



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

HOUSE JOINT RESOLUTION

CONSTITUTIONAL AMENDMENT

HC0001

Introduced , by Rep. Lou Lang

SYNOPSIS AS INTRODUCED:

ILCON Art. 1, Sec. 8.1

Proposes to amend the Bill of Rights Article of the Illinois Constitution concerning crime victim's rights. Provides that in addition to other rights provided in the Constitutional provision, a crime victim has the right to: (1) be free from harassment, intimidation, and abuse; (2) refuse to disclose information that is privileged or confidential by law; (3) timely notification of all court proceedings; (4) be heard at any proceeding involving a post-arraignment release decision, plea, sentencing, post-conviction or post-adjudication release decision, and any post-arraignment proceeding in which a right of the victim is at issue; (5) receive a report related to the defendant's sentence when available to the accused; and (6) have the safety of the victim and the victim's family considered in denying or fixing the amount of bail, determining whether to release the defendant, and setting conditions of release after arrest and conviction. Provides that a victim, victim's lawyer, or the prosecuting attorney may assert the victim's constitutional rights in court. Provides that nothing in this Constitutional provision creates any cause of action for compensation or damages against the State, any political subdivision of the State, any officer, employee, or agent of the State or of any of its political subdivisions, or any officer or employee of the court. Effective upon being declared adopted.

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1 HOUSE JOINT RESOLUTION
 2 CONSTITUTIONAL AMENDMENT

3 RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE
 4 NINETY-EIGHTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE
 5 SENATE CONCURRING HEREIN, that there shall be submitted to the
 6 electors of the State for adoption or rejection at the general
 7 election next occurring at least 6 months after the adoption of
 8 this resolution a proposition to amend Section 8.1 of Article I
 9 of the Illinois Constitution as follows:

10 ARTICLE I
 11 BILL OF RIGHTS

12 (ILCON Art. 1, Sec. 8.1)

13 SECTION 8.1. CRIME VICTIM'S RIGHTS.

14 (a) Crime victims, as defined by law, shall have the
 15 following rights ~~as provided by law~~:

16 (1) The right to be treated with fairness and respect
 17 for their dignity and privacy and to be free from
 18 harassment, intimidation, and abuse throughout the
 19 criminal justice process.

20 (2) The right to refuse to disclose to the defendant
 21 information that is privileged or confidential by law, as
 22 determined by a court of law with jurisdiction over the
 23 case.

1 (3) ~~(2)~~ The right to timely notification of all court
2 proceedings.

3 (4) ~~(3)~~ The right to confer ~~communicate~~ with the
4 prosecution.

5 (5) ~~(4)~~ The right to be heard at any post-arraignment
6 court proceeding in which a right of the victim is at issue
7 and any court proceeding involving a post-arraignment
8 release decision, plea, or sentencing ~~make a statement to~~
9 ~~the court at sentencing.~~

10 (6) The right to have access to information in a report
11 related to any aspect of a defendant's sentence when
12 available to the defendant, as the General Assembly may
13 provide by law.

14 (7) ~~(5)~~ The right to be notified of ~~information about~~
15 the conviction, the sentence, the imprisonment, and the
16 release of the accused.

17 (8) ~~(6)~~ The right to timely disposition of the case
18 following the arrest of the accused.

19 (9) ~~(7)~~ The right to be reasonably protected from the
20 accused throughout the criminal justice process.

21 (10) The right to have the safety of the victim and the
22 victim's family considered in denying or fixing the amount
23 of bail, determining whether to release the defendant, and
24 setting conditions of release after arrest and conviction.

25 (11) ~~(8)~~ The right to be present at the trial and all
26 other court proceedings on the same basis as the accused,

1 unless the victim is to testify and the court determines
2 that the victim's testimony would be materially affected if
3 the victim hears other testimony at the trial.

4 (12) ~~(9)~~ The right to have present at all court
5 proceedings, subject to the rules of evidence, an advocate
6 and ~~or~~ other support person of the victim's choice.

7 (13) ~~(10)~~ The right to restitution.

8 (b) A victim, the victim's lawyer, or the prosecuting
9 attorney may assert the rights enumerated in subsection (a) in
10 any court with jurisdiction over the case as a matter of right.
11 The court shall act promptly on the request ~~The General~~
12 ~~Assembly may provide by law for the enforcement of this~~
13 ~~Section.~~

14 (c) The General Assembly may provide for an assessment
15 against convicted defendants to pay for crime victims' rights.

16 (d) Nothing in this Section or any law enacted under this
17 Section creates a cause of action in equity or at law for
18 compensation, attorney's fees, or damages against the State, a
19 political subdivision of the State, an officer, employee, or
20 agent of the State or of any political subdivision of the
21 State, or an officer or employee of the court. ~~or in any law~~
22 ~~enacted under~~

23 (e) Nothing in this Section or any law enacted under this
24 Section shall be construed as creating (1) a basis for vacating
25 a conviction or (2) a ground for any relief requested by the
26 defendant ~~appellate relief in any criminal case.~~

1 (Source: Amendment adopted at general election November 3,
2 1992.)

3 SCHEDULE

4 This Constitutional Amendment takes effect upon being
5 declared adopted in accordance with Section 7 of the Illinois
6 Constitutional Amendment Act.