



## 102ND GENERAL ASSEMBLY

### State of Illinois

2021 and 2022

HB4136

Introduced 9/3/2021, by Rep. Kambium Buckner

#### SYNOPSIS AS INTRODUCED:

New Act  
20 ILCS 3930/7

from Ch. 38, par. 210-7

Creates the Homicide Victims' Families' Rights Act. Provides that a law enforcement agency shall review the case file of a cold case first degree or second degree murder committed more than 3 years prior to the date of the application, for which all probative investigative leads have been exhausted, and for which no likely perpetrator has been identified, upon written application by an immediate family member to determine whether a full reinvestigation would result in probative investigative leads. Provides that the person or persons performing the review shall not have previously investigated the murder at issue. Provides that only one case review shall be undertaken at any one time with respect to the same cold case murder victim. Provides that each law enforcement agency shall develop a written application to be used for designated persons to request a case file review. Provides that the applicable agency shall conduct a full reinvestigation of the cold case murder at issue if the review of the case file concludes that a full reinvestigation of the cold case murder would result in probative investigative leads. Provides for the compilation and publication of specified information and statistics regarding cold case murders by the Illinois Criminal Justice Information Authority. Amends the Illinois Criminal Justice Information Act to make conforming changes.

LRB102 19576 RLC 28344 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

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 this State or a  
8 unit of local government which is vested by law or ordinance  
9 with the duty to maintain public order and to enforce criminal  
10 laws or ordinances.

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

14 "Cold case" means a violent crime as defined in Section 3  
15 of the Rights of Crime Victims and Witnesses Act committed  
16 more than 3 years prior to the date of the application under  
17 subsection (a) of Section 10, for which all probative  
18 investigative leads have been exhausted, and for which no  
19 likely perpetrator has been identified.

20 "Cold case murder" means a murder committed more than 3  
21 years prior to the date of the application under subsection  
22 (a) of Section 10, for which all probative investigative leads  
23 have been exhausted, and for which no likely perpetrator has

1 been identified.

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

5 "Immediate family member" means a parent, parent-in-law,  
6 grandparent, grandparent-in-law, sibling, spouse, child, or  
7 step-child of a murder victim.

8 "Murder" means first degree murder or second degree murder  
9 as defined in Section 9-1 or 9-2 of the Criminal Code of 2012.

10 "Victim" means the victim of a murder.

11 Section 10. Case file review.

12 (a) An applicable agency shall review the case file  
13 regarding a cold case murder upon written application by a  
14 designated person to determine if a full reinvestigation would  
15 result in probative investigative leads.

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

18 (1) an analysis of what investigative steps or  
19 follow-up steps may have been missed in the initial  
20 investigation;

21 (2) an assessment of whether witnesses should be  
22 interviewed or re-interviewed;

23 (3) an examination of physical evidence to see if all  
24 appropriate forensic testing and analysis was performed in  
25 the first instance or if additional testing might produce

1 information relevant to the investigation; and

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

5 (c) The person or persons performing the review required  
6 by subsection (a) shall not have previously investigated the  
7 murder at issue.

8 (d) The applicable agency shall confirm in writing receipt  
9 of the request provided for under subsection (a).

10 (e) Only one case review shall be undertaken at any one  
11 time with respect to the same cold case murder victim.

12 (f) No later than 6 months after the receipt of the written  
13 application submitted pursuant to subsection (a), the  
14 applicable agency shall conclude its case file review and  
15 reach a conclusion about whether or not a full reinvestigation  
16 under Section 25. is warranted.

17 (g) The applicable agency may extend the limit in  
18 subsection (f) for periods of time not to exceed 6 months if  
19 the agency makes a finding that the number of case files to be  
20 reviewed make it impracticable to comply with said limit  
21 without unreasonably taking resources from other law  
22 enforcement activities.

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

1           Section 15. Application. Each agency shall develop a  
2 written application to be used for designated persons to  
3 request a case file review under Section 10.

4           Section 20. Notice. Each agency shall provide notice of  
5 the rights under this Act to designated persons as soon as is  
6 practicable after being made aware of a murder.

7           Section 25. Full reinvestigation.

8           (a) The applicable agency shall conduct a full  
9 reinvestigation of the cold case murder at issue if the review  
10 of the case file required by Section 10 concludes that a full  
11 reinvestigation of the cold case murder would result in  
12 probative investigative leads.

13           (b) A full reinvestigation shall include analyzing all  
14 evidence regarding the cold case murder at issue for the  
15 purpose of developing probative investigative leads as to the  
16 perpetrator.

17           (c) The person or persons performing the full  
18 reinvestigation required by subsection (a) shall not have  
19 previously investigated the murder at issue, except for the  
20 case file review pursuant to Section 10.

21           (d) Only one full reinvestigation shall be undertaken at  
22 any one time with respect to the same cold case murder victim.

1 Section 30. Consultation and updates.

2 (a) The applicable agency shall consult with the  
3 designated person who filed the written application under  
4 Section 10 and provide him or her with periodic updates during  
5 the case file review and full reinvestigation.

6 (b) The applicable agency shall meet with the designated  
7 person and discuss the evidence to explain to the designated  
8 person who filed the written application under Section 10 its  
9 decision whether or not to engage in the full reinvestigation  
10 provided for under Section 25 at the conclusion of the case  
11 file review.

12 Section 35. Subsequent reviews.

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

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

23 Section 40. Data collection; annual report.

24 (a) Beginning 3 years after the effective date of this

1 Act, the Illinois Criminal Justice Information Authority shall  
2 publish annually statistics on the number of cold cases. The  
3 statistics published under this subsection shall, at a  
4 minimum, be broken down by the degree of murder and by agency,  
5 in addition to the criteria set forth in subsection (b).

6 (b) Each applicable agency shall annually submit data to  
7 the Illinois Criminal Justice Information Authority regarding  
8 the cold case murders within its jurisdiction, including, but  
9 not limited to, the number of requests received under  
10 subsection (a) of Section 10, the number of extensions granted  
11 and an explanation of reasons provided under subsection (g) of  
12 Section 10, the number of full reinvestigations initiated and  
13 closed under Section 25, and the number of suspects  
14 identified, arrested, charged, and convicted for the cold case  
15 murder investigated by the agency under this Act during the  
16 year reported.

17 (c) The Illinois Criminal Justice Information Authority  
18 shall submit an annual report to the General Assembly and the  
19 Governor compiling the information received by the Authority  
20 under subsection (b).

21 Section 45. Procedures to promote compliance.

22 (a) Not later than one year after the effective date this  
23 Act, the head of each agency shall adopt rules to enforce the  
24 rights of designated persons and to ensure compliance by  
25 responsible officials with the obligations described in this

1 Act.

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

3 (1) designate an administrative authority within the  
4 agency to receive and investigate complaints relating to  
5 the provision or violation of the rights of designated  
6 persons;

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

9 (3) contain disciplinary sanctions, including  
10 suspension or termination from employment, for employees  
11 of the agency who willfully or wantonly fail to comply  
12 with this Act;

13 (4) establish a process for investigations into the  
14 conduct of persons no longer employed by a law enforcement  
15 agency when a complaint is filed and a process for  
16 referrals for prosecution to the appropriate State's  
17 Attorney; and

18 (5) provide that the head of the agency, or the  
19 designee of the head of the agency, shall be the final  
20 arbiter of the complaint, and that there shall be no  
21 judicial review of the final decision of the head of the  
22 agency by a complainant.

23 Section 50. Withholding information. Nothing in this Act  
24 shall require an agency to provide information that would  
25 endanger the safety of any person, unreasonably impede an



1 ongoing investigation, violate a court order, or violate legal  
2 obligations regarding privacy.

3 Section 55. Multiple agencies.

4 (a) If there is more than one possible applicable agency,  
5 each applicable agency shall coordinate its case file review  
6 or full reinvestigation such that there is only one joint case  
7 file review or full reinvestigation occurring at a time in  
8 compliance with subsection (e) of Section 10 or subsection (d)  
9 of Section 25 as applicable.

10 (b) If an immediate family member believes there was bias  
11 demonstrated in the handling of the initial case, any case  
12 file review, or any full reinvestigation by any of the  
13 possible applicable agencies, the family member may  
14 communicate that concern to the Attorney General. The Attorney  
15 General shall review the allegations made by the immediate  
16 family member to determine whether, in the interest of  
17 justice, another law enforcement agency should conduct the  
18 case file review or the full reinvestigation, as applicable.

19 Section 60. Applicability. This Act applies to murders  
20 occurring on or after January 1, 1970.

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

1 (20 ILCS 3930/7) (from Ch. 38, par. 210-7)

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

4 (a) To develop and operate comprehensive information  
5 systems for the improvement and coordination of all  
6 aspects of law enforcement, prosecution, and corrections;

7 (b) To define, develop, evaluate, and correlate State  
8 and local programs and projects associated with the  
9 improvement of law enforcement and the administration of  
10 criminal justice;

11 (c) To act as a central repository and clearing house  
12 for federal, state, and local research studies, plans,  
13 projects, proposals, and other information relating to all  
14 aspects of criminal justice system improvement and to  
15 encourage educational programs for citizen support of  
16 State and local efforts to make such improvements;

17 (d) To undertake research studies to aid in  
18 accomplishing its purposes;

19 (e) To monitor the operation of existing criminal  
20 justice information systems in order to protect the  
21 constitutional rights and privacy of individuals about  
22 whom criminal history record information has been  
23 collected;

24 (f) To provide an effective administrative forum for  
25 the protection of the rights of individuals concerning  
26 criminal history record information;

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

4           (h) To act as the sole administrative appeal body in  
5           the State of Illinois to conduct hearings and make final  
6           determinations concerning individual challenges to the  
7           completeness and accuracy of criminal history record  
8           information;

9           (i) To act as the sole, official, criminal justice  
10          body in the State of Illinois to conduct annual and  
11          periodic audits of the procedures, policies, and practices  
12          of the State central repositories for criminal history  
13          record information to verify compliance with federal and  
14          state laws and regulations governing such information;

15          (j) To advise the Authority's Statistical Analysis  
16          Center;

17          (k) To apply for, receive, establish priorities for,  
18          allocate, disburse, and spend grants of funds that are  
19          made available by and received on or after January 1, 1983  
20          from private sources or from the United States pursuant to  
21          the federal Crime Control Act of 1973, as amended, and  
22          similar federal legislation, and to enter into agreements  
23          with the United States government to further the purposes  
24          of this Act, or as may be required as a condition of  
25          obtaining federal funds;

26          (l) To receive, expend, and account for such funds of

1 the State of Illinois as may be made available to further  
2 the purposes of this Act;

3 (m) To enter into contracts and to cooperate with  
4 units of general local government or combinations of such  
5 units, State agencies, and criminal justice system  
6 agencies of other states for the purpose of carrying out  
7 the duties of the Authority imposed by this Act or by the  
8 federal Crime Control Act of 1973, as amended;

9 (n) To enter into contracts and cooperate with units  
10 of general local government outside of Illinois, other  
11 states' agencies, and private organizations outside of  
12 Illinois to provide computer software or design that has  
13 been developed for the Illinois criminal justice system,  
14 or to participate in the cooperative development or design  
15 of new software or systems to be used by the Illinois  
16 criminal justice system;

17 (o) To establish general policies concerning criminal  
18 justice information systems and to promulgate such rules,  
19 regulations, and procedures as are necessary to the  
20 operation of the Authority and to the uniform  
21 consideration of appeals and audits;

22 (p) To advise and to make recommendations to the  
23 Governor and the General Assembly on policies relating to  
24 criminal justice information systems;

25 (q) To direct all other agencies under the  
26 jurisdiction of the Governor to provide whatever

1 assistance and information the Authority may lawfully  
2 require to carry out its functions;

3 (r) To exercise any other powers that are reasonable  
4 and necessary to fulfill the responsibilities of the  
5 Authority under this Act and to comply with the  
6 requirements of applicable federal law or regulation;

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

10 (t) (Blank);

11 (u) To exercise the rights, powers, and duties vested  
12 in the Authority by the Illinois Public Safety Agency  
13 Network Act;

14 (v) To provide technical assistance in the form of  
15 training to local governmental entities within Illinois  
16 requesting such assistance for the purposes of procuring  
17 grants for gang intervention and gang prevention programs  
18 or other criminal justice programs from the United States  
19 Department of Justice;

20 (w) To conduct strategic planning and provide  
21 technical assistance to implement comprehensive trauma  
22 recovery services for violent crime victims in underserved  
23 communities with high levels of violent crime, with the  
24 goal of providing a safe, community-based, culturally  
25 competent environment in which to access services  
26 necessary to facilitate recovery from the effects of

1 chronic and repeat exposure to trauma. Services may  
2 include, but are not limited to, behavioral health  
3 treatment, financial recovery, family support and  
4 relocation assistance, and support in navigating the legal  
5 system; ~~and~~

6 (x) To coordinate statewide violence prevention  
7 efforts and assist in the implementation of trauma  
8 recovery centers and analyze trauma recovery services. The  
9 Authority shall develop, publish, and facilitate the  
10 implementation of a 4-year statewide violence prevention  
11 plan, which shall incorporate public health, public  
12 safety, victim services, and trauma recovery centers and  
13 services; and

14 (y) To compile and publish information regarding cold  
15 case murders as provided in Section 40 of the Homicide  
16 Victims' Families' Rights Act.

17 The requirement for reporting to the General Assembly  
18 shall be satisfied by filing copies of the report as required  
19 by Section 3.1 of the General Assembly Organization Act, and  
20 filing such additional copies with the State Government Report  
21 Distribution Center for the General Assembly as is required  
22 under paragraph (t) of Section 7 of the State Library Act.

23 (Source: P.A. 99-938, eff. 1-1-18; 100-373, eff. 1-1-18;  
24 100-575, eff. 1-8-18; 100-621, eff. 7-20-18; 100-1148, eff.  
25 12-10-18.)