



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

HB5271

Introduced 2/10/2026, by Rep. Justin Slaughter

SYNOPSIS AS INTRODUCED:

725 ILCS 5/106B-5

Amends the Code of Criminal Procedure of 1963. Deletes provision 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 closed circuit television. Deletes that the presumption may be overcome if the defendant can prove by clear and convincing evidence that the child victim will not suffer severe emotional distress. Provides that if the court denies the State's request for the child victim's testimony to be taken outside of the courtroom, the court shall toll the speedy trial requirements under the speedy trial provisions of the Code for 30 days to allow the State to present the motion to the court again before trial requesting the child's testimony to be taken outside the courtroom by means of a closed-circuit television.

LRB104 19029 RLC 32474 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, trafficking in persons,
15 involuntary servitude, or involuntary sexual servitude of a
16 minor, a court may order that the testimony of a victim who is
17 a child under the age of 18 years or a person with a moderate,
18 severe, or profound intellectual disability or a person
19 affected by a developmental disability be taken outside the
20 courtroom and shown in the courtroom by means of a closed
21 circuit television if:

- 22 (1) the testimony is taken during the proceeding; and
23 (2) the judge determines that testimony by the child

1 victim or victim with a moderate, severe, or profound
2 intellectual disability or victim affected by a
3 developmental disability in the courtroom will result in
4 the child or person with a moderate, severe, or profound
5 intellectual disability or person affected by a
6 developmental disability suffering serious emotional
7 distress such that the child or person with a moderate,
8 severe, or profound intellectual disability or person
9 affected by a developmental disability cannot reasonably
10 communicate or that the child or person with a moderate,
11 severe, or profound intellectual disability or person
12 affected by a developmental disability will suffer severe
13 emotional distress that is likely to cause the child or
14 person with a moderate, severe, or profound intellectual
15 disability or person affected by a developmental
16 disability to suffer severe adverse effects.

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

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

23 (d) Only the following persons may be in the room with the
24 child or person with a moderate, severe, or profound
25 intellectual disability or person affected by a developmental
26 disability when the child or person with a moderate, severe,

1 or profound intellectual disability or person affected by a
2 developmental disability testifies by closed circuit
3 television:

4 (1) the prosecuting attorney;

5 (2) the attorney for the defendant;

6 (3) the judge;

7 (4) the operators of the closed circuit television
8 equipment; and

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

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

25 (f) The defendant shall be allowed to communicate with the
26 persons in the room where the child or person with a moderate,

1 severe, or profound intellectual disability or person affected
2 by a developmental disability is testifying by any appropriate
3 electronic method.

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

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

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

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

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

25 (j) For the purposes of this Section, "developmental
26 disability" includes, but is not limited to, cerebral palsy,

1 epilepsy, and autism.

2 (f-7) If the court denies the State's request for the
3 child victim's testimony to be taken outside of the courtroom,
4 the court shall toll the speedy trial requirements under
5 Section 103-5 for 30 days to allow the State to present the
6 motion to the court again before trial requesting the child's
7 testimony to be taken outside the courtroom by means of a
8 closed-circuit television.

9 (Source: P.A. 103-164, eff. 1-1-24; 104-159, eff. 1-1-26.)