

1 AMENDMENT TO HOUSE BILL 863

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 863 as follows:  
3 by replacing everything after the enacting clause with the  
4 following:

5 "Section 5. The Rights of Crime Victims and Witnesses  
6 Act is amended by changing Section 6 as follows:

7 (725 ILCS 120/6) (from Ch. 38, par. 1406)

8 Sec. 6. Rights to present victim impact statement.

9 (a) In any case where a defendant has been convicted of  
10 a violent crime or a juvenile has been adjudicated a  
11 delinquent for a violent crime except those in which both  
12 parties have agreed to the imposition of a specific sentence,  
13 and a victim of the violent crime or the victim's spouse,  
14 guardian, parent, or other immediate family or household  
15 member is present in the courtroom at the time of the  
16 sentencing or the disposition hearing, the victim or his or  
17 her representative shall have the right and the victim's  
18 spouse, guardian, parent, or other immediate family or  
19 household member upon his, ~~or~~ her, or their request may be  
20 permitted by the court to shall-have-the-right-to address the  
21 court regarding the impact that which the defendant's  
22 criminal conduct or the juvenile's delinquent conduct has had

1 upon them and the victim. ~~Any~~ ~~If--the-victim-chooses-to~~  
2 ~~exercise-this-right,~~ the impact statement must have been  
3 prepared in writing in conjunction with the Office of the  
4 State's Attorney prior to the initial hearing or sentencing,  
5 before it can be presented orally or in writing at the  
6 sentencing hearing. In conjunction with the Office of the  
7 State's Attorney, a victim impact statement that is presented  
8 orally may be done so by the victim or the victim's spouse,  
9 guardian, parent, or other immediate family or household  
10 member or his, or her, or their representative. At the  
11 sentencing hearing, the prosecution may introduce that  
12 evidence either in its case in chief or in rebuttal. The  
13 court shall consider any impact statement admitted statements  
14 ~~made-by-the-victim,~~ along with all other appropriate factors  
15 in determining the sentence of the defendant or disposition  
16 of such juvenile.

17 (b) The crime victim has the right to prepare a victim  
18 impact statement and present it to the Office of the State's  
19 Attorney at any time during the proceedings.

20 (c) This Section shall apply to any victims of a violent  
21 crime during any dispositional hearing under Section 5-705 of  
22 the Juvenile Court Act of 1987 which takes place pursuant to  
23 an adjudication of delinquency for any such offense.

24 (Source: P.A. 90-590, eff. 1-1-99; 91-693, eff. 4-13-00.)".