

1 STATE OF ILLINOIS
2 NINETY-SECOND GENERAL ASSEMBLY
3 SENATE

4 Senate Resolution No. 543

5 Offered by Senator Peter J. Roskam

6 BE IT RESOLVED, BY THE SENATE OF THE NINETY-SECOND
7 GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we urge the
8 Illinois Supreme Court to adopt the following rule relating
9 to the testimony of an incarcerated informant in capital
10 cases:

11 "When the sentence of death is being sought by the State,
12 the court shall consider, or shall instruct the jury to
13 consider, that the testimony of an incarcerated informant who
14 may provide evidence against a defendant for pay, immunity
15 from punishment, or personal advantage must be examined and
16 weighed with greater care than the testimony of an ordinary
17 witness. Whether the informant's testimony has been affected
18 by interest or prejudice against the defendant must be
19 determined. In making the determination, the jury must
20 consider (i) whether the incarcerated informant has received
21 anything, including pay, immunity from prosecution, leniency
22 in prosecution, or personal advantage, in exchange for
23 testimony, (ii) any other case in which the informant
24 testified or offered statements against an individual but was
25 not called, and whether the statements were admitted in the
26 case, and whether the informant received any deal, promise,
27 inducement, or benefit in exchange for that testimony or
28 statement, (iii) whether the informant has ever changed his
29 or her testimony, (iv) the criminal history of the informant,
30 and (v) any other evidence relevant to the credibility of the
31 informant. "Incarcerated informant" means a witness whose
32 entire knowledge of the crime stems

1 solely from information obtained from another incarcerated
2 person, while incarcerated contemporaneously with the
3 witness."; and be it further

4 RESOLVED, That a copy of this resolution be forwarded to
5 the Honorable Mary Ann McMorrow, Chief Justice of the
6 Illinois Supreme Court.

7 Adopted by the Senate, December 5, 2002.

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9 President of the Senate

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11 Secretary of the Senate