

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
5 is 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
9 enforcement, prosecutors, judges and corrections will provide
10 information, 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
13 the status of the investigation, except where the State's
14 Attorney determines that disclosure of such information would
15 unreasonably interfere with the investigation, until such
16 time as the alleged assailant is apprehended or the
17 investigation is closed.

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

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

24 (2) shall provide notice of the date, time, and
25 place of trial;

26 (3) or victim advocate personnel shall provide
27 information of social services and financial assistance
28 available for victims of crime, including information of
29 how to apply for these services and assistance;

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

1 evidentiary or other purposes returned as expeditiously
2 as possible, pursuant to the procedures set out in
3 Section 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
10 a secure waiting area during court proceedings that does
11 not require victims to be in close proximity to defendant
12 or juveniles accused of a violent crime, and their
13 families and friends;

14 (7) shall provide notice to the crime victim of the
15 right to have a translator present at all court
16 proceedings;

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

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

32 (10) at the sentencing hearing shall make a good
33 faith attempt to explain the minimum amount of time
34 during which the defendant may actually be physically

1 imprisoned. The Office of the State's Attorney shall
2 further notify the crime victim of the right to request
3 from the Prisoner Review Board information concerning the
4 release of the defendant under subparagraph (d)(1) of
5 this Section; and

6 (11) shall request restitution at sentencing and
7 shall consider restitution in any plea negotiation, as
8 provided by law.

9 (c) ~~The At-the-written-request-of-the-crime-victim,~~ the
10 office of the State's Attorney shall:

11 (1) unless notified in writing by the victim that
12 he or she does not wish to be notified, provide notice a
13 reasonable time in advance of the following court
14 proceedings: preliminary hearing, any hearing the effect
15 of which may be the release of defendant from custody, or
16 to alter the conditions of bond and the sentencing
17 hearing. The crime victim shall also be notified of the
18 cancellation of the court proceeding in sufficient time,
19 wherever possible, to prevent an unnecessary appearance
20 in court;

21 (2) unless notified in writing by the victim that
22 he or she does not wish to be notified, provide notice
23 within a reasonable time after receipt of notice from the
24 custodian, of the release of the defendant on bail or
25 personal recognizance or the release from detention of a
26 minor who has been detained for a violent crime;

27 (3) at the written request of the crime victim,
28 explain in nontechnical language the details of any plea
29 or verdict of a defendant, or any adjudication of a
30 juvenile as a delinquent for a violent crime;

31 (4) at the written request of the crime victim,
32 where practical, consult with the crime victim before the
33 Office of the State's Attorney makes an offer of a plea
34 bargain to the defendant or enters into negotiations with

1 the defendant concerning a possible plea agreement, and
2 shall consider the written victim impact statement, if
3 prepared prior to entering into a plea agreement;

4 (5) at the written request of the crime victim,
5 provide notice of the ultimate disposition of the cases
6 arising from an indictment or an information, or a
7 petition to have a juvenile adjudicated as a delinquent
8 for a violent crime;

9 (6) at the written request of the crime victim,
10 provide notice of any appeal taken by the defendant and
11 information on how to contact the appropriate agency
12 handling the appeal;

13 (7) at the written request of the crime victim,
14 provide notice of any request for post-conviction review
15 filed by the defendant under Article 122 of the Code of
16 Criminal Procedure of 1963, and of the date, time and
17 place of any hearing concerning the petition. Whenever
18 possible, notice of the hearing shall be given in
19 advance;

20 (8) at the written request of the crime victim,
21 forward a copy of any statement presented under Section 6
22 to the Prisoner Review Board to be considered by the
23 Board in making its determination under subsection (b) of
24 Section 3-3-8 of the Unified Code of Corrections.

25 (d) (1) The Prisoner Review Board, unless notified in
26 writing by the victim that he or she does not wish to be
27 notified, shall inform a victim or any other concerned
28 citizen~~7--upon-written-request7~~, of the prisoner's release
29 on parole, mandatory supervised release, electronic
30 detention, work release or by the custodian of the
31 discharge of any individual who was adjudicated a
32 delinquent for a violent crime from State custody and by
33 the sheriff of the appropriate county of any such
34 person's final discharge from county custody. The

1 Prisoner Review Board, upon written request, shall
2 provide to a victim or any other concerned citizen a
3 recent photograph of any person convicted of a felony,
4 upon his or her release from custody. The Prisoner Review
5 Board~~7-upon-written-request7~~ shall inform a victim or any
6 other concerned citizen when feasible at least 7 days
7 prior to the prisoner's release on furlough of the times
8 and dates of such furlough. Unless notified in writing by
9 the victim that he or she does not wish to be notified,
10 ~~Upon-written-request-by-the-victim-or-any-other-concerned~~
11 ~~citizen7~~ the State's Attorney shall notify the person
12 once of the times and dates of release of a prisoner
13 sentenced to periodic imprisonment. Notification shall
14 be based on the most recent information as to victim's or
15 other concerned citizen's residence or other location
16 available to the notifying authority. For purposes of
17 this paragraph (1) of subsection (d), "concerned citizen"
18 includes relatives of the victim, ~~friends-of-the--victim7~~
19 witnesses to the crime, or any other person determined by
20 the court at the defendant's sentencing hearing to be
21 eligible to receive this notification ~~associated-with-the~~
22 ~~victim-or-prisoner.~~

23 (2) When the defendant has been committed to the
24 Department of Human Services pursuant to Section 5-2-4 or
25 any other provision of the Unified Code of Corrections,
26 the victim may request to be notified by the releasing
27 authority of the defendant's discharge from State
28 custody.

29 (3) In the event of an escape from State custody,
30 the Department of Corrections immediately shall notify
31 the Prisoner Review Board of the escape and the Prisoner
32 Review Board shall notify the victim. The notification
33 shall be based upon the most recent information as to the
34 victim's residence or other location available to the

1 Board. When no such information is available, the Board
2 shall make all reasonable efforts to obtain the
3 information and make the notification. When the escapee
4 is apprehended, the Department of Corrections immediately
5 shall notify the Prisoner Review Board and the Board
6 shall notify the victim.

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

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

24 (6) At the written request of the victim of the
25 crime for which the prisoner was sentenced, the Prisoner
26 Review Board shall notify the victim of the death of the
27 prisoner if the prisoner died while on parole or
28 mandatory supervised release.

29 (7) When a defendant who has been committed to the
30 Department of Corrections or the Department of Human
31 Services is released or discharged and subsequently
32 committed to the Department of Human Services as a
33 sexually violent person and the victim had requested to
34 be notified by the releasing authority of the defendant's

1 discharge from State custody, the releasing authority
2 shall provide to the Department of Human Services such
3 information that would allow the Department of Human
4 Services to contact the victim.

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

10 (Source: P.A. 90-14, eff. 7-1-97; 90-793, eff. 8-14-98;
11 91-237, eff. 1-1-00; 91-693, eff. 4-13-00.)