



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB1237

Introduced 02/08/11, by Rep. Rita Mayfield

SYNOPSIS AS INTRODUCED:

See Index

Amends the State Finance Act. Creates the Crime Victims' Rights Compliance Officer Fund as a special fund in the State treasury. Amends the Illinois Police Training Act. Provides that the curriculum established by the Illinois Law Enforcement Training Standards Board shall include training in techniques designed to promote effective communication with crime victims and ways to comprehensively explain to victims and witnesses their rights under the Rights of Crime Victims and Witnesses Act and the Violent Crime Victim's Assistance Act. Amends the Rights of Crime Victims and Witnesses Act. Creates the Office of the Crime Victims' Rights Compliance Officer. Provides that the Crime Victims' Rights Compliance Officer shall be appointed by the Governor from a list of at least 3 persons, prepared and submitted by the Violent Crimes Advisory Commission, to serve a 3-year term at the pleasure of the Governor. Establishes the duties of the Crime Victims' Rights Compliance Officer. Provides that any person who willfully or maliciously commits a violation of the Rights of Crime Victims and Witnesses Act is liable for a civil penalty not to exceed \$1,000. Provides that such action may only be pursued by the Crime Victims' Rights Compliance Officer. Provides that if after the Crime Victims' Rights Compliance Officer receives and investigates a complaint of a violation of the Act and concludes that a willful and malicious violation has occurred, he or she shall generate a report detailing his or her findings of fact, conclusions as to the specific legal violations, and recommended sanctions. Establishes court procedures for pursuing the sanctions.

LRB097 06157 RLC 46231 b

FISCAL NOTE ACT
MAY APPLY

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 State Finance Act is amended by adding
5 Sections 5.786 and 6z-87 as follows:

6 (30 ILCS 105/5.786 new)

7 Sec. 5.786. The Crime Victims' Rights Compliance Officer
8 Fund.

9 (30 ILCS 105/6z-87 new)

10 Sec. 6z-87. The Crime Victims' Rights Compliance Officer
11 Fund. There is created in the State treasury a special fund to
12 be known as the Crime Victims' Rights Compliance Officer Fund.
13 Moneys deposited into the Fund may, subject to appropriation,
14 be used by the Crime Victims' Rights Compliance Officer. The
15 moneys in the Fund shall be disbursed to the Crime Victims'
16 Rights Compliance Officer to accomplish the purposes set out in
17 Section 11 of the Rights of Crime Victims and Witnesses Act.
18 Such amounts shall be collected by the Clerk of the Circuit
19 Court. Each such penalty collected under Section 11 of the
20 Rights of Crime Victims and Witnesses Act shall be remitted by
21 the Clerk of the Circuit Court within one month after receipt
22 to the State Treasurer for deposit into the Crime Victims'

1 Rights Compliance Officer Fund.

2 Section 10. The Illinois Police Training Act is amended by
3 changing Section 7 as follows:

4 (50 ILCS 705/7) (from Ch. 85, par. 507)

5 Sec. 7. Rules and standards for schools. The Board shall
6 adopt rules and minimum standards for such schools which shall
7 include but not be limited to the following:

8 a. The curriculum for probationary police officers which
9 shall be offered by all certified schools shall include but not
10 be limited to courses of arrest, search and seizure, civil
11 rights, human relations, cultural diversity, including racial
12 and ethnic sensitivity, criminal law, law of criminal
13 procedure, vehicle and traffic law including uniform and
14 non-discriminatory enforcement of the Illinois Vehicle Code,
15 traffic control and accident investigation, techniques of
16 obtaining physical evidence, court testimonies, statements,
17 reports, firearms training, first-aid (including
18 cardiopulmonary resuscitation), handling of juvenile
19 offenders, recognition of mental conditions which require
20 immediate assistance and methods to safeguard and provide
21 assistance to a person in need of mental treatment, law of
22 evidence, the hazards of high-speed police vehicle chases with
23 an emphasis on alternatives to the high-speed chase, and
24 physical training. The curriculum shall include specific

1 training in techniques for immediate response to and
2 investigation of cases of domestic violence and of sexual
3 assault of adults and children. The curriculum shall include
4 training in techniques designed to promote effective
5 communication with crime victims and ways to comprehensively
6 explain to victims and witnesses their rights under the Rights
7 of Crime Victims and Witnesses Act and the Violent Crime
8 Victim's Assistance Act. For the purposes of developing and
9 maintaining a victim's rights curriculum, the Board shall be
10 eligible to receive grants from the Violent Crime Victims
11 Assistance Fund. The curriculum shall also include a block of
12 instruction aimed at identifying and interacting with persons
13 with autism and other developmental disabilities, reducing
14 barriers to reporting crimes against persons with autism, and
15 addressing the unique challenges presented by cases involving
16 victims or witnesses with autism and other developmental
17 disabilities. The curriculum for permanent police officers
18 shall include but not be limited to (1) refresher and
19 in-service training in any of the courses listed above in this
20 subparagraph, (2) advanced courses in any of the subjects
21 listed above in this subparagraph, (3) training for supervisory
22 personnel, and (4) specialized training in subjects and fields
23 to be selected by the board.

24 b. Minimum courses of study, attendance requirements and
25 equipment requirements.

26 c. Minimum requirements for instructors.

1 d. Minimum basic training requirements, which a
2 probationary police officer must satisfactorily complete
3 before being eligible for permanent employment as a local law
4 enforcement officer for a participating local governmental
5 agency. Those requirements shall include training in first aid
6 (including cardiopulmonary resuscitation).

7 e. Minimum basic training requirements, which a
8 probationary county corrections officer must satisfactorily
9 complete before being eligible for permanent employment as a
10 county corrections officer for a participating local
11 governmental agency.

12 f. Minimum basic training requirements which a
13 probationary court security officer must satisfactorily
14 complete before being eligible for permanent employment as a
15 court security officer for a participating local governmental
16 agency. The Board shall establish those training requirements
17 which it considers appropriate for court security officers and
18 shall certify schools to conduct that training.

19 A person hired to serve as a court security officer must
20 obtain from the Board a certificate (i) attesting to his or her
21 successful completion of the training course; (ii) attesting to
22 his or her satisfactory completion of a training program of
23 similar content and number of hours that has been found
24 acceptable by the Board under the provisions of this Act; or
25 (iii) attesting to the Board's determination that the training
26 course is unnecessary because of the person's extensive prior

1 law enforcement experience.

2 Individuals who currently serve as court security officers
3 shall be deemed qualified to continue to serve in that capacity
4 so long as they are certified as provided by this Act within 24
5 months of the effective date of this amendatory Act of 1996.
6 Failure to be so certified, absent a waiver from the Board,
7 shall cause the officer to forfeit his or her position.

8 All individuals hired as court security officers on or
9 after the effective date of this amendatory Act of 1996 shall
10 be certified within 12 months of the date of their hire, unless
11 a waiver has been obtained by the Board, or they shall forfeit
12 their positions.

13 The Sheriff's Merit Commission, if one exists, or the
14 Sheriff's Office if there is no Sheriff's Merit Commission,
15 shall maintain a list of all individuals who have filed
16 applications to become court security officers and who meet the
17 eligibility requirements established under this Act. Either
18 the Sheriff's Merit Commission, or the Sheriff's Office if no
19 Sheriff's Merit Commission exists, shall establish a schedule
20 of reasonable intervals for verification of the applicants'
21 qualifications under this Act and as established by the Board.

22 (Source: P.A. 95-171, eff. 1-1-08.)

23 Section 15. The Rights of Crime Victims and Witnesses Act
24 is amended by changing Sections 3, 4, 4.5, and 9 and by adding
25 Sections 10 and 11 as follows:

1 (725 ILCS 120/3) (from Ch. 38, par. 1403)

2 Sec. 3. The terms used in this Act, unless the context
3 clearly requires otherwise, shall have the following meanings:

4 (a) "Crime victim" and "victim" mean (1) a person
5 physically injured in this State as a result of a violent crime
6 perpetrated or attempted against that person or (2) a person
7 who suffers injury to or loss of property as a result of a
8 violent crime perpetrated or attempted against that person or
9 (3) a single representative who may be the spouse, parent,
10 child or sibling of a person killed as a result of a violent
11 crime perpetrated against the person killed or the spouse,
12 parent, child or sibling of any person granted rights under
13 this Act who is physically or mentally incapable of exercising
14 such rights, except where the spouse, parent, child or sibling
15 is also the defendant or prisoner or (4) any person against
16 whom a violent crime has been committed or (5) any person who
17 has suffered personal injury as a result of a violation of
18 Section 11-501 of the Illinois Vehicle Code, or of a similar
19 provision of a local ordinance, or of Section 9-3 of the
20 Criminal Code of 1961, as amended or (6) in proceedings under
21 the Juvenile Court Act of 1987, both parents, legal guardians,
22 foster parents, or a single adult representative of a minor or
23 disabled person who is a crime victim.

24 (b) "Witness" means any person who personally observed the
25 commission of a violent crime and who will testify on behalf of

1 the State of Illinois in the criminal prosecution of the
2 violent crime.

3 (c) "Violent Crime" means any felony in which force or
4 threat of force was used against the victim, or any offense
5 involving sexual exploitation, sexual conduct or sexual
6 penetration, or a violation of Section 11-20.1 or 11-20.3 of
7 the Criminal Code of 1961, domestic battery, violation of an
8 order of protection, stalking, or any misdemeanor which results
9 in death or great bodily harm to the victim or any violation of
10 Section 9-3 of the Criminal Code of 1961, or Section 11-501 of
11 the Illinois Vehicle Code, or a similar provision of a local
12 ordinance, if the violation resulted in personal injury or
13 death, and includes any action committed by a juvenile that
14 would be a violent crime if committed by an adult. For the
15 purposes of this paragraph, "personal injury" shall include any
16 Type A injury as indicated on the traffic accident report
17 completed by a law enforcement officer that requires immediate
18 professional attention in either a doctor's office or medical
19 facility. A type A injury shall include severely bleeding
20 wounds, distorted extremities, and injuries that require the
21 injured party to be carried from the scene.

22 (d) "Sentencing Hearing" means any hearing where a sentence
23 is imposed by the court on a convicted defendant and includes
24 hearings conducted pursuant to Sections 5-6-4, 5-6-4.1, 5-7-2
25 and 5-7-7 of the Unified Code of Corrections except those cases
26 in which both parties have agreed to the imposition of a

1 specific sentence.

2 (e) "Court proceedings" includes the preliminary hearing,
3 any hearing the effect of which may be the release of the
4 defendant from custody or to alter the conditions of bond, the
5 trial, sentencing hearing, notice of appeal, any modification
6 of sentence, probation revocation hearings or parole hearings.

7 (f) "Concerned citizen" includes relatives of the victim,
8 friends of the victim, witnesses to the crime, or any other
9 person associated with the victim or prisoner.

10 (g) "First responder" means any police officer of a local
11 governmental agency who is primarily responsible for
12 prevention or detection of crime and the enforcement of the
13 criminal laws of this State.

14 (Source: P.A. 95-591, eff. 6-1-08; 95-876, eff. 8-21-08;
15 96-292, eff. 1-1-10; 96-875, eff. 1-22-10.)

16 (725 ILCS 120/4) (from Ch. 38, par. 1404)

17 Sec. 4. Rights of crime victims.

18 (a) Crime victims shall have the following rights:

19 (1) The right to be treated with fairness and respect
20 for their dignity and privacy throughout the criminal
21 justice process.

22 (2) The right to notification of court proceedings.

23 (3) The right to communicate with the prosecution.

24 (4) The right to make a statement to the court at
25 sentencing.

1 (5) The right to information about the conviction,
2 sentence, imprisonment and release of the accused.

3 (6) The right to the timely disposition of the case
4 following the arrest of the accused.

5 (7) The right to be reasonably protected from the
6 accused through the criminal justice process.

7 (8) The right to be present at the trial and all other
8 court proceedings on the same basis as the accused, unless
9 the victim is to testify and the court determines that the
10 victim's testimony would be materially affected if the
11 victim hears other testimony at the trial.

12 (9) the right to have present at all court proceedings,
13 including proceedings under the Juvenile Court Act of 1987,
14 subject to the admonition of the rules of confidentiality
15 and subject to the rules of evidence, a victim-witness
16 specialist, an advocate or other support person of the
17 victim's choice.

18 (10) The right to restitution.

19 (b) A statement and explanation of the rights of crime
20 victims set forth in this Act ~~paragraph (a) of this Section~~
21 shall be given to a crime victim at the initial contact with
22 the criminal justice system by a first responder ~~the~~
23 ~~appropriate authorities~~ and the rights set forth in subsection
24 (a) of this Section shall be conspicuously posted in all court
25 facilities.

26 (Source: P.A. 95-591, eff. 6-1-08.)

1 (725 ILCS 120/4.5)

2 Sec. 4.5. Procedures to implement the rights of crime
3 victims. To afford crime victims their rights, law enforcement,
4 prosecutors, judges and corrections will provide information,
5 as appropriate of the following procedures:

6 (a) ~~Law~~ ~~At the request of the crime victim, law~~ enforcement
7 authorities investigating the case shall provide timely notice
8 of the status of the investigation, except where the State's
9 Attorney determines that disclosure of such information would
10 unreasonably interfere with the investigation, until such time
11 as the alleged assailant is apprehended or the investigation is
12 closed.

13 (b) The office of the State's Attorney:

14 (1) shall provide notice of the filing of information,
15 the return of an indictment by which a prosecution for any
16 violent crime is commenced, or the filing of a petition to
17 adjudicate a minor as a delinquent for a violent crime;

18 (2) shall provide notice of the date, time, and place
19 of trial;

20 (3) or victim advocate personnel shall provide
21 information of social services and financial assistance
22 available for victims of crime, including information of
23 how to apply for these services and assistance;

24 (4) shall assist in having any stolen or other personal
25 property held by law enforcement authorities for

1 evidentiary or other purposes returned as expeditiously as
2 possible, pursuant to the procedures set out in Section
3 115-9 of the Code of Criminal Procedure of 1963;

4 (5) or victim advocate personnel shall provide
5 appropriate employer intercession services to ensure that
6 employers of victims will cooperate with the criminal
7 justice system in order to minimize an employee's loss of
8 pay and other benefits resulting from court appearances;

9 (6) shall provide information whenever possible, of a
10 secure waiting area during court proceedings that does not
11 require victims to be in close proximity to defendant or
12 juveniles accused of a violent crime, and their families
13 and friends;

14 (7) shall provide notice to the crime victim of the
15 right to have a translator present at all court proceedings
16 and, in compliance with the federal Americans with
17 Disabilities Act of 1990, the right to communications
18 access through a sign language interpreter or by other
19 means;

20 (8) in the case of the death of a person, which death
21 occurred in the same transaction or occurrence in which
22 acts occurred for which a defendant is charged with an
23 offense, shall notify the spouse, parent, child or sibling
24 of the decedent of the date of the trial of the person or
25 persons allegedly responsible for the death;

26 (9) shall inform the victim of the right to have

1 present at all court proceedings, subject to the rules of
2 evidence, an advocate or other support person of the
3 victim's choice, and the right to retain an attorney, at
4 the victim's own expense, who, upon written notice filed
5 with the clerk of the court and State's Attorney, is to
6 receive copies of all notices, motions and court orders
7 filed thereafter in the case, in the same manner as if the
8 victim were a named party in the case;

9 (10) at the sentencing hearing shall make a good faith
10 attempt to explain the minimum amount of time during which
11 the defendant may actually be physically imprisoned. The
12 Office of the State's Attorney shall further notify the
13 crime victim of the right to request from the Prisoner
14 Review Board information concerning the release of the
15 defendant under subparagraph (d) (1) of this Section;

16 (11) shall request restitution at sentencing and shall
17 consider restitution in any plea negotiation, as provided
18 by law; and

19 (12) shall, upon the court entering a verdict of not
20 guilty by reason of insanity, inform the victim of the
21 notification services available from the Department of
22 Human Services, including the statewide telephone number,
23 under subparagraph (d) (2) of this Section.

24 (c) At the written request of the crime victim, the office
25 of the State's Attorney shall:

26 (1) provide notice a reasonable time in advance of the

1 following court proceedings: preliminary hearing, any
2 hearing the effect of which may be the release of defendant
3 from custody, or to alter the conditions of bond and the
4 sentencing hearing. The crime victim shall also be notified
5 of the cancellation of the court proceeding in sufficient
6 time, wherever possible, to prevent an unnecessary
7 appearance in court;

8 (2) provide notice within a reasonable time after
9 receipt of notice from the custodian, of the release of the
10 defendant on bail or personal recognizance or the release
11 from detention of a minor who has been detained for a
12 violent crime;

13 (3) explain in nontechnical language the details of any
14 plea or verdict of a defendant, or any adjudication of a
15 juvenile as a delinquent for a violent crime;

16 (4) where practical, consult with the crime victim
17 before the Office of the State's Attorney makes an offer of
18 a plea bargain to the defendant or enters into negotiations
19 with the defendant concerning a possible plea agreement,
20 and shall consider the written victim impact statement, if
21 prepared prior to entering into a plea agreement;

22 (5) provide notice of the ultimate disposition of the
23 cases arising from an indictment or an information, or a
24 petition to have a juvenile adjudicated as a delinquent for
25 a violent crime;

26 (6) provide notice of any appeal taken by the defendant

1 and information on how to contact the appropriate agency
2 handling the appeal;

3 (7) provide notice of any request for post-conviction
4 review filed by the defendant under Article 122 of the Code
5 of Criminal Procedure of 1963, and of the date, time and
6 place of any hearing concerning the petition. Whenever
7 possible, notice of the hearing shall be given in advance;

8 (8) forward a copy of any statement presented under
9 Section 6 to the Prisoner Review Board to be considered by
10 the Board in making its determination under subsection (b)
11 of Section 3-3-8 of the Unified Code of Corrections.

12 (d) (1) The Prisoner Review Board shall inform a victim or
13 any other concerned citizen, upon written request, of the
14 prisoner's release on parole, mandatory supervised release,
15 electronic detention, work release, international transfer or
16 exchange, or by the custodian of the discharge of any
17 individual who was adjudicated a delinquent for a violent crime
18 from State custody and by the sheriff of the appropriate county
19 of any such person's final discharge from county custody. The
20 Prisoner Review Board, upon written request, shall provide to a
21 victim or any other concerned citizen a recent photograph of
22 any person convicted of a felony, upon his or her release from
23 custody. The Prisoner Review Board, upon written request, shall
24 inform a victim or any other concerned citizen when feasible at
25 least 7 days prior to the prisoner's release on furlough of the
26 times and dates of such furlough. Upon written request by the

1 victim or any other concerned citizen, the State's Attorney
2 shall notify the person once of the times and dates of release
3 of a prisoner sentenced to periodic imprisonment. Notification
4 shall be based on the most recent information as to victim's or
5 other concerned citizen's residence or other location
6 available to the notifying authority.

7 (2) When the defendant has been committed to the Department
8 of Human Services pursuant to Section 5-2-4 or any other
9 provision of the Unified Code of Corrections, the victim may
10 request to be notified by the releasing authority of the
11 defendant's furloughs, temporary release, or final discharge
12 from State custody. The Department of Human Services shall
13 establish and maintain a statewide telephone number to be used
14 by victims to make notification requests under these provisions
15 and shall publicize this telephone number on its website and to
16 the State's Attorney of each county.

17 (3) In the event of an escape from State custody, the
18 Department of Corrections or the Department of Juvenile Justice
19 immediately shall notify the Prisoner Review Board of the
20 escape and the Prisoner Review Board shall notify the victim.
21 The notification shall be based upon the most recent
22 information as to the victim's residence or other location
23 available to the Board. When no such information is available,
24 the Board shall make all reasonable efforts to obtain the
25 information and make the notification. When the escapee is
26 apprehended, the Department of Corrections or the Department of

1 Juvenile Justice immediately shall notify the Prisoner Review
2 Board and the Board shall notify the victim.

3 (4) The victim of the crime for which the prisoner has been
4 sentenced shall receive reasonable written notice not less than
5 30 days prior to the parole interview and may submit, in
6 writing, on film, videotape or other electronic means or in the
7 form of a recording or in person at the parole interview or if
8 a victim of a violent crime, by calling the toll-free number
9 established in subsection (f) of this Section, information for
10 consideration by the Prisoner Review Board. The victim shall be
11 notified within 7 days after the prisoner has been granted
12 parole and shall be informed of the right to inspect the
13 registry of parole decisions, established under subsection (g)
14 of Section 3-3-5 of the Unified Code of Corrections. The
15 provisions of this paragraph (4) are subject to the Open Parole
16 Hearings Act.

17 (5) If a statement is presented under Section 6, the
18 Prisoner Review Board shall inform the victim of any order of
19 discharge entered by the Board pursuant to Section 3-3-8 of the
20 Unified Code of Corrections.

21 (6) At the written request of the victim of the crime for
22 which the prisoner was sentenced or the State's Attorney of the
23 county where the person seeking parole was prosecuted, the
24 Prisoner Review Board shall notify the victim and the State's
25 Attorney of the county where the person seeking parole was
26 prosecuted of the death of the prisoner if the prisoner died

1 while on parole or mandatory supervised release.

2 (7) When a defendant who has been committed to the
3 Department of Corrections, the Department of Juvenile Justice,
4 or the Department of Human Services is released or discharged
5 and subsequently committed to the Department of Human Services
6 as a sexually violent person and the victim had requested to be
7 notified by the releasing authority of the defendant's
8 discharge from State custody, the releasing authority shall
9 provide to the Department of Human Services such information
10 that would allow the Department of Human Services to contact
11 the victim.

12 (8) When a defendant has been convicted of a sex offense as
13 defined in Section 2 of the Sex Offender Registration Act and
14 has been sentenced to the Department of Corrections or the
15 Department of Juvenile Justice, the Prisoner Review Board shall
16 notify the victim of the sex offense of the prisoner's
17 eligibility for release on parole, mandatory supervised
18 release, electronic detention, work release, international
19 transfer or exchange, or by the custodian of the discharge of
20 any individual who was adjudicated a delinquent for a sex
21 offense from State custody and by the sheriff of the
22 appropriate county of any such person's final discharge from
23 county custody. The notification shall be made to the victim at
24 least 30 days, whenever possible, before release of the sex
25 offender.

26 (e) The officials named in this Section may satisfy some or

1 all of their obligations to provide notices and other
2 information through participation in a statewide victim and
3 witness notification system established by the Attorney
4 General under Section 8.5 of this Act.

5 (f) To permit a victim of a violent crime to provide
6 information to the Prisoner Review Board for consideration by
7 the Board at a parole hearing of a person who committed the
8 crime against the victim in accordance with clause (d)(4) of
9 this Section or at a proceeding to determine the conditions of
10 mandatory supervised release of a person sentenced to a
11 determinate sentence or at a hearing on revocation of mandatory
12 supervised release of a person sentenced to a determinate
13 sentence, the Board shall establish a toll-free number that may
14 be accessed by the victim of a violent crime to present that
15 information to the Board.

16 (Source: P.A. 95-317, eff. 8-21-07; 95-896, eff. 1-1-09;
17 95-897, eff. 1-1-09; 95-904, eff. 1-1-09; 96-328, eff. 8-11-09;
18 96-875, eff. 1-22-10.)

19 (725 ILCS 120/9) (from Ch. 38, par. 1408)

20 Sec. 9. This Act does not limit any rights or
21 responsibilities otherwise enjoyed by or imposed upon victims
22 or witnesses of violent crime, nor does it grant any person a
23 cause of action for damages or attorneys fees. Except as
24 provided in Section 11, any ~~Any~~ act of omission or commission
25 by any law enforcement officer, circuit court clerk, or State's

1 Attorney, by the Attorney General, Prisoner Review Board,
2 Department of Corrections, the Department of Juvenile Justice,
3 Department of Human Services, or other State agency, or private
4 entity under contract pursuant to Section 8, or by any employee
5 of any State agency or private entity under contract pursuant
6 to Section 8 acting in good faith in rendering crime victim's
7 assistance or otherwise enforcing this Act shall not impose
8 civil liability upon the individual or entity or his or her
9 supervisor or employer. Nothing in this Act shall create a
10 basis for vacating a conviction or a ground for appellate
11 relief in any criminal case. Failure of the crime victim to
12 receive notice as required, however, shall not deprive the
13 court of the power to act regarding the proceeding before it;
14 nor shall any such failure grant the defendant the right to
15 seek a continuance.

16 (Source: P.A. 93-258, eff. 1-1-04; 94-696, eff. 6-1-06.)

17 (725 ILCS 120/10 new)

18 Sec. 10. Crime Victims' Rights Compliance Officer.

19 (a) There shall be established an Office of the Crime
20 Victims' Rights Compliance Officer. The Crime Victims' Rights
21 Compliance Officer shall be appointed by the Governor from a
22 list of at least 3 persons, prepared and submitted by the
23 Violent Crimes Advisory Commission, to serve a 3-year term at
24 the pleasure of the Governor. The compensation and funding for
25 the Crime Victims' Rights Compliance Officer shall be made from

1 the Crime Victims' Rights Compliance Officer Fund as well as
2 other public and private sources of funding as set out in
3 subsection (f). The Crime Victims' Rights Compliance Officer
4 may, within available funds, appoint such staff as may be
5 deemed necessary. The duties of the staff may include the
6 duties of the Crime Victims' Rights Compliance Officer if
7 performed under the Officer's direction.

8 (b) The Crime Victims' Rights Compliance Officer shall,
9 subject to appropriation:

10 (1) act as a liaison, when the Officer deems necessary,
11 between agencies, either in the criminal justice system or
12 in victim assistance programs, and victims and witnesses;

13 (2) coordinate and cooperate with other private and
14 public agencies concerned with the implementation,
15 monitoring, and enforcement of the constitutional rights
16 of victims and enter into cooperative agreements with
17 public or private agencies for the furtherance of the
18 constitutional rights of victims;

19 (3) evaluate the delivery of services to victims by
20 State agencies and those entities that provide services to
21 victims;

22 (4) review the procedures established by any State
23 agency or other entity providing services to victims with
24 respect to the constitutional rights of victims;

25 (5) receive and review complaints of persons
26 concerning the actions of any State or other entity

1 providing services to victims. The Officer may prescribe
2 the methods by which complaints are to be made, received,
3 and acted upon; may determine the scope and manner of
4 investigations to be made; and may determine the form,
5 frequency, and distribution of the Officer's conclusions,
6 recommendations, and proposals. After completing
7 investigation of a complaint, the Officer shall inform in
8 writing the complainant, the investigated person or
9 entity, and other appropriate authorities of the action
10 taken. If the complaint involved the conduct of an element
11 of the criminal justice system in relation to a criminal or
12 civil proceeding, the Officer's findings shall be
13 forwarded to the court in which the proceeding occurred;

14 (6) investigate, with or without complaint, situations
15 where it appears that a victim or family of a victim may be
16 in need of assistance from the Crime Victims' Rights
17 Compliance Officer;

18 (7) file a limited special appearance in any court
19 proceeding for the purpose of advocating for any right
20 guaranteed to a crime victim by the Illinois Constitution
21 or any right provided to a crime victim by any provision of
22 Illinois law;

23 (8) recommend changes in State policies concerning
24 victims, including changes in the system of providing
25 victim services.

26 (c) All State, local, and private agencies shall have a

1 duty to cooperate with any investigation conducted by the Crime
2 Victims' Rights Compliance Officer. Consistent with the
3 provisions of Illinois law concerning the confidentiality of
4 records and information, the Crime Victims' Rights Compliance
5 Officer shall have access to, including the right to inspect
6 and copy, any records necessary to carry out the
7 responsibilities as set forth in subsection (b). Nothing
8 contained in this subsection (c) shall be construed to waive a
9 victim's right to confidentiality of communications or records
10 as protected by any provision of Illinois or common law.

11 (d) In the performance of his or her duties under
12 subsection (b), the Crime Victims' Rights Compliance Officer
13 may communicate privately with any victim or person who has
14 received, is receiving, or should have received services from
15 the State. Such communications shall be confidential and not be
16 subject to disclosure except as provided by this Section.
17 Neither the Officer nor any member of the Officer's staff may
18 be compelled to testify or produce evidence in any judicial or
19 administrative proceeding with respect to matters involving
20 the exercise of official duties under subsection (b) except as
21 may be necessary to enforce the provisions of this Section.

22 (e) The name, address, and other personally identifiable
23 information of a person who makes a complaint to the Crime
24 Victims' Rights Compliance Officer provided in subsection (b),
25 all information obtained or generated by the office in the
26 course of an investigation, the identity and location of any

1 person receiving or considered for the receipt of protective
2 services and all information obtained or generated by the
3 office in the course of monitoring the provision of protective
4 services, and all confidential records obtained by the Crime
5 Victims' Rights Compliance Officer or his or her designee shall
6 be confidential and shall not be subject to disclosure under
7 the Freedom of Information Act or otherwise, except that such
8 information and records, other than confidential information
9 concerning a pending law enforcement investigation or a pending
10 prosecution, may be disclosed if the Crime Victims' Rights
11 Compliance Officer determines that disclosure is:

12 (1) in the general public interest, or

13 (2) necessary to enable the Crime Victims' Rights
14 Compliance Officer to perform his or her responsibilities
15 under subsection (b), provided in no event shall the name,
16 address, or other personally identifiable information of a
17 person be disclosed without the consent of such person.

18 (f) The Crime Victims' Rights Compliance Officer may apply
19 for and accept grants, gifts, and bequests of funds from other
20 states, federal, and interstate agencies and independent
21 authorities and private firms, individuals, and foundations,
22 for the purpose of carrying out his or her responsibilities.

23 (g) The Crime Victims' Rights Compliance Officer shall
24 annually submit to the Governor and the General Assembly a
25 detailed report analyzing the work of the Office of the Crime
26 Victims' Rights Compliance Officer.

1 (725 ILCS 120/11 new)

2 Sec. 11. Penalties. Any person who willfully or maliciously
3 commits a violation of this Act is liable for a civil penalty
4 not to exceed \$1,000. Such action may only be pursued by the
5 Crime Victims' Rights Compliance Officer within the limits of
6 this Section. If after the Crime Victims' Rights Compliance
7 Officer receives and investigates a complaint of a violation of
8 this Act and concludes that a willful and malicious violation
9 has occurred, he or she shall generate a report detailing his
10 or her findings of fact, conclusions as to the specific legal
11 violations, and recommended sanctions. The Crime Victims'
12 Rights Compliance Officer shall then file a complaint alleging
13 that a violation has occurred, along with the report required
14 by this Section, in the circuit court in which the alleged
15 violation occurred. Upon the filing of the complaint and
16 report, the circuit court shall set the matter for hearing to
17 take place in no less than 30 days. If the court finds that
18 based upon a preponderance of the evidence that such violation
19 occurred, it shall assess any fines it deems appropriate within
20 the limits of this Section and may order any other equitable
21 relief necessary to remedy the violation.

1		INDEX
2		Statutes amended in order of appearance
3	30 ILCS 105/5.786 new	
4	30 ILCS 105/6z-87 new	
5	50 ILCS 705/7	from Ch. 85, par. 507
6	725 ILCS 120/3	from Ch. 38, par. 1403
7	725 ILCS 120/4	from Ch. 38, par. 1404
8	725 ILCS 120/4.5	
9	725 ILCS 120/9	from Ch. 38, par. 1408
10	725 ILCS 120/10 new	
11	725 ILCS 120/11 new	