

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. Rules of evidence for the trial of capital
8 cases. If a defendant is charged with an offense for which a
9 sentence of death is authorized and the State's Attorney has
10 not, at the time of trial, filed a certificate indicating he
11 or she will not seek the death penalty or stated on the
12 record in open court that the death penalty will not be
13 sought, then the following special rules of evidence shall
14 apply at the trial to determine the defendants' guilt:

15 (1) If the defendant chooses to testify, then,
16 notwithstanding any other rules of evidence to the
17 contrary, the following shall not be admissible, unless
18 the defendant offers evidence of his good character:

19 (A) evidence of a prior conviction of the
20 defendant;

21 (B) evidence of specific instances of conduct
22 of the defendant offered solely for the purpose of
23 attacking the defendant's credibility; and

24 (C) other evidence offered solely for the
25 purpose of showing the defendant's character for
26 untruthfulness.

27 (2) If the State introduces testimony from an
28 eyewitness for the purpose of establishing the
29 defendant's identity as the perpetrator of the offense,
30 the defendant shall be permitted to introduce expert
31 testimony regarding the possible fallibility of the

1 testifying eyewitness' identification.

2 (3) The State is not permitted to introduce any
3 testimony from an accomplice of the defendant or an
4 informant against the defendant who has been granted or
5 promised immunity from prosecution, sentence reduction or
6 any other form of leniency or other favorable treatment
7 by the prosecution in exchange for his or her testimony.

8 (4) Unless it is corroborated by a tape recording,
9 the State is not permitted to introduce a statement
10 against interest made by the defendant while the
11 defendant was in the custody of a law enforcement agency,
12 a county department of corrections or detention, or the
13 Illinois Department of Corrections through the testimony
14 of a person who was in custody with the defendant at the
15 time the statement was made.

16 (5) To the extent not inconsistent with clauses (1)
17 through (4), the rules of evidence governing criminal
18 trials in the State of Illinois shall be fully
19 applicable.