

1 AN ACT to amend the Code of Criminal Procedure of 1963 by
2 adding Sections 106B-3 and 106B-4 and changing Section
3 106B-5.

4 Be it enacted by the People of the State of Illinois,
5 represented in the General Assembly:

6 Section 5. The Code of Criminal Procedure of 1963 is
7 amended by adding Sections 106B-3 and 106B-4 and changing
8 Section 106B-5 as follows:

9 (725 ILCS 5/106B-3 new)

10 Sec. 106B-3. Purpose. It is the intent of the Illinois
11 General Assembly that courts of this State take an active
12 role in accommodating child witnesses to reduce trauma and
13 increase the accuracy and completeness of their testimony.
14 This Article shall be liberally construed to ensure maximum
15 accommodation of child witnesses.

16 (725 ILCS 5/106B-4 new)

17 Sec. 106B-4. Definitions.

18 As used in this Article:

19 (1) "Child" means a person under the age of 18 years.

20 (2) "Intermediary" means a person appointed by the court
21 to pose questions to a child victim. The intermediary shall
22 be subject to the court rules of appointment under the
23 Criminal Proceeding Interpreter Act.

24 (725 ILCS 5/106B-5)

25 Sec. 106B-5. Testimony by child and child victim.

26 (a) In a proceeding in the prosecution of an offense of
27 criminal sexual assault, predatory criminal sexual assault of
28 a child, aggravated criminal sexual assault, criminal sexual
29 abuse, or aggravated criminal sexual abuse, a court may order

1 that the testimony of a child victim under the age of 18
2 years be taken outside the courtroom and shown in the
3 courtroom by means of a closed circuit television if:

4 (1) the testimony is taken during the proceeding;
5 and

6 (2) the judge determines that testimony by the
7 child victim in the courtroom will result in the child
8 suffering serious emotional distress such that the child
9 cannot reasonably communicate or that the child will
10 suffer severe emotional distress that is likely to cause
11 the child to suffer severe adverse effects.

12 (b) Only the prosecuting attorney, the attorney for the
13 defendant, the intermediary, and the judge may question the
14 child. However, should subsection (h-1) of this Section
15 apply, only the intermediary may question the child.

16 (c) The operators of the closed circuit television shall
17 make every effort to be unobtrusive.

18 (d) Only the following persons may be in the room with
19 the child when the child testifies by closed circuit
20 television:

21 (1) the prosecuting attorney;

22 (2) the attorney for the defendant;

23 (3) the judge;

24 (4) the operators of the closed circuit television
25 equipment; and

26 (5) any person or persons whose presence, in the
27 opinion of the court, contributes to the well-being of
28 the child, including a person who has dealt with the
29 child in a therapeutic setting concerning the abuse, a
30 parent or guardian of the child, and court security
31 personnel; and-

32 (6) an intermediary as per subsection (h-1) of this
33 Section.

34 (e) During the child's testimony by closed circuit

1 television, the defendant shall be in the courtroom and shall
2 not communicate with the jury if the cause is being heard
3 before a jury.

4 (f) The defendant shall be allowed to communicate with
5 the persons in the room where the child is testifying by any
6 appropriate electronic method.

7 (g) The provisions of subsection (a) of this Section do
8 not apply if the defendant represents himself pro se.

9 (h) This Section may not be interpreted to preclude, for
10 purposes of identification of a defendant, the presence of
11 both the victim and the defendant in the courtroom at the
12 same time.

13 (h-1) In a proceeding in the prosecution of an offense
14 of criminal sexual assault, predatory criminal sexual assault
15 of a child, aggravated criminal sexual assault, criminal
16 sexual abuse, or aggravated criminal sexual abuse which
17 involves testimony of a child, a court may order that an
18 intermediary be appointed to pose questions to the child if
19 the court finds that the child is unable to understand or
20 respond to questions asked by counsel or the court due to
21 developmental level, fear, disability, or other reason. If
22 an intermediary is appointed:

23 (1) prior to posing questions to the child, the
24 intermediary shall take an oath or affirmation to pose
25 questions to the child accurately according to the
26 meaning intended by counsel;

27 (2) the intermediary shall pose questions to the
28 child for both the prosecution and defense, and counsel
29 for the parties may not question the child; and

30 (3) questions put to a child through an
31 intermediary shall be either in the words selected by
32 counsel, or, if the child is not likely to understand the
33 words selected by counsel, in words that are
34 comprehensible to the child and convey the meaning

1 intended by counsel.

2 (i) This Section applies to prosecutions pending on or
3 commenced on or after the effective date of this amendatory
4 Act of 2001 1994.

5 (Source: P.A. 88-674, eff. 12-14-94; 89-428, eff. 12-13-95;
6 89-462, eff. 5-29-96.)