

SENATE BILL SUMMARY

Prepared by the Division of Legislative Information for the Senate Bill **AS ORIGINALLY FILED**. For more detail, see Senate Bill Analyses, if available, prepared by the Senate's professional committee staff.

SB 604 Confidential Informants by Senator Fasano

Cites this act as "Rachel's Law." Provides legislative intent to allow law enforcement agencies to use confidential informants, but to do so in a fair and reasonably safe manner in order to reduce adverse risks, including injury or death, to the confidential informant, law enforcement personnel, the target offender, and the public. Provides intent that the minimum standards set forth in the act be followed when using confidential informants.

Prohibits a law enforcement agency from using a person as a confidential informant if that person is as follows: currently participating in a court-ordered drug or substance abuse treatment program, unless the agency receives express approval from the circuit judge supervising the drug court; voluntarily enrolled in a drug or substance abuse treatment program, unless the agency receives the express approval from the state attorney of the circuit in which the agency is located; or currently on parole or probation, unless the agency receives the express approval from the state attorney in the circuit in which the agency is located and the approval of the person's parole or probation officer.

Requires that before a proposed confidential informant provides any assistance to a law enforcement agency, all plea negotiations and consideration offered be reduced to a substantial assistance agreement that is executed by the agency and the confidential informant and approved by the state attorney prosecuting the case.

Provides that each person who is solicited to act as a confidential informant must be given the opportunity to consult with legal counsel before entering into a substantial assistance agreement. Provides that an agent of a law enforcement agency may not promise, agree, or suggest to a prospective confidential informant any type of immunity from prosecution without the express authority of the state attorney.

Prohibits using a person who has no prior convictions for committing a violent crime as a confidential informant in an undercover operation involving a target offender who is known or suspected to have engaged in violence in the past or if the law enforcement agency has reason to believe that the person may be exposed to harm. (See bill for details)