

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 4.5 as follows:

6 (725 ILCS 120/4.5)

7 Sec. 4.5. Procedures to implement the rights of crime
8 victims. To afford crime victims their rights, law enforcement,
9 prosecutors, judges and corrections will provide information,
10 as appropriate of the following procedures:

11 (a) At the request of the crime victim, law enforcement
12 authorities investigating the case shall provide notice of the
13 status of the investigation, except where the State's Attorney
14 determines that disclosure of such information would
15 unreasonably interfere with the investigation, until such time
16 as the alleged assailant is apprehended or the investigation is
17 closed.

18 (a-5) When law enforcement authorities re-open a closed
19 case to resume investigating, they shall provide notice of the
20 re-opening of the case, except where the State's Attorney
21 determines that disclosure of such information would
22 unreasonably interfere with the investigation.

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

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

5 (2) shall provide notice of the date, time, and place
6 of trial;

7 (3) or victim advocate personnel shall provide
8 information of social services and financial assistance
9 available for victims of crime, including information of
10 how to apply for these services and assistance;

11 (3.5) or victim advocate personnel shall provide
12 information about available victim services, including
13 referrals to programs, counselors, and agencies that
14 assist a victim to deal with trauma, loss, and grief;

15 (4) shall assist in having any stolen or other personal
16 property held by law enforcement authorities for
17 evidentiary or other purposes returned as expeditiously as
18 possible, pursuant to the procedures set out in Section
19 115-9 of the Code of Criminal Procedure of 1963;

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

25 (6) shall provide information whenever possible, of a
26 secure waiting area during court proceedings that does not

1 require victims to be in close proximity to defendant or
2 juveniles accused of a violent crime, and their families
3 and friends;

4 (7) shall provide notice to the crime victim of the
5 right to have a translator present at all court proceedings
6 and, in compliance with the federal Americans with
7 Disabilities Act of 1990, the right to communications
8 access through a sign language interpreter or by other
9 means;

10 (8) in the case of the death of a person, which death
11 occurred in the same transaction or occurrence in which
12 acts occurred for which a defendant is charged with an
13 offense, shall notify the spouse, parent, child or sibling
14 of the decedent of the date of the trial of the person or
15 persons allegedly responsible for the death;

16 (9) shall inform the victim of the right to have
17 present at all court proceedings, subject to the rules of
18 evidence, an advocate or other support person of the
19 victim's choice, and the right to retain an attorney, at
20 the victim's own expense, who, upon written notice filed
21 with the clerk of the court and State's Attorney, is to
22 receive copies of all notices, motions and court orders
23 filed thereafter in the case, in the same manner as if the
24 victim were a named party in the case;

25 (9.5) shall inform the victim of (A) the victim's right
26 under Section 6 of this Act to make a victim impact

1 statement at the sentencing hearing; and (B) if a
2 presentence report is to be prepared, the right of the
3 victim's spouse, guardian, parent, grandparent and other
4 immediate family and household members to submit
5 information to the preparer of the presentence report about
6 the effect the offense has had on the victim and the
7 person;

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

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

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

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

25 (1) provide notice a reasonable time in advance of the
26 following court proceedings: preliminary hearing, any

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

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

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

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

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

25 (6) provide notice of any appeal taken by the defendant
26 and information on how to contact the appropriate agency

1 handling the appeal;

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

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

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

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

6 (2) When the defendant has been committed to the Department
7 of Human Services pursuant to Section 5-2-4 or any other
8 provision of the Unified Code of Corrections, the victim may
9 request to be notified by the releasing authority of the
10 approval by the court of an on-grounds pass, a supervised
11 off-grounds pass, an unsupervised off-grounds pass, or
12 conditional release; the release on an off-grounds pass; the
13 return from an off-grounds pass; transfer to another facility;
14 conditional release; escape; death; or final discharge from
15 State custody. The Department of Human Services shall establish
16 and maintain a statewide telephone number to be used by victims
17 to make notification requests under these provisions and shall
18 publicize this telephone number on its website and to the
19 State's Attorney of each county.

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

1 the Board shall make all reasonable efforts to obtain the
2 information and make the notification. When the escapee is
3 apprehended, the Department of Corrections or the Department of
4 Juvenile Justice immediately shall notify the Prisoner Review
5 Board and the Board shall notify the victim.

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

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

24 (6) At the written request of the victim of the crime for
25 which the prisoner was sentenced or the State's Attorney of the
26 county where the person seeking parole was prosecuted, the

1 Prisoner Review Board shall notify the victim and the State's
2 Attorney of the county where the person seeking parole was
3 prosecuted of the death of the prisoner if the prisoner died
4 while on parole or mandatory supervised release.

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

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

1 least 30 days, whenever possible, before release of the sex
2 offender.

3 (e) The officials named in this Section may satisfy some or
4 all of their obligations to provide notices and other
5 information through participation in a statewide victim and
6 witness notification system established by the Attorney
7 General under Section 8.5 of this Act.

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

19 (Source: P.A. 96-328, eff. 8-11-09; 96-875, eff. 1-22-10;
20 97-457, eff. 1-1-12; 97-572, eff. 1-1-12; 97-813, eff. 7-13-12;
21 97-815, eff. 1-1-13.)

22 Section 10. The Unified Code of Corrections is amended by
23 changing Section 5-3-2 as follows:

24 (730 ILCS 5/5-3-2) (from Ch. 38, par. 1005-3-2)

1 Sec. 5-3-2. Presentence Report.

2 (a) In felony cases, the presentence report shall set
3 forth:

4 (1) the defendant's history of delinquency or
5 criminality, physical and mental history and condition,
6 family situation and background, economic status,
7 education, occupation and personal habits;

8 (2) information about special resources within the
9 community which might be available to assist the
10 defendant's rehabilitation, including treatment centers,
11 residential facilities, vocational training services,
12 correctional manpower programs, employment opportunities,
13 special educational programs, alcohol and drug abuse
14 programming, psychiatric and marriage counseling, and
15 other programs and facilities which could aid the
16 defendant's successful reintegration into society;

17 (3) the effect the offense committed has had upon the
18 victim or victims thereof, and any compensatory benefit
19 that various sentencing alternatives would confer on such
20 victim or victims;

21 (3.5) information provided by the victim's spouse,
22 guardian, parent, grandparent, and other immediate family
23 and household members about the effect the offense
24 committed has had on the victim and on the person providing
25 the information; if the victim's spouse, guardian, parent,
26 grandparent, or other immediate family or household member

1 has provided a written statement, the statement shall be
2 attached to the report;

3 (4) information concerning the defendant's status
4 since arrest, including his record if released on his own
5 recognizance, or the defendant's achievement record if
6 released on a conditional pre-trial supervision program;

7 (5) when appropriate, a plan, based upon the personal,
8 economic and social adjustment needs of the defendant,
9 utilizing public and private community resources as an
10 alternative to institutional sentencing;

11 (6) any other matters that the investigatory officer
12 deems relevant or the court directs to be included; and

13 (7) information concerning defendant's eligibility for
14 a sentence to a county impact incarceration program under
15 Section 5-8-1.2 of this Code.

16 (b) The investigation shall include a physical and mental
17 examination of the defendant when so ordered by the court. If
18 the court determines that such an examination should be made,
19 it shall issue an order that the defendant submit to
20 examination at such time and place as designated by the court
21 and that such examination be conducted by a physician,
22 psychologist or psychiatrist designated by the court. Such an
23 examination may be conducted in a court clinic if so ordered by
24 the court. The cost of such examination shall be paid by the
25 county in which the trial is held.

26 (b-5) In cases involving felony sex offenses in which the

1 offender is being considered for probation only or any felony
2 offense that is sexually motivated as defined in the Sex
3 Offender Management Board Act in which the offender is being
4 considered for probation only, the investigation shall include
5 a sex offender evaluation by an evaluator approved by the Board
6 and conducted in conformance with the standards developed under
7 the Sex Offender Management Board Act. In cases in which the
8 offender is being considered for any mandatory prison sentence,
9 the investigation shall not include a sex offender evaluation.

10 (c) In misdemeanor, business offense or petty offense
11 cases, except as specified in subsection (d) of this Section,
12 when a presentence report has been ordered by the court, such
13 presentence report shall contain information on the
14 defendant's history of delinquency or criminality and shall
15 further contain only those matters listed in any of paragraphs
16 (1) through (6) of subsection (a) or in subsection (b) of this
17 Section as are specified by the court in its order for the
18 report.

19 (d) In cases under Sections 11-1.50, 12-15, and 12-3.4 or
20 12-30 of the Criminal Code of 1961 or the Criminal Code of
21 2012, the presentence report shall set forth information about
22 alcohol, drug abuse, psychiatric, and marriage counseling or
23 other treatment programs and facilities, information on the
24 defendant's history of delinquency or criminality, and shall
25 contain those additional matters listed in any of paragraphs
26 (1) through (6) of subsection (a) or in subsection (b) of this

1 Section as are specified by the court.

2 (e) Nothing in this Section shall cause the defendant to be
3 held without bail or to have his bail revoked for the purpose
4 of preparing the presentence report or making an examination.

5 (Source: P.A. 96-322, eff. 1-1-10; 96-1551, Article 1, Section
6 970, eff. 7-1-11; 96-1551, Article 2, Section 1065, eff.
7 7-1-11; 97-1109, eff. 1-1-13; 97-1150, eff. 1-25-13.)