

IN THE SIXTEENTH JUDICIAL CIRCUIT
GENERAL ORDER 18-17
effective November 16, 2018

IN THE MATTER OF
ADMINISTRATIVE SUBPOENAS

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ENTERED _____
2018 NOV 16 A 11:28
JUDITH A. HARTWELL
CIRCUIT COURT CLERK
KANE COUNTY, IL

WHEREAS, the Supreme Court of the State of Illinois has approved 725 ILCS 5/115-17b;


IT IS HEREBY ORDERED:

1. This order amends and supersedes General Order 12-14, entered on May 23, 2012.
2. That all subpoenas duces tecum issued pursuant to 725 ILCS 5/115-17(b), shall, if issued by the State's Attorney, be made returnable to the Presiding Judge of the county in which they are issued.
3. That all subpoenas duces tecum issued pursuant to 725 ILCS 5/115-17(b), shall, if issued by the Illinois Attorney General, be made returnable to the Presiding Judge of the county in which the person whose records are being subpoenaed resides.
4. That pursuant to 725 ILCS 5/115-17(c-5), whenever a subpoena is issued under this Section, the State's Attorney or Attorney General, or their respective designee, shall provide a copy of the subpoena to the respective Presiding Judge of the county in which the subpoena is returnable.
5. That prior to the release of any records to the State's Attorney or the Illinois Attorney General, an affidavit shall be filed, indicating that the IP addresses in the subpoena are relevant to an investigation pertaining to an offense involving the sexual exploitation of children as defined in 725 ILCS 5/115-17(b) (a) and that the sealing of materials returned pursuant to the subpoena and nondisclosure are necessary.
6. That the Presiding Judge of the Felony Division of the Circuit Court of Kane County, is designated, pursuant to 725 ILCS 5/115-17b, to make the determination as

to whether documents returned in response to such subpoenas are privileged and whether any such subpoena is unreasonable or oppressive, as well as to hold any hearing brought pursuant to 725 ILCS 5/115-17(d), and to enter any necessary orders pursuant to 725 ILCS 5/115-17(e) or 725 ILCS 5/115-17(f)

7. That all subpoenas duces tecum issued pursuant to 725 ILCS 5/115-17(b), shall be filed under seal with the Clerk of the Circuit Court upon return of the subpoena, and shall remain under seal for 90 days, at which time it shall be unsealed unless there is a court order providing otherwise.

ENTERED this 16th day of November, 2018



Susan Clancy Boles, Chief Judge

A true copy of the original of this document is on file in my office
Attest: 11/16/18, 20
Thomas M. Hartwell
Circuit Court Clerk, Kane County, Illinois
By: Thomas M. Hartwell
Deputy Clerk