



## 104TH GENERAL ASSEMBLY

### State of Illinois

2025 and 2026

HB2625

Introduced 2/6/2025, by Rep. Adam M. Niemerg

#### SYNOPSIS AS INTRODUCED:

725 ILCS 5/106B-5

Amends the Code of Criminal Procedure of 1963. Provides that in a proceeding in the prosecution of an offense of criminal sexual assault, predatory criminal sexual assault of a child, aggravated criminal sexual assault, criminal sexual abuse, aggravated criminal sexual abuse, aggravated battery, or aggravated domestic battery, in which the victim is a child or a person with a moderate, severe, or profound intellectual disability or a victim affected by a developmental disability, the child victim or victim with a moderate, severe, or profound intellectual disability or a victim affected by a developmental disability does not need to testify or be present in court for the judge to make the determination of whether the testimony of such person will result in the person suffering serious emotional distress such that the person cannot reasonably communicate or that the person will suffer severe emotional distress that is likely to cause the person to suffer severe adverse effects. Provides that there is a rebuttable presumption that the testimony of a victim who is a child under 13 years of age shall testify outside the courtroom and the child's testimony shall be shown in the courtroom by means of a 2-way closed circuit television (rather than closed circuit television). Provides that before the court permits the testimony of a victim outside the courtroom that is to be shown in the courtroom by means of a closed circuit television, the court must make a finding that the testimony by means of a 2-way closed circuit television (rather than closed circuit television) does not prejudice the defendant.

LRB104 07075 RLC 17112 b

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 Code of Criminal Procedure of 1963 is  
5 amended by changing Section 106B-5 as follows:

6 (725 ILCS 5/106B-5)

7 Sec. 106B-5. Testimony by a victim who is a child or a  
8 person with a moderate, severe, or profound intellectual  
9 disability or a person affected by a developmental disability.

10 (a) In a proceeding in the prosecution of an offense of  
11 criminal sexual assault, predatory criminal sexual assault of  
12 a child, aggravated criminal sexual assault, criminal sexual  
13 abuse, aggravated criminal sexual abuse, aggravated battery,  
14 or aggravated domestic battery, a court may order that the  
15 testimony of a victim who is a child under the age of 18 years  
16 or a person with a moderate, severe, or profound intellectual  
17 disability or a person affected by a developmental disability  
18 be taken outside the courtroom and shown in the courtroom by  
19 means of a closed circuit television if:

20 (1) the testimony is taken during the proceeding; and

21 (2) the judge determines that testimony by the child  
22 victim or victim with a moderate, severe, or profound  
23 intellectual disability or victim affected by a

1 developmental disability in the courtroom will result in  
2 the child or person with a moderate, severe, or profound  
3 intellectual disability or person affected by a  
4 developmental disability suffering serious emotional  
5 distress such that the child or person with a moderate,  
6 severe, or profound intellectual disability or person  
7 affected by a developmental disability cannot reasonably  
8 communicate or that the child or person with a moderate,  
9 severe, or profound intellectual disability or person  
10 affected by a developmental disability will suffer severe  
11 emotional distress that is likely to cause the child or  
12 person with a moderate, severe, or profound intellectual  
13 disability or person affected by a developmental  
14 disability to suffer severe adverse effects. The child  
15 victim or victim with a moderate, severe, or profound  
16 intellectual disability or a victim affected by a  
17 developmental disability does not need to testify or be  
18 present in court for the judge to make the determination.

19 (b) Only the prosecuting attorney, the attorney for the  
20 defendant, and the judge may question the child or person with  
21 a moderate, severe, or profound intellectual disability or  
22 person affected by a developmental disability.

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

25 (d) Only the following persons may be in the room with the  
26 child or person with a moderate, severe, or profound

1 intellectual disability or person affected by a developmental  
2 disability when the child or person with a moderate, severe,  
3 or profound intellectual disability or person affected by a  
4 developmental disability testifies by closed circuit  
5 television:

6 (1) the prosecuting attorney;

7 (2) the attorney for the defendant;

8 (3) the judge;

9 (4) the operators of the closed circuit television  
10 equipment; and

11 (5) any person or persons whose presence, in the  
12 opinion of the court, contributes to the well-being of the  
13 child or person with a moderate, severe, or profound  
14 intellectual disability or person affected by a  
15 developmental disability, including a person who has dealt  
16 with the child in a therapeutic setting concerning the  
17 abuse, a parent or guardian of the child or person with a  
18 moderate, severe, or profound intellectual disability or  
19 person affected by a developmental disability, and court  
20 security personnel.

21 (e) During the child's or person with a moderate, severe,  
22 or profound intellectual disability or person affected by a  
23 developmental disability's testimony by closed circuit  
24 television, the defendant shall be in the courtroom and shall  
25 not communicate with the jury if the cause is being heard  
26 before a jury.

1           (f) The defendant shall be allowed to communicate with the  
2 persons in the room where the child or person with a moderate,  
3 severe, or profound intellectual disability or person affected  
4 by a developmental disability is testifying by any appropriate  
5 electronic method.

6           (f-5) There is a rebuttable presumption that the testimony  
7 of a victim who is a child under 13 years of age shall testify  
8 outside the courtroom and the child's testimony shall be shown  
9 in the courtroom by means of a 2-way closed circuit  
10 television. This presumption may be overcome if the defendant  
11 can prove by clear and convincing evidence that the child  
12 victim will not suffer severe emotional distress.

13           (f-6) Before the court permits the testimony of a victim  
14 outside the courtroom that is to be shown in the courtroom by  
15 means of a closed circuit television, the court must make a  
16 finding that the testimony by means of a 2-way closed circuit  
17 television does not prejudice the defendant.

18           (g) The provisions of this Section do not apply if the  
19 defendant represents himself pro se.

20           (h) This Section may not be interpreted to preclude, for  
21 purposes of identification of a defendant, the presence of  
22 both the victim and the defendant in the courtroom at the same  
23 time.

24           (i) This Section applies to prosecutions pending on or  
25 commenced on or after the effective date of this amendatory  
26 Act of 1994.

1           (j) For the purposes of this Section, "developmental  
2    disability" includes, but is not limited to, cerebral palsy,  
3    epilepsy, and autism.

4    (Source: P.A. 103-164, eff. 1-1-24.)