

HB1739



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB1739

by Rep. Michael J. Madigan

SYNOPSIS AS INTRODUCED:

725 ILCS 120/6

from Ch. 38, par. 1406

Amends the Rights of Crime Victims and Witnesses Act. Makes a technical change in a Section concerning victim impact statements.

LRB100 03325 SLF 13330 b

A BILL FOR

1 AN ACT concerning criminal law.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Rights of Crime Victims and Witnesses Act is
5 amended by changing Section 6 as follows:

6 (725 ILCS 120/6) (from Ch. 38, par. 1406)

7 Sec. 6. Right to be heard at sentencing.

8 (a) A crime victim shall be allowed to present an oral or
9 written victim impact statement in any case in which a
10 defendant has been convicted of a violent crime or a juvenile
11 has been adjudicated delinquent for a violent crime. The court
12 shall allow a victim to make an oral impact statement if the
13 ~~the~~ victim is present in the courtroom and requests to make an
14 oral statement. An oral statement includes the victim or a
15 representative of the victim reading the written impact
16 statement. The court may allow persons impacted by the crime
17 who are not victims under subsection (a) of Section 3 of this
18 Act to present an oral or written statement. A victim and any
19 person making an oral statement shall not be put under oath or
20 subject to cross-examination. The court shall consider any
21 impact statement presented along with all other appropriate
22 factors in determining the sentence of the defendant or
23 disposition of such juvenile.

1 (a-1) In any case where a defendant has been convicted of a
2 violation of any statute, ordinance, or regulation relating to
3 the operation or use of motor vehicles, the use of streets and
4 highways by pedestrians or the operation of any other wheeled
5 or tracked vehicle, except parking violations, if the violation
6 resulted in great bodily harm or death, the person who suffered
7 great bodily harm, the injured person's representative, or the
8 representative of a deceased person shall be entitled to notice
9 of the sentencing hearing. "Representative" includes the
10 spouse, guardian, grandparent, or other immediate family or
11 household member of an injured or deceased person. The injured
12 person or his or her representative and a representative of the
13 deceased person shall have the right to address the court
14 regarding the impact that the defendant's criminal conduct has
15 had upon them. If more than one representative of an injured or
16 deceased person is present in the courtroom at the time of
17 sentencing, the court has discretion to permit one or more of
18 the representatives to present an oral impact statement. A
19 victim and any person making an oral statement shall not be put
20 under oath or subject to cross-examination. The court shall
21 consider any impact statement presented along with all other
22 appropriate factors in determining the sentence of the
23 defendant.

24 (a-5) A crime victim shall be allowed to present an oral
25 and written victim impact statement at a hearing ordered by the
26 court under the Mental Health and Developmental Disabilities

1 Code to determine if the defendant is: (1) in need of mental
2 health services on an inpatient basis; (2) in need of mental
3 health services on an outpatient basis; or (3) not in need of
4 mental health services. The court shall allow a victim to make
5 an oral impact statement if the victim is present in the
6 courtroom and requests to make an oral statement. An oral
7 statement includes the victim or a representative of the victim
8 reading the written impact statement. The court may allow
9 persons impacted by the crime who are not victims under
10 subsection (a) of Section 3 of this Act, to present an oral or
11 written statement. A victim and any person making an oral
12 statement shall not be put under oath or subject to
13 cross-examination. The court may only consider the impact
14 statement along with all other appropriate factors in
15 determining the: (1) threat of serious physical harm poised by
16 the respondent to himself or herself, or to another person; (2)
17 location of inpatient or outpatient mental health services
18 ordered by the court, but only after complying with all other
19 applicable administrative, rule, and statutory requirements;
20 (3) maximum period of commitment for inpatient mental health
21 services; and (4) conditions of release for outpatient mental
22 health services ordered by the court.

23 (b) The crime victim has the right to prepare a victim
24 impact statement and present it to the Office of the State's
25 Attorney at any time during the proceedings. Any written victim
26 impact statement submitted to the Office of the State's

1 Attorney shall be considered by the court during its
2 consideration of aggravation and mitigation in plea
3 proceedings under Supreme Court Rule 402.

4 (c) This Section shall apply to any victims during any
5 dispositional hearing under Section 5-705 of the Juvenile Court
6 Act of 1987 which takes place pursuant to an adjudication or
7 trial or plea of delinquency for any such offense.

8 (Source: P.A. 99-413, eff. 8-20-15.)