

1 AN ACT concerning homicide victims.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the
5 Homicide Victims' Families' Rights Act.

6 Section 5. Definitions. In this Act:

7 "Agency" means a law enforcement entity of a unit of local
8 government that is vested by law or ordinance with the duty to
9 maintain public order and to enforce criminal laws or
10 ordinances.

11 "Applicable agency" means a law enforcement agency that is
12 investigating or has investigated the murder of the victim.

13 "Open unresolved murder" means any criminal activity in
14 which death occurred more than 3 years prior to the date of the
15 application under subsection (a) of Section 10, for which all
16 probative investigative leads have been exhausted, and for
17 which no likely perpetrator has been identified.

18 "Designated person" means (i) an immediate family member
19 or (ii) a similarly situated person as the Attorney General
20 shall by rule define.

21 "Immediate family member" means a parent, parent-in-law,
22 grandparent, grandparent-in-law, sibling, spouse, child,
23 stepchild, foster parent, or guardian of a murder victim.

1 "Victim" means the victim of a murder.

2 Section 10. Case file review.

3 (a) An applicable agency shall review the case file
4 regarding an open unresolved murder upon written application
5 by a designated person to determine if a full reinvestigation
6 would result in probative investigative leads.

7 (b) The case file review shall include, but is not limited
8 to:

9 (1) an analysis of what investigative steps or
10 follow-up steps may have been missed in the initial
11 investigation;

12 (2) an assessment of whether witnesses should be
13 interviewed or re-interviewed;

14 (3) an examination of physical evidence to see if all
15 appropriate forensic testing and analysis was performed in
16 the first instance or if additional testing might produce
17 information relevant to the investigation; and

18 (4) a modernization of the file to bring it up to
19 current investigative standards to the extent it would
20 help develop probative leads.

21 (c) The person or persons performing the review required
22 by subsection (a) shall not have previously investigated the
23 murder. This subsection (c) does not apply to law enforcement
24 agencies located in municipalities that have fewer than 35,000
25 inhabitants.

1 (d) The applicable agency shall confirm in writing receipt
2 of a request made under subsection (a).

3 (e) Only one case review shall be undertaken at any one
4 time with respect to the same open unresolved murder victim.

5 (f) No later than 6 months after the receipt of the written
6 application submitted pursuant to subsection (a), the
7 applicable agency shall conclude its case file review and
8 reach a conclusion whether a full reinvestigation under
9 Section 25 is warranted.

10 (g) The applicable agency may extend the limit in
11 subsection (f) for periods not to exceed 6 months if the agency
12 makes a finding that the number of case files to be reviewed
13 make it impracticable to comply with said limit without
14 unreasonably taking resources from other law enforcement
15 activities.

16 For cases for which the time limit in subsection (f) is
17 extended, the applicable agency shall provide notice and an
18 explanation of its reasoning to the designated person who
19 filed the written application under this Section.

20 Section 15. Application. Each agency shall develop a
21 written application to be used for designated persons to
22 request a case file review under Section 10.

23 Section 20. Notice. Each agency shall provide notice of
24 the rights under this Act to designated persons as soon as is

1 practicable after being made aware of a murder.

2 Section 25. Full reinvestigation.

3 (a) The applicable agency shall conduct a full
4 reinvestigation of the open unresolved murder if the review of
5 the case file required by Section 10 concludes that a full
6 reinvestigation of the open unresolved murder would result in
7 probative investigative leads.

8 (b) A full reinvestigation shall include analyzing all
9 evidence regarding the open unresolved murder at issue for the
10 purpose of developing probative investigative leads as to the
11 perpetrator.

12 (c) The person or persons performing the full
13 reinvestigation required by subsection (a) shall not have
14 previously investigated the murder, except for the case file
15 review pursuant to Section 10, unless there is at least one
16 other person performing the full reinvestigation who has not
17 previously investigated the murder.

18 (d) Only one full reinvestigation shall be undertaken at
19 any one time with respect to the same open unresolved murder
20 victim.

21 Section 30. Consultation and updates.

22 (a) The applicable agency shall consult with the
23 designated person who filed the written application under
24 Section 10 and provide him or her with periodic updates during

1 the case file review and full reinvestigation.

2 (b) The applicable agency shall meet with the designated
3 person and discuss the evidence to explain to the designated
4 person who filed the written application under Section 10 its
5 decision whether to engage in the full reinvestigation
6 provided for under Section 25 at the conclusion of the case
7 file review.

8 Section 35. Subsequent reviews.

9 (a) If a case file review is completed and a conclusion is
10 reached not to conduct a full reinvestigation, no additional
11 case file review shall be undertaken for a period of 5 years,
12 unless there is newly discovered, materially significant
13 evidence.

14 (b) If a full reinvestigation is done and a suspect is not
15 identified at its conclusion, no additional case file review
16 or full reinvestigation shall be undertaken for a period of 5
17 years, unless there is newly discovered, materially
18 significant new evidence.

19 Section 36. Family liaison officers.

20 (a) Each agency shall employ or designate a minimum number
21 of family liaison officers proportionate to the average number
22 of homicides in the agency's jurisdiction within the previous
23 5 years of the date of employment with the maximum ratio of 40
24 homicides per each family liaison officer employed or

1 designated. Each agency may establish a lower ratio for hiring
2 or designating family liaison officers.

3 (b) The primary purpose of a family liaison officer is
4 that of an investigator. A family liaison officer's role is to
5 gather evidence and information from the family to contribute
6 to the investigation and preserve its integrity. The family
7 liaison officer shall also provide support and information, in
8 a sensitive and compassionate manner, securing confidence and
9 trust of families of victims of crime (primarily homicide),
10 road fatality, mass disaster, or other critical incident,
11 ensuring family members are given timely information in
12 accordance with the needs of the investigation.

13 (c) The family liaison officer shall:

14 (1) establish and maintain a supportive and ethical
15 relationship with the family, building trust, in line with
16 local and national guidance to gathering information and
17 evidence;

18 (2) act as a single point of contact between families
19 and investigation teams when a homicide occurs to enable
20 information to be shared which may assist in the
21 investigation;

22 (3) collect best evidence to enable identification of
23 a reported missing person (high risk of criminality or
24 vulnerability) or identify the deceased, and consider
25 potential future viewing requirements and postmortem with
26 the family to further the investigation;

1 (4) provide information regarding additional services
2 available for families, including providing information
3 about open unresolved murders to support agencies, and
4 explain criminal justice and coroner's procedures, so that
5 they can access all available services and support;

6 (5) contact the family at least once every 30 days for
7 the first 6 months the case is open then once per quarter
8 until the case becomes inactive. The family liaison
9 officer shall work closely with the lead investigator to
10 obtain substantive updates on the case prior to contacting
11 the family. The lead investigator has discretion over any
12 information shared with the family and shall communicate
13 with the family liaison accordingly. If the family liaison
14 officer is contacted by the family regarding an open case
15 at any time, the family liaison officer shall return the
16 call within 5 business days with all relevant information
17 regarding a police investigation, in line with the
18 strategy of the chief investigating officer or lead
19 investigator so that they are informed of progress;

20 (6) obtain victimology and family personal statements
21 and any other material to enable the gathering of evidence
22 and to support the investigative process;

23 (7) document any requests or complaints, or both, made
24 by the family, to be forwarded for the consideration of
25 the chief investigating officer or lead investigator;

26 (8) record all contact with the family to ensure

1 compliance with this Act, the Criminal Identification Act,
2 the Illinois Criminal Justice Information Act, the Missing
3 Children Records Act, the Juvenile Court Act of 1987, the
4 Code of Criminal Procedure of 1963, the Rights of Crime
5 Victims and Witnesses Act, and the Police and Community
6 Relations Improvement Act to maintain the integrity of the
7 investigation;

8 (9) be the liaison between families and the coroner or
9 medical examiner and chief investigating officer or lead
10 investigator in relation to the Illinois Anatomical Gift
11 Act; and

12 (10) track the case files required in Section 10, the
13 date of review of the case file, confirm the receipt of the
14 request of the case file, provide notice to the family if
15 an extension of review has been made, and consult with the
16 family on the investigation of the case.

17 (d) A family liaison officer may not be assigned to work
18 patrol or attached to other special units while designated as
19 a family liaison officer.

20 (e) The training of all family liaison officers shall
21 include instruction on victim-centered, trauma-informed
22 investigation as established by the Illinois Law Enforcement
23 Training Standards Board.

24 (f) Except in emergencies or other exigent circumstances,
25 a family liaison officer shall exclusively investigate
26 homicide cases.

1 Section 40. Data collection; annual report.

2 (a) Beginning 3 years after the effective date of this
3 Act, the Illinois Criminal Justice Information Authority
4 annually shall publish statistics regarding the number of open
5 unresolved murders. The statistics published under this
6 subsection at a minimum shall be broken down by the degree of
7 murder, the type of weapon used in the murder, the location of
8 the murder and by agency, in addition to the criteria set forth
9 in subsection (b).

10 (b) Each applicable agency annually shall submit data to
11 the Illinois Criminal Justice Information Authority regarding
12 the open unresolved murders within its jurisdiction,
13 including, but not limited to, the number of requests received
14 under subsection (a) of Section 10, the number of extensions
15 granted and an explanation of reasons provided under
16 subsection (g) of Section 10, the number of full
17 reinvestigations initiated and closed under Section 25, and
18 the number of suspects identified, arrested, charged, and
19 convicted for each open unresolved murder investigated by the
20 applicable agency under this Act during the year reported. The
21 data shall also include what cases are being solved and which
22 cases are not being solved, identifying the age, race, and
23 ethnicity of the victim whose case is being solved and not
24 being solved and the cases that are being solved by
25 exceptional means.

1 (c) The Illinois Criminal Justice Information Authority
2 shall submit an annual report to the General Assembly and the
3 Governor compiling the information received by the Authority
4 under subsection (b).

5 Section 45. Procedures to promote compliance.

6 (a) Not later than one year after the effective date of
7 this Act, the head of each agency shall adopt rules to enforce
8 the rights of designated persons and to ensure compliance by
9 responsible officials with the obligations described in this
10 Act.

11 (b) The rules adopted under subsection (a) shall:

12 (1) designate an administrative authority within the
13 agency to receive and investigate complaints relating to
14 the provision or violation of the rights of designated
15 persons;

16 (2) require a course of training for employees of the
17 agency regarding the rights provided under this Act;

18 (3) contain disciplinary sanctions, including
19 suspension or termination from employment, for employees
20 of the agency who willfully or wantonly fail to comply
21 with this Act;

22 (4) establish a process for investigations into the
23 conduct of persons no longer employed by a law enforcement
24 agency when a complaint is filed and a process for
25 referrals for prosecution to the appropriate State's

1 Attorney; and

2 (5) provide that the head of the agency, or the head of
3 the agency's designee, shall be the final arbiter of the
4 complaint, and that there shall be no judicial review of
5 the final decision of the head of the agency by a
6 complainant.

7 Section 50. Withholding information. Nothing in this Act
8 shall require an agency to provide information that would
9 endanger the safety of any person, unreasonably impede an
10 ongoing investigation, violate a court order, or violate legal
11 obligations regarding privacy.

12 Section 55. Multiple agencies.

13 (a) If there is more than one possible applicable agency,
14 each applicable agency shall coordinate its case file review
15 or full reinvestigation such that there is only one joint case
16 file review or full reinvestigation occurring at a time in
17 compliance with subsection (e) of Section 10 or subsection (d)
18 of Section 25, as applicable.

19 (b) If an immediate family member believes there was bias
20 demonstrated in the handling of the initial case, any case
21 file review, or any full reinvestigation by any of the
22 possible applicable agencies, the family member may
23 communicate that concern to the Attorney General. The Attorney
24 General shall review the allegations made by the immediate

1 family member to determine whether, in the interest of
2 justice, another law enforcement agency should conduct the
3 case file review or the full reinvestigation, as applicable.

4 Section 60. Applicability. This Act applies to murders
5 occurring on or after January 1, 1970, and only to law
6 enforcement agencies located wholly within the boundaries of
7 counties with a population of 3,000,000 or more.

8 Section 100. The Illinois Criminal Justice Information Act
9 is amended by changing Section 7 as follows:

10 (20 ILCS 3930/7) (from Ch. 38, par. 210-7)

11 Sec. 7. Powers and duties. The Authority shall have the
12 following powers, duties, and responsibilities:

13 (a) To develop and operate comprehensive information
14 systems for the improvement and coordination of all
15 aspects of law enforcement, prosecution, and corrections;

16 (b) To define, develop, evaluate, and correlate State
17 and local programs and projects associated with the
18 improvement of law enforcement and the administration of
19 criminal justice;

20 (c) To act as a central repository and clearing house
21 for federal, state, and local research studies, plans,
22 projects, proposals, and other information relating to all
23 aspects of criminal justice system improvement and to

1 encourage educational programs for citizen support of
2 State and local efforts to make such improvements;

3 (d) To undertake research studies to aid in
4 accomplishing its purposes;

5 (e) To monitor the operation of existing criminal
6 justice information systems in order to protect the
7 constitutional rights and privacy of individuals about
8 whom criminal history record information has been
9 collected;

10 (f) To provide an effective administrative forum for
11 the protection of the rights of individuals concerning
12 criminal history record information;

13 (g) To issue regulations, guidelines, and procedures
14 which ensure the privacy and security of criminal history
15 record information consistent with State and federal laws;

16 (h) To act as the sole administrative appeal body in
17 the State of Illinois to conduct hearings and make final
18 determinations concerning individual challenges to the
19 completeness and accuracy of criminal history record
20 information;

21 (i) To act as the sole, official, criminal justice
22 body in the State of Illinois to conduct annual and
23 periodic audits of the procedures, policies, and practices
24 of the State central repositories for criminal history
25 record information to verify compliance with federal and
26 state laws and regulations governing such information;

1 (j) To advise the Authority's Statistical Analysis
2 Center;

3 (k) To apply for, receive, establish priorities for,
4 allocate, disburse, and spend grants of funds that are
5 made available by and received on or after January 1, 1983
6 from private sources or from the United States pursuant to
7 the federal Crime Control Act of 1973, as amended, and
8 similar federal legislation, and to enter into agreements
9 with the United States government to further the purposes
10 of this Act, or as may be required as a condition of
11 obtaining federal funds;

12 (l) To receive, expend, and account for such funds of
13 the State of Illinois as may be made available to further
14 the purposes of this Act;

15 (m) To enter into contracts and to cooperate with
16 units of general local government or combinations of such
17 units, State agencies, and criminal justice system
18 agencies of other states for the purpose of carrying out
19 the duties of the Authority imposed by this Act or by the
20 federal Crime Control Act of 1973, as amended;

21 (n) To enter into contracts and cooperate with units
22 of general local government outside of Illinois, other
23 states' agencies, and private organizations outside of
24 Illinois to provide computer software or design that has
25 been developed for the Illinois criminal justice system,
26 or to participate in the cooperative development or design

1 of new software or systems to be used by the Illinois
2 criminal justice system;

3 (o) To establish general policies concerning criminal
4 justice information systems and to promulgate such rules,
5 regulations, and procedures as are necessary to the
6 operation of the Authority and to the uniform
7 consideration of appeals and audits;

8 (p) To advise and to make recommendations to the
9 Governor and the General Assembly on policies relating to
10 criminal justice information systems;

11 (q) To direct all other agencies under the
12 jurisdiction of the Governor to provide whatever
13 assistance and information the Authority may lawfully
14 require to carry out its functions;

15 (r) To exercise any other powers that are reasonable
16 and necessary to fulfill the responsibilities of the
17 Authority under this Act and to comply with the
18 requirements of applicable State or federal law or
19 regulation;

20 (s) To exercise the rights, powers, and duties which
21 have been vested in the Authority by the Illinois Uniform
22 Conviction Information Act;

23 (t) (Blank);

24 (u) To exercise the rights, powers, and duties vested
25 in the Authority by the Illinois Public Safety Agency
26 Network Act;

1 (v) To provide technical assistance in the form of
2 training to local governmental entities within Illinois
3 requesting such assistance for the purposes of procuring
4 grants for gang intervention and gang prevention programs
5 or other criminal justice programs from the United States
6 Department of Justice;

7 (w) To conduct strategic planning and provide
8 technical assistance to implement comprehensive trauma
9 recovery services for violent crime victims in underserved
10 communities with high levels of violent crime, with the
11 goal of providing a safe, community-based, culturally
12 competent environment in which to access services
13 necessary to facilitate recovery from the effects of
14 chronic and repeat exposure to trauma. Services may
15 include, but are not limited to, behavioral health
16 treatment, financial recovery, family support and
17 relocation assistance, and support in navigating the legal
18 system; ~~and~~

19 (x) To coordinate statewide violence prevention
20 efforts and assist in the implementation of trauma
21 recovery centers and analyze trauma recovery services. The
22 Authority shall develop, publish, and facilitate the
23 implementation of a 4-year statewide violence prevention
24 plan, which shall incorporate public health, public
25 safety, victim services, and trauma recovery centers and
26 services; and -

1 (y) To compile and publish information regarding open
2 unresolved murders as provided in Section 40 of the
3 Homicide Victims' Families' Rights Act.

4 The requirement for reporting to the General Assembly
5 shall be satisfied by filing copies of the report as required
6 by Section 3.1 of the General Assembly Organization Act, and
7 filing such additional copies with the State Government Report
8 Distribution Center for the General Assembly as is required
9 under paragraph (t) of Section 7 of the State Library Act.

10 (Source: P.A. 103-798, eff. 1-1-25.)