



93RD GENERAL ASSEMBLY
State of Illinois
2003 and 2004
HB4311

Introduced 02/02/04, by Cynthia Soto

SYNOPSIS AS INTRODUCED:

New Act

Creates the Immigrant Victim of Crime Reporting Act. Requires the Department of Human Services to establish a program for investigation of all criminal complaints made by victims who are undocumented residents of the United States. Prohibits the Department from releasing to any other state or federal agency any identifying information about the victim or his or her family unless the victim provides written consent. Requires the Department to investigate the complaint even if the victim does not provide written consent for release of identifying information. Directs the Governor to petition the appropriate federal agency to obtain legal immigration status for the victim or any witness necessary to the investigation or prosecution of any violent crime or felony offense. Effective immediately.

LRB093 18951 RLC 44686 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning immigrants.

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

4 Section 1. Short title. This Act may be cited as the
5 Immigrant Victim of Crime Reporting Act.

6 Section 5. Purpose. The purpose of this Act is to remove
7 barriers to investigations of criminal conduct committed
8 against persons in this State who are undocumented residents of
9 the United States without jeopardizing the residents'
10 immigration status.

11 Section 10. Definitions. For the purposes of this Act:

12 "Felony" means an offense for which a sentence to death or
13 to a term of imprisonment in a penitentiary for one year or
14 more is provided;

15 "Victim" means (1) a person physically injured in this
16 State as a result of a violent crime perpetrated or attempted
17 against that person or (2) a person who suffers injury to or
18 loss of property as a result of a violent crime perpetrated or
19 attempted against that person or (3) a single representative
20 who may be the spouse, parent, child or sibling of a person
21 killed as a result of a violent crime perpetrated against the
22 person killed or the spouse, parent, child or sibling of any
23 person granted rights under this Act who is physically or
24 mentally incapable of exercising such rights, except where the
25 spouse, parent, child or sibling is also the defendant or
26 prisoner or (4) any person against whom a violent crime has
27 been committed or (5) any person who has suffered personal
28 injury as a result of a violation of Section 11-501 of the
29 Illinois Vehicle Code, or of a similar provision of a local
30 ordinance, or of Section 9-3 of the Criminal Code of 1961.

31 "Violent crime" means any felony in which force or threat

1 of force was used against the victim, or any offense involving
2 sexual exploitation, sexual conduct or sexual penetration,
3 domestic battery, violation of an order of protection,
4 stalking, or any misdemeanor which results in death or great
5 bodily harm to the victim or any violation of Section 9-3 of
6 the Criminal Code of 1961, or Section 11-501 of the Illinois
7 Vehicle Code, or a similar provision of a local ordinance, if
8 the violation resulted in personal injury or death, and
9 includes any action committed by a juvenile that would be a
10 violent crime if committed by an adult. For the purposes of
11 this Act, "personal injury" shall include shall include
12 severely bleeding wounds, distorted extremities, injuries that
13 require immediate medical attention, and injuries that require
14 the injured party to be carried from the scene;

15 Section 20. Immigrant crime victim reporting program. The
16 Department of Human Services shall establish a program for the
17 investigation of crimes committed against victims in this State
18 who are undocumented residents of the United States. The
19 Department shall have the duty and authority to investigate all
20 criminal complaints made by victims who are undocumented
21 residents of the United States and shall not release to any
22 other State or federal agency any identifying information about
23 the victim or his or her family unless the victim signs a
24 written document allowing this release of information. Even if
25 the victim does not sign this release, the Department has the
26 obligation to investigate the victim's complaint.

27 Section 25. Petition by Governor. In cases where the legal
28 immigration status is necessary for the investigation or
29 prosecution of any violent crime or felony offense, the
30 Governor of this State shall petition the appropriate federal
31 agency to obtain legal immigration status for the victim or any
32 witness necessary to the investigation or prosecution.

33 Section 99. Effective date. This Act takes effect upon

1 becoming law.