

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 adding Section 115-21 as follows:

6 (725 ILCS 5/115-21 new)

7 Sec. 115-21. Informant testimony.

8 (a) For the purposes of this Section, "informant" means  
9 someone who was incarcerated or otherwise detained at the  
10 same time as the accused.

11 (b) This Section applies to any case involving an offense  
12 in which the prosecution attempts to introduce evidence of  
13 incriminating statements made by the accused to an informant.

14 (c) In any case under this Section, the prosecution shall  
15 timely disclose in discovery:

16 (1) the complete criminal history of the informant;

17 (2) any deal, promise, inducement, or benefit that  
18 the offering party has made or will make in the future to  
19 the informant;

20 (3) the statements made by the accused;

21 (4) the time and place of the statements, the time  
22 and place of their disclosure to law enforcement  
23 officials, and the names of all persons who were present  
24 when the statements were made;

25 (5) whether at any time the informant recanted that  
26 testimony or statement and, if so, the time and place of  
27 the recantment, the nature of the recantment, and the  
28 names of the persons who were present at the recantment;

29 (6) other cases, of which the prosecution is aware,  
30 in which the informant testified against an individual or  
31 offered a statement against an individual; and whether

1 the informant received any deal, promise, inducement, or  
2 benefit in exchange for or subsequent to that testimony  
3 or statement; and

4 (7) any other information relevant to the  
5 informant's credibility.

6 (d) In any case under this Section, the prosecution must  
7 timely disclose its intent to introduce the testimony of an  
8 informant. The court shall conduct a hearing to determine  
9 whether the testimony of the informant is reliable, unless  
10 the defendant waives such a hearing. If the prosecution  
11 fails to show by clear and convincing evidence that the  
12 informant's testimony is reliable, the court shall not allow  
13 the testimony to be heard at trial. At this hearing, the  
14 court shall consider the factors enumerated in subsection (c)  
15 as well as any other factors relating to reliability.

16 (e) A hearing required under subsection (d) does not  
17 apply to statements covered under subsection (b) that are  
18 lawfully recorded.

19 (f) This Section applies to all actions initiated on or  
20 after January 1, 2002.

21 Section 99. Effective date. This Act takes effect January  
22 1, 2002.