

# SB1625



## 101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

SB1625

Introduced 2/15/2019, by Sen. Rachelle Crowe

### SYNOPSIS AS INTRODUCED:

725 ILCS 5/115-7.3

Amends the Code of Criminal Procedure of 1963. Provides that evidentiary requirements for cases in specified offenses also includes the attempt of any of those specified offenses.

LRB101 10117 SLF 55220 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 Code of Criminal Procedure of 1963 is  
5 amended by changing Section 115-7.3 as follows:

6 (725 ILCS 5/115-7.3)

7 Sec. 115-7.3. Evidence in certain cases.

8 (a) This Section applies to criminal cases in which:

9 (1) the defendant is accused of predatory criminal  
10 sexual assault of a child, aggravated criminal sexual  
11 assault, criminal sexual assault, aggravated criminal  
12 sexual abuse, criminal sexual abuse, child pornography,  
13 aggravated child pornography, criminal transmission of  
14 HIV, or child abduction as defined in paragraph (10) of  
15 subsection (b) of Section 10-5 of the Criminal Code of 1961  
16 or the Criminal Code of 2012 or attempt of any of these  
17 offenses;

18 (2) the defendant is accused of battery, aggravated  
19 battery, first degree murder, or second degree murder when  
20 the commission of the offense involves sexual penetration  
21 or sexual conduct as defined in Section 11-0.1 of the  
22 Criminal Code of 2012 or attempt of any of these offenses;

23 or

1           (3) the defendant is tried or retried for any of the  
2           offenses formerly known as rape, deviate sexual assault,  
3           indecent liberties with a child, or aggravated indecent  
4           liberties with a child or attempt of any of these offenses.

5           (b) If the defendant is accused of an offense set forth in  
6           paragraph (1) or (2) of subsection (a) or the defendant is  
7           tried or retried for any of the offenses set forth in paragraph  
8           (3) of subsection (a), evidence of the defendant's commission  
9           of another offense or offenses set forth in paragraph (1), (2),  
10          or (3) of subsection (a), or evidence to rebut that proof or an  
11          inference from that proof, may be admissible (if that evidence  
12          is otherwise admissible under the rules of evidence) and may be  
13          considered for its bearing on any matter to which it is  
14          relevant.

15          (c) In weighing the probative value of the evidence against  
16          undue prejudice to the defendant, the court may consider:

17                 (1) the proximity in time to the charged or predicate  
18                 offense;

19                 (2) the degree of factual similarity to the charged or  
20                 predicate offense; or

21                 (3) other relevant facts and circumstances.

22          (d) In a criminal case in which the prosecution intends to  
23          offer evidence under this Section, it must disclose the  
24          evidence, including statements of witnesses or a summary of the  
25          substance of any testimony, at a reasonable time in advance of  
26          trial, or during trial if the court excuses pretrial notice on

1 good cause shown.

2 (e) In a criminal case in which evidence is offered under  
3 this Section, proof may be made by specific instances of  
4 conduct, testimony as to reputation, or testimony in the form  
5 of an expert opinion, except that the prosecution may offer  
6 reputation testimony only after the opposing party has offered  
7 that testimony.

8 (f) In prosecutions for a violation of Section 10-2,  
9 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 12-3.05, 12-4,  
10 12-13, 12-14, 12-14.1, 12-15, 12-16, or 18-5 of the Criminal  
11 Code of 1961 or the Criminal Code of 2012, involving the  
12 involuntary delivery of a controlled substance to a victim, no  
13 inference may be made about the fact that a victim did not  
14 consent to a test for the presence of controlled substances.

15 (Source: P.A. 97-1109, eff. 1-1-13; 97-1150, eff. 1-25-13;  
16 98-160, eff. 1-1-14.)