case of an emergency situation as defined in
18 this Article, has consented to such monitoring.

19 The Chief Judge of the circuit may assign to associate
20 judges the power to issue orders authorizing or approving the
21 use of eavesdropping devices by law enforcement officers or
22 agencies in accordance with this Article. After assignment by
23 the Chief Judge, an associate judge shall have plenary
24 authority to issue such orders without additional
25 authorization for each specific application made to him by
26 the State's Attorney until such time as the associate judge's
27 power is rescinded by the Chief Judge.

28 (Source: P.A. 86-391.)

29 (725 ILCS 5/108A-5) (from Ch. 38, par. 108A-5)

30 Sec. 108A-5. Orders Authorizing Use of an Eavesdropping

1 Device.

2 (a) Each order authorizing or approving the use of an
3 eavesdropping device shall specify:

4 (1) the identity of the person who has consented to the
5 use of the device to monitor any of his conversations and a
6 requirement that any conversation overheard or received must
7 include this person;

8 (2) the identity of the other person or persons, if
9 known, who will participate in the conversation;

10 (3) the period of time in which the use of the device is
11 authorized, including a statement as to whether or not the
12 use shall automatically terminate when the described
13 conversations have been first obtained.

14 (b) No order entered under this section may authorize or
15 approve the use of any eavesdropping device for any period
16 longer than 30 ±0 days. An initial or a subsequent
17 extension, in no case for more than 30 ±0 days each, of an
18 order may be granted but only upon application made in
19 accordance with Section 108A-3 and where the court makes the
20 findings required in Section 108A-4.

21 (Source: P.A. 79-1159.)

22 Section 99. Effective date. This Act takes effect upon
23 becoming law.