



## 102ND GENERAL ASSEMBLY

### State of Illinois

2021 and 2022

SB3199

Introduced 1/14/2022, by Sen. Terri Bryant

#### SYNOPSIS AS INTRODUCED:

725 ILCS 120/4.5

Amends the Rights of Crime Victims and Witnesses Act. Provides that the Prisoner Review Board shall immediately inform a victim of the early release of the prisoner from State custody or of the prisoner's pardon, commutation, furlough, or granting of sentence credit, if the victim has previously requested notification of that information. Provides that when the defendant has been found guilty but mentally ill and is granted early release, pardon, commutation, or furlough, the Prisoner Review Board immediately shall notify the victim, if the victim has previously requested notification of that information. Provides that the notification shall be based upon the most recent information as to the victim's residence or other location available to the Board. Provides that when no such information is available, the Board shall make all reasonable efforts to obtain the information and make the notification. Provides that this notification requirement is in addition to any notification requirements pursuant to any other statewide victim notification systems. Provides that the Board must document notification efforts if the victim alleges lack of notification.

LRB102 19957 RLC 28736 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

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 Rights of Crime Victims and Witnesses Act  
5 is amended by changing Section 4.5 as follows:

6 (725 ILCS 120/4.5)

7 (Text of Section before amendment by P.A. 101-652)

8 Sec. 4.5. Procedures to implement the rights of crime  
9 victims. To afford crime victims their rights, law  
10 enforcement, prosecutors, judges, and corrections will provide  
11 information, as appropriate, of the following procedures:

12 (a) At the request of the crime victim, law enforcement  
13 authorities investigating the case shall provide notice of the  
14 status of the investigation, except where the State's Attorney  
15 determines that disclosure of such information would  
16 unreasonably interfere with the investigation, until such time  
17 as the alleged assailant is apprehended or the investigation  
18 is closed.

19 (a-5) When law enforcement authorities reopen a closed  
20 case to resume investigating, they shall provide notice of the  
21 reopening of the case, except where the State's Attorney  
22 determines that disclosure of such information would  
23 unreasonably interfere with the investigation.

1 (b) The office of the State's Attorney:

2 (1) shall provide notice of the filing of an  
3 information, the return of an indictment, or the filing of  
4 a petition to adjudicate a minor as a delinquent for a  
5 violent crime;

6 (2) shall provide timely notice of the date, time, and  
7 place of court proceedings; of any change in the date,  
8 time, and place of court proceedings; and of any  
9 cancellation of court proceedings. Notice shall be  
10 provided in sufficient time, wherever possible, for the  
11 victim to make arrangements to attend or to prevent an  
12 unnecessary appearance at court proceedings;

13 (3) or victim advocate personnel shall provide  
14 information of social services and financial assistance  
15 available for victims of crime, including information of  
16 how to apply for these services and assistance;

17 (3.5) or victim advocate personnel shall provide  
18 information about available victim services, including  
19 referrals to programs, counselors, and agencies that  
20 assist a victim to deal with trauma, loss, and grief;

21 (4) shall assist in having any stolen or other  
22 personal property held by law enforcement authorities for  
23 evidentiary or other purposes returned as expeditiously as  
24 possible, pursuant to the procedures set out in Section  
25 115-9 of the Code of Criminal Procedure of 1963;

26 (5) or victim advocate personnel shall provide

1 appropriate employer intercession services to ensure that  
2 employers of victims will cooperate with the criminal  
3 justice system in order to minimize an employee's loss of  
4 pay and other benefits resulting from court appearances;

5 (6) shall provide, whenever possible, a secure waiting  
6 area during court proceedings that does not require  
7 victims to be in close proximity to defendants or  
8 juveniles accused of a violent crime, and their families  
9 and friends;

10 (7) shall provide notice to the crime victim of the  
11 right to have a translator present at all court  
12 proceedings and, in compliance with the federal Americans  
13 with Disabilities Act of 1990, the right to communications  
14 access through a sign language interpreter or by other  
15 means;

16 (8) (blank);

17 (8.5) shall inform the victim of the right to be  
18 present at all court proceedings, unless the victim is to  
19 testify and the court determines that the victim's  
20 testimony would be materially affected if the victim hears  
21 other testimony at trial;

22 (9) shall inform the victim of the right to have  
23 present at all court proceedings, subject to the rules of  
24 evidence and confidentiality, an advocate and other  
25 support person of the victim's choice;

26 (9.3) shall inform the victim of the right to retain

1 an attorney, at the victim's own expense, who, upon  
2 written notice filed with the clerk of the court and  
3 State's Attorney, is to receive copies of all notices,  
4 motions, and court orders filed thereafter in the case, in  
5 the same manner as if the victim were a named party in the  
6 case;

7 (9.5) shall inform the victim of (A) the victim's  
8 right under Section 6 of this Act to make a statement at  
9 the sentencing hearing; (B) the right of the victim's  
10 spouse, guardian, parent, grandparent, and other immediate  
11 family and household members under Section 6 of this Act  
12 to present a statement at sentencing; and (C) if a  
13 presentence report is to be prepared, the right of the  
14 victim's spouse, guardian, parent, grandparent, and other  
15 immediate family and household members to submit  
16 information to the preparer of the presentence report  
17 about the effect the offense has had on the victim and the  
18 person;

19 (10) at the sentencing shall make a good faith attempt  
20 to explain the minimum amount of time during which the  
21 defendant may actually be physically imprisoned. The  
22 Office of the State's Attorney shall further notify the  
23 crime victim of the right to request from the Prisoner  
24 Review Board or Department of Juvenile Justice information  
25 concerning the release of the defendant;

26 (11) shall request restitution at sentencing and as

1 part of a plea agreement if the victim requests  
2 restitution;

3 (12) shall, upon the court entering a verdict of not  
4 guilty by reason of insanity, inform the victim of the  
5 notification services available from the Department of  
6 Human Services, including the statewide telephone number,  
7 under subparagraph (d) (2) of this Section;

8 (13) shall provide notice within a reasonable time  
9 after receipt of notice from the custodian, of the release  
10 of the defendant on bail or personal recognizance or the  
11 release from detention of a minor who has been detained;

12 (14) shall explain in nontechnical language the  
13 details of any plea or verdict of a defendant, or any  
14 adjudication of a juvenile as a delinquent;

15 (15) shall make all reasonable efforts to consult with  
16 the crime victim before the Office of the State's Attorney  
17 makes an offer of a plea bargain to the defendant or enters  
18 into negotiations with the defendant concerning a possible  
19 plea agreement, and shall consider the written statement,  
20 if prepared prior to entering into a plea agreement. The  
21 right to consult with the prosecutor does not include the  
22 right to veto a plea agreement or to insist the case go to  
23 trial. If the State's Attorney has not consulted with the  
24 victim prior to making an offer or entering into plea  
25 negotiations with the defendant, the Office of the State's  
26 Attorney shall notify the victim of the offer or the

1 negotiations within 2 business days and confer with the  
2 victim;

3 (16) shall provide notice of the ultimate disposition  
4 of the cases arising from an indictment or an information,  
5 or a petition to have a juvenile adjudicated as a  
6 delinquent for a violent crime;

7 (17) shall provide notice of any appeal taken by the  
8 defendant and information on how to contact the  
9 appropriate agency handling the appeal, and how to request  
10 notice of any hearing, oral argument, or decision of an  
11 appellate court;

12 (18) shall provide timely notice of any request for  
13 post-conviction review filed by the defendant under  
14 Article 122 of the Code of Criminal Procedure of 1963, and  
15 of the date, time and place of any hearing concerning the  
16 petition. Whenever possible, notice of the hearing shall  
17 be given within 48 hours of the court's scheduling of the  
18 hearing; and

19 (19) shall forward a copy of any statement presented  
20 under Section 6 to the Prisoner Review Board or Department  
21 of Juvenile Justice to be considered in making a  
22 determination under Section 3-2.5-85 or subsection (b) of  
23 Section 3-3-8 of the Unified Code of Corrections.

24 (c) The court shall ensure that the rights of the victim  
25 are afforded.

26 (c-5) The following procedures shall be followed to afford

1 victims the rights guaranteed by Article I, Section 8.1 of the  
2 Illinois Constitution:

3 (1) Written notice. A victim may complete a written  
4 notice of intent to assert rights on a form prepared by the  
5 Office of the Attorney General and provided to the victim  
6 by the State's Attorney. The victim may at any time  
7 provide a revised written notice to the State's Attorney.  
8 The State's Attorney shall file the written notice with  
9 the court. At the beginning of any court proceeding in  
10 which the right of a victim may be at issue, the court and  
11 prosecutor shall review the written notice to determine  
12 whether the victim has asserted the right that may be at  
13 issue.

14 (2) Victim's retained attorney. A victim's attorney  
15 shall file an entry of appearance limited to assertion of  
16 the victim's rights. Upon the filing of the entry of  
17 appearance and service on the State's Attorney and the  
18 defendant, the attorney is to receive copies of all  
19 notices, motions and court orders filed thereafter in the  
20 case.

21 (3) Standing. The victim has standing to assert the  
22 rights enumerated in subsection (a) of Article I, Section  
23 8.1 of the Illinois Constitution and the statutory rights  
24 under Section 4 of this Act in any court exercising  
25 jurisdiction over the criminal case. The prosecuting  
26 attorney, a victim, or the victim's retained attorney may



1           assert the victim's rights. The defendant in the criminal  
2           case has no standing to assert a right of the victim in any  
3           court proceeding, including on appeal.

4           (4) Assertion of and enforcement of rights.

5           (A) The prosecuting attorney shall assert a  
6           victim's right or request enforcement of a right by  
7           filing a motion or by orally asserting the right or  
8           requesting enforcement in open court in the criminal  
9           case outside the presence of the jury. The prosecuting  
10          attorney shall consult with the victim and the  
11          victim's attorney regarding the assertion or  
12          enforcement of a right. If the prosecuting attorney  
13          decides not to assert or enforce a victim's right, the  
14          prosecuting attorney shall notify the victim or the  
15          victim's attorney in sufficient time to allow the  
16          victim or the victim's attorney to assert the right or  
17          to seek enforcement of a right.

18          (B) If the prosecuting attorney elects not to  
19          assert a victim's right or to seek enforcement of a  
20          right, the victim or the victim's attorney may assert  
21          the victim's right or request enforcement of a right  
22          by filing a motion or by orally asserting the right or  
23          requesting enforcement in open court in the criminal  
24          case outside the presence of the jury.

25          (C) If the prosecuting attorney asserts a victim's  
26          right or seeks enforcement of a right, and the court

1 denies the assertion of the right or denies the  
2 request for enforcement of a right, the victim or  
3 victim's attorney may file a motion to assert the  
4 victim's right or to request enforcement of the right  
5 within 10 days of the court's ruling. The motion need  
6 not demonstrate the grounds for a motion for  
7 reconsideration. The court shall rule on the merits of  
8 the motion.

9 (D) The court shall take up and decide any motion  
10 or request asserting or seeking enforcement of a  
11 victim's right without delay, unless a specific time  
12 period is specified by law or court rule. The reasons  
13 for any decision denying the motion or request shall  
14 be clearly stated on the record.

15 (5) Violation of rights and remedies.

16 (A) If the court determines that a victim's right  
17 has been violated, the court shall determine the  
18 appropriate remedy for the violation of the victim's  
19 right by hearing from the victim and the parties,  
20 considering all factors relevant to the issue, and  
21 then awarding appropriate relief to the victim.

22 (A-5) Consideration of an issue of a substantive  
23 nature or an issue that implicates the constitutional  
24 or statutory right of a victim at a court proceeding  
25 labeled as a status hearing shall constitute a per se  
26 violation of a victim's right.

1           (B) The appropriate remedy shall include only  
2 actions necessary to provide the victim the right to  
3 which the victim was entitled and may include  
4 reopening previously held proceedings; however, in no  
5 event shall the court vacate a conviction. Any remedy  
6 shall be tailored to provide the victim an appropriate  
7 remedy without violating any constitutional right of  
8 the defendant. In no event shall the appropriate  
9 remedy be a new trial, damages, or costs.

10           (6) Right to be heard. Whenever a victim has the right  
11 to be heard, the court shall allow the victim to exercise  
12 the right in any reasonable manner the victim chooses.

13           (7) Right to attend trial. A party must file a written  
14 motion to exclude a victim from trial at least 60 days  
15 prior to the date set for trial. The motion must state with  
16 specificity the reason exclusion is necessary to protect a  
17 constitutional right of the party, and must contain an  
18 offer of proof. The court shall rule on the motion within  
19 30 days. If the motion is granted, the court shall set  
20 forth on the record the facts that support its finding  
21 that the victim's testimony will be materially affected if  
22 the victim hears other testimony at trial.

23           (8) Right to have advocate and support person present  
24 at court proceedings.

25           (A) A party who intends to call an advocate as a  
26 witness at trial must seek permission of the court

1 before the subpoena is issued. The party must file a  
2 written motion at least 90 days before trial that sets  
3 forth specifically the issues on which the advocate's  
4 testimony is sought and an offer of proof regarding  
5 (i) the content of the anticipated testimony of the  
6 advocate; and (ii) the relevance, admissibility, and  
7 materiality of the anticipated testimony. The court  
8 shall consider the motion and make findings within 30  
9 days of the filing of the motion. If the court finds by  
10 a preponderance of the evidence that: (i) the  
11 anticipated testimony is not protected by an absolute  
12 privilege; and (ii) the anticipated testimony contains  
13 relevant, admissible, and material evidence that is  
14 not available through other witnesses or evidence, the  
15 court shall issue a subpoena requiring the advocate to  
16 appear to testify at an in camera hearing. The  
17 prosecuting attorney and the victim shall have 15 days  
18 to seek appellate review before the advocate is  
19 required to testify at an ex parte in camera  
20 proceeding.

21 The prosecuting attorney, the victim, and the  
22 advocate's attorney shall be allowed to be present at  
23 the ex parte in camera proceeding. If, after  
24 conducting the ex parte in camera hearing, the court  
25 determines that due process requires any testimony  
26 regarding confidential or privileged information or

1           communications, the court shall provide to the  
2           prosecuting attorney, the victim, and the advocate's  
3           attorney a written memorandum on the substance of the  
4           advocate's testimony. The prosecuting attorney, the  
5           victim, and the advocate's attorney shall have 15 days  
6           to seek appellate review before a subpoena may be  
7           issued for the advocate to testify at trial. The  
8           presence of the prosecuting attorney at the ex parte  
9           in camera proceeding does not make the substance of  
10          the advocate's testimony that the court has ruled  
11          inadmissible subject to discovery.

12           (B) If a victim has asserted the right to have a  
13          support person present at the court proceedings, the  
14          victim shall provide the name of the person the victim  
15          has chosen to be the victim's support person to the  
16          prosecuting attorney, within 60 days of trial. The  
17          prosecuting attorney shall provide the name to the  
18          defendant. If the defendant intends to call the  
19          support person as a witness at trial, the defendant  
20          must seek permission of the court before a subpoena is  
21          issued. The defendant must file a written motion at  
22          least 45 days prior to trial that sets forth  
23          specifically the issues on which the support person  
24          will testify and an offer of proof regarding: (i) the  
25          content of the anticipated testimony of the support  
26          person; and (ii) the relevance, admissibility, and

1 materiality of the anticipated testimony.

2 If the prosecuting attorney intends to call the  
3 support person as a witness during the State's  
4 case-in-chief, the prosecuting attorney shall inform  
5 the court of this intent in the response to the  
6 defendant's written motion. The victim may choose a  
7 different person to be the victim's support person.  
8 The court may allow the defendant to inquire about  
9 matters outside the scope of the direct examination  
10 during cross-examination. If the court allows the  
11 defendant to do so, the support person shall be  
12 allowed to remain in the courtroom after the support  
13 person has testified. A defendant who fails to  
14 question the support person about matters outside the  
15 scope of direct examination during the State's  
16 case-in-chief waives the right to challenge the  
17 presence of the support person on appeal. The court  
18 shall allow the support person to testify if called as  
19 a witness in the defendant's case-in-chief or the  
20 State's rebuttal.

21 If the court does not allow the defendant to  
22 inquire about matters outside the scope of the direct  
23 examination, the support person shall be allowed to  
24 remain in the courtroom after the support person has  
25 been called by the defendant or the defendant has  
26 rested. The court shall allow the support person to

1 testify in the State's rebuttal.

2 If the prosecuting attorney does not intend to  
3 call the support person in the State's case-in-chief,  
4 the court shall verify with the support person whether  
5 the support person, if called as a witness, would  
6 testify as set forth in the offer of proof. If the  
7 court finds that the support person would testify as  
8 set forth in the offer of proof, the court shall rule  
9 on the relevance, materiality, and admissibility of  
10 the anticipated testimony. If the court rules the  
11 anticipated testimony is admissible, the court shall  
12 issue the subpoena. The support person may remain in  
13 the courtroom after the support person testifies and  
14 shall be allowed to testify in rebuttal.

15 If the court excludes the victim's support person  
16 during the State's case-in-chief, the victim shall be  
17 allowed to choose another support person to be present  
18 in court.

19 If the victim fails to designate a support person  
20 within 60 days of trial and the defendant has  
21 subpoenaed the support person to testify at trial, the  
22 court may exclude the support person from the trial  
23 until the support person testifies. If the court  
24 excludes the support person the victim may choose  
25 another person as a support person.

26 (9) Right to notice and hearing before disclosure of

1 confidential or privileged information or records. A  
2 defendant who seeks to subpoena records of or concerning  
3 the victim that are confidential or privileged by law must  
4 seek permission of the court before the subpoena is  
5 issued. The defendant must file a written motion and an  
6 offer of proof regarding the relevance, admissibility and  
7 materiality of the records. If the court finds by a  
8 preponderance of the evidence that: (A) the records are  
9 not protected by an absolute privilege and (B) the records  
10 contain relevant, admissible, and material evidence that  
11 is not available through other witnesses or evidence, the  
12 court shall issue a subpoena requiring a sealed copy of  
13 the records be delivered to the court to be reviewed in  
14 camera. If, after conducting an in camera review of the  
15 records, the court determines that due process requires  
16 disclosure of any portion of the records, the court shall  
17 provide copies of what it intends to disclose to the  
18 prosecuting attorney and the victim. The prosecuting  
19 attorney and the victim shall have 30 days to seek  
20 appellate review before the records are disclosed to the  
21 defendant. The disclosure of copies of any portion of the  
22 records to the prosecuting attorney does not make the  
23 records subject to discovery.

24 (10) Right to notice of court proceedings. If the  
25 victim is not present at a court proceeding in which a  
26 right of the victim is at issue, the court shall ask the



1 prosecuting attorney whether the victim was notified of  
2 the time, place, and purpose of the court proceeding and  
3 that the victim had a right to be heard at the court  
4 proceeding. If the court determines that timely notice was  
5 not given or that the victim was not adequately informed  
6 of the nature of the court proceeding, the court shall not  
7 rule on any substantive issues, accept a plea, or impose a  
8 sentence and shall continue the hearing for the time  
9 necessary to notify the victim of the time, place and  
10 nature of the court proceeding. The time between court  
11 proceedings shall not be attributable to the State under  
12 Section 103-5 of the Code of Criminal Procedure of 1963.

13 (11) Right to timely disposition of the case. A victim  
14 has the right to timely disposition of the case so as to  
15 minimize the stress, cost, and inconvenience resulting  
16 from the victim's involvement in the case. Before ruling  
17 on a motion to continue trial or other court proceeding,  
18 the court shall inquire into the circumstances for the  
19 request for the delay and, if the victim has provided  
20 written notice of the assertion of the right to a timely  
21 disposition, and whether the victim objects to the delay.  
22 If the victim objects, the prosecutor shall inform the  
23 court of the victim's objections. If the prosecutor has  
24 not conferred with the victim about the continuance, the  
25 prosecutor shall inform the court of the attempts to  
26 confer. If the court finds the attempts of the prosecutor

1 to confer with the victim were inadequate to protect the  
2 victim's right to be heard, the court shall give the  
3 prosecutor at least 3 but not more than 5 business days to  
4 confer with the victim. In ruling on a motion to continue,  
5 the court shall consider the reasons for the requested  
6 continuance, the number and length of continuances that  
7 have been granted, the victim's objections and procedures  
8 to avoid further delays. If a continuance is granted over  
9 the victim's objection, the court shall specify on the  
10 record the reasons for the continuance and the procedures  
11 that have been or will be taken to avoid further delays.

12 (12) Right to Restitution.

13 (A) If the victim has asserted the right to  
14 restitution and the amount of restitution is known at  
15 the time of sentencing, the court shall enter the  
16 judgment of restitution at the time of sentencing.

17 (B) If the victim has asserted the right to  
18 restitution and the amount of restitution is not known  
19 at the time of sentencing, the prosecutor shall,  
20 within 5 days after sentencing, notify the victim what  
21 information and documentation related to restitution  
22 is needed and that the information and documentation  
23 must be provided to the prosecutor within 45 days  
24 after sentencing. Failure to timely provide  
25 information and documentation related to restitution  
26 shall be deemed a waiver of the right to restitution.

1 The prosecutor shall file and serve within 60 days  
2 after sentencing a proposed judgment for restitution  
3 and a notice that includes information concerning the  
4 identity of any victims or other persons seeking  
5 restitution, whether any victim or other person  
6 expressly declines restitution, the nature and amount  
7 of any damages together with any supporting  
8 documentation, a restitution amount recommendation,  
9 and the names of any co-defendants and their case  
10 numbers. Within 30 days after receipt of the proposed  
11 judgment for restitution, the defendant shall file any  
12 objection to the proposed judgment, a statement of  
13 grounds for the objection, and a financial statement.  
14 If the defendant does not file an objection, the court  
15 may enter the judgment for restitution without further  
16 proceedings. If the defendant files an objection and  
17 either party requests a hearing, the court shall  
18 schedule a hearing.

19 (13) Access to presentence reports.

20 (A) The victim may request a copy of the  
21 presentence report prepared under the Unified Code of  
22 Corrections from the State's Attorney. The State's  
23 Attorney shall redact the following information before  
24 providing a copy of the report:

25 (i) the defendant's mental history and  
26 condition;

1 (ii) any evaluation prepared under subsection  
2 (b) or (b-5) of Section 5-3-2; and

3 (iii) the name, address, phone number, and  
4 other personal information about any other victim.

5 (B) The State's Attorney or the defendant may  
6 request the court redact other information in the  
7 report that may endanger the safety of any person.

8 (C) The State's Attorney may orally disclose to  
9 the victim any of the information that has been  
10 redacted if there is a reasonable likelihood that the  
11 information will be stated in court at the sentencing.

12 (D) The State's Attorney must advise the victim  
13 that the victim must maintain the confidentiality of  
14 the report and other information. Any dissemination of  
15 the report or information that was not stated at a  
16 court proceeding constitutes indirect criminal  
17 contempt of court.

18 (14) Appellate relief. If the trial court denies the  
19 relief requested, the victim, the victim's attorney, or  
20 the prosecuting attorney may file an appeal within 30 days  
21 of the trial court's ruling. The trial or appellate court  
22 may stay the court proceedings if the court finds that a  
23 stay would not violate a constitutional right of the  
24 defendant. If the appellate court denies the relief  
25 sought, the reasons for the denial shall be clearly stated  
26 in a written opinion. In any appeal in a criminal case, the

1 State may assert as error the court's denial of any crime  
2 victim's right in the proceeding to which the appeal  
3 relates.

4 (15) Limitation on appellate relief. In no case shall  
5 an appellate court provide a new trial to remedy the  
6 violation of a victim's right.

7 (16) The right to be reasonably protected from the  
8 accused throughout the criminal justice process and the  
9 right to have the safety of the victim and the victim's  
10 family considered in denying or fixing the amount of bail,  
11 determining whether to release the defendant, and setting  
12 conditions of release after arrest and conviction. A  
13 victim of domestic violence, a sexual offense, or stalking  
14 may request the entry of a protective order under Article  
15 112A of the Code of Criminal Procedure of 1963.

16 (d) Procedures after the imposition of sentence.

17 (1) The Prisoner Review Board shall inform a victim or  
18 any other concerned citizen, upon written request, of the  
19 prisoner's release on parole, mandatory supervised  
20 release, electronic detention, work release, international  
21 transfer or exchange, or by the custodian, other than the  
22 Department of Juvenile Justice, of the discharge of any  
23 individual who was adjudicated a delinquent for a crime  
24 from State custody and by the sheriff of the appropriate  
25 county of any such person's final discharge from county  
26 custody. The Prisoner Review Board, upon written request,

1 shall provide to a victim or any other concerned citizen a  
2 recent photograph of any person convicted of a felony,  
3 upon his or her release from custody. The Prisoner Review  
4 Board, upon written request, shall inform a victim or any  
5 other concerned citizen when feasible at least 7 days  
6 prior to the prisoner's release on furlough of the times  
7 and dates of such furlough. Upon written request by the  
8 victim or any other concerned citizen, the State's  
9 Attorney shall notify the person once of the times and  
10 dates of release of a prisoner sentenced to periodic  
11 imprisonment. Notification shall be based on the most  
12 recent information as to victim's or other concerned  
13 citizen's residence or other location available to the  
14 notifying authority.

15 (1.5) The Prisoner Review Board shall immediately  
16 inform a victim of the early release of the prisoner from  
17 State custody or of the prisoner's pardon, commutation,  
18 furlough, or granting of sentence credit, if the victim  
19 has previously requested notification of that information.  
20 The notification shall be based upon the most recent  
21 information as to the victim's residence or other location  
22 available to the Board. When no such information is  
23 available, the Board shall make all reasonable efforts to  
24 obtain the information and make the notification. This  
25 notification requirement is in addition to any  
26 notification requirements pursuant to any other statewide

1 victim notification systems. The Board must document  
2 notification efforts if that a victim alleges lack of  
3 notification under this paragraph (1.5).

4 (2) When the defendant has been committed to the  
5 Department of Human Services pursuant to Section 5-2-4 of  
6 the Unified Code of Corrections or transferred to the  
7 Department of Human Services pursuant to Section 3-8-5 and  
8 has not been returned to the Department of Corrections  
9 under Section 3-8-6 or any other provision of the Unified  
10 Code of Corrections, the victim may request to be notified  
11 by the releasing authority of the approval by the court of  
12 an on-grounds pass, a supervised off-grounds pass, an  
13 unsupervised off-grounds pass, or conditional release; the  
14 release on an off-grounds pass; the return from an  
15 off-grounds pass; transfer to another facility;  
16 conditional release; escape; death; or final discharge  
17 from State custody. The Department of Human Services shall  
18 establish and maintain a statewide telephone number to be  
19 used by victims to make notification requests under these  
20 provisions and shall publicize this telephone number on  
21 its website and to the State's Attorney of each county.

22 (2.5) When the defendant has been found guilty but  
23 mentally ill pursuant to Section 5-2-6 of the Unified Code  
24 of Corrections and is granted early release, pardon,  
25 commutation, or furlough, the Prisoner Review Board  
26 immediately shall notify the victim, if the victim has

1 previously requested notification of that information. The  
2 notification shall be based upon the most recent  
3 information as to the victim's residence or other location  
4 available to the Board. When no such information is  
5 available, the Board shall make all reasonable efforts to  
6 obtain the information and make the notification. This  
7 notification requirement is in addition to any  
8 notification requirements pursuant to any other statewide  
9 victim notification systems. The Board must document  
10 notification efforts if the victim alleges lack of  
11 notification under this paragraph (2.5).

12 (3) In the event of an escape from State custody, the  
13 Department of Corrections or the Department of Juvenile  
14 Justice immediately shall notify the Prisoner Review Board  
15 of the escape and the Prisoner Review Board shall notify  
16 the victim. The notification shall be based upon the most  
17 recent information as to the victim's residence or other  
18 location available to the Board. When no such information  
19 is available, the Board shall make all reasonable efforts  
20 to obtain the information and make the notification. When  
21 the escapee is apprehended, the Department of Corrections  
22 or the Department of Juvenile Justice immediately shall  
23 notify the Prisoner Review Board and the Board shall  
24 notify the victim. This notification requirement is in  
25 addition to any notification requirements pursuant to any  
26 other statewide victim notification systems. The Board



1       must document notification efforts if that victim alleges  
2       lack of notification under this paragraph (3).

3           (4) The victim of the crime for which the prisoner has  
4       been sentenced has the right to register with the Prisoner  
5       Review Board's victim registry. Victims registered with  
6       the Board shall receive reasonable written notice not less  
7       than 30 days prior to the parole hearing or target  
8       aftercare release date. The victim has the right to submit  
9       a victim statement for consideration by the Prisoner  
10      Review Board or the Department of Juvenile Justice in  
11      writing, on film, videotape, or other electronic means, or  
12      in the form of a recording prior to the parole hearing or  
13      target aftercare release date, or in person at the parole  
14      hearing or aftercare release protest hearing, or by  
15      calling the toll-free number established in subsection (f)  
16      of this Section. The victim shall be notified within 7  
17      days after the prisoner has been granted parole or  
18      aftercare release and shall be informed of the right to  
19      inspect the registry of parole decisions, established  
20      under subsection (g) of Section 3-3-5 of the Unified Code  
21      of Corrections. The provisions of this paragraph (4) are  
22      subject to the Open Parole Hearings Act. Victim statements  
23      provided to the Board shall be confidential and  
24      privileged, including any statements received prior to  
25      January 1, 2020 (the effective date of Public Act  
26      101-288), except if the statement was an oral statement

1 made by the victim at a hearing open to the public.

2 (4-1) The crime victim has the right to submit a  
3 victim statement for consideration by the Prisoner Review  
4 Board or the Department of Juvenile Justice prior to or at  
5 a hearing to determine the conditions of mandatory  
6 supervised release of a person sentenced to a determinate  
7 sentence or at a hearing on revocation of mandatory  
8 supervised release of a person sentenced to a determinate  
9 sentence. A victim statement may be submitted in writing,  
10 on film, videotape, or other electronic means, or in the  
11 form of a recording, or orally at a hearing, or by calling  
12 the toll-free number established in subsection (f) of this  
13 Section. Victim statements provided to the Board shall be  
14 confidential and privileged, including any statements  
15 received prior to January 1, 2020 (the effective date of  
16 Public Act 101-288), except if the statement was an oral  
17 statement made by the victim at a hearing open to the  
18 public.

19 (4-2) The crime victim has the right to submit a  
20 victim statement to the Prisoner Review Board for  
21 consideration at an executive clemency hearing as provided  
22 in Section 3-3-13 of the Unified Code of Corrections. A  
23 victim statement may be submitted in writing, on film,  
24 videotape, or other electronic means, or in the form of a  
25 recording prior to a hearing, or orally at a hearing, or by  
26 calling the toll-free number established in subsection (f)

1 of this Section. Victim statements provided to the Board  
2 shall be confidential and privileged, including any  
3 statements received prior to January 1, 2020 (the  
4 effective date of Public Act 101-288), except if the  
5 statement was an oral statement made by the victim at a  
6 hearing open to the public.

7 (5) If a statement is presented under Section 6, the  
8 Prisoner Review Board or Department of Juvenile Justice  
9 shall inform the victim of any order of discharge pursuant  
10 to Section 3-2.5-85 or 3-3-8 of the Unified Code of  
11 Corrections.

12 (6) At the written or oral request of the victim of the  
13 crime for which the prisoner was sentenced or the State's  
14 Attorney of the county where the person seeking parole or  
15 aftercare release was prosecuted, the Prisoner Review  
16 Board or Department of Juvenile Justice shall notify the  
17 victim and the State's Attorney of the county where the  
18 person seeking parole or aftercare release was prosecuted  
19 of the death of the prisoner if the prisoner died while on  
20 parole or aftercare release or mandatory supervised  
21 release.

22 (7) When a defendant who has been committed to the  
23 Department of Corrections, the Department of Juvenile  
24 Justice, or the Department of Human Services is released  
25 or discharged and subsequently committed to the Department  
26 of Human Services as a sexually violent person and the

1 victim had requested to be notified by the releasing  
2 authority of the defendant's discharge, conditional  
3 release, death, or escape from State custody, the  
4 releasing authority shall provide to the Department of  
5 Human Services such information that would allow the  
6 Department of Human Services to contact the victim.

7 (8) When a defendant has been convicted of a sex  
8 offense as defined in Section 2 of the Sex Offender  
9 Registration Act and has been sentenced to the Department  
10 of Corrections or the Department of Juvenile Justice, the  
11 Prisoner Review Board or the Department of Juvenile  
12 Justice shall notify the victim of the sex offense of the  
13 prisoner's eligibility for release on parole, aftercare  
14 release, mandatory supervised release, electronic  
15 detention, work release, international transfer or  
16 exchange, or by the custodian of the discharge of any  
17 individual who was adjudicated a delinquent for a sex  
18 offense from State custody and by the sheriff of the  
19 appropriate county of any such person's final discharge  
20 from county custody. The notification shall be made to the  
21 victim at least 30 days, whenever possible, before release  
22 of the sex offender.

23 (e) The officials named in this Section may satisfy some  
24 or all of their obligations to provide notices and other  
25 information through participation in a statewide victim and  
26 witness notification system established by the Attorney

1 General under Section 8.5 of this Act.

2 (f) The Prisoner Review Board shall establish a toll-free  
3 number that may be accessed by the crime victim to present a  
4 victim statement to the Board in accordance with paragraphs  
5 (4), (4-1), and (4-2) of subsection (d).

6 (Source: P.A. 101-81, eff. 7-12-19; 101-288, eff. 1-1-20;  
7 102-22, eff. 6-25-21; 102-558, eff. 8-20-21.)

8 (Text of Section after amendment by P.A. 101-652)

9 Sec. 4.5. Procedures to implement the rights of crime  
10 victims. To afford crime victims their rights, law  
11 enforcement, prosecutors, judges, and corrections will provide  
12 information, as appropriate, of the following procedures:

13 (a) At the request of the crime victim, law enforcement  
14 authorities investigating the case shall provide notice of the  
15 status of the investigation, except where the State's Attorney  
16 determines that disclosure of such information would  
17 unreasonably interfere with the investigation, until such time  
18 as the alleged assailant is apprehended or the investigation  
19 is closed.

20 (a-5) When law enforcement authorities reopen a closed  
21 case to resume investigating, they shall provide notice of the  
22 reopening of the case, except where the State's Attorney  
23 determines that disclosure of such information would  
24 unreasonably interfere with the investigation.

25 (b) The office of the State's Attorney:

1           (1) shall provide notice of the filing of an  
2 information, the return of an indictment, or the filing of  
3 a petition to adjudicate a minor as a delinquent for a  
4 violent crime;

5           (2) shall provide timely notice of the date, time, and  
6 place of court proceedings; of any change in the date,  
7 time, and place of court proceedings; and of any  
8 cancellation of court proceedings. Notice shall be  
9 provided in sufficient time, wherever possible, for the  
10 victim to make arrangements to attend or to prevent an  
11 unnecessary appearance at court proceedings;

12           (3) or victim advocate personnel shall provide  
13 information of social services and financial assistance  
14 available for victims of crime, including information of  
15 how to apply for these services and assistance;

16           (3.5) or victim advocate personnel shall provide  
17 information about available victim services, including  
18 referrals to programs, counselors, and agencies that  
19 assist a victim to deal with trauma, loss, and grief;

20           (4) shall assist in having any stolen or other  
21 personal property held by law enforcement authorities for  
22 evidentiary or other purposes returned as expeditiously as  
23 possible, pursuant to the procedures set out in Section  
24 115-9 of the Code of Criminal Procedure of 1963;

25           (5) or victim advocate personnel shall provide  
26 appropriate employer intercession services to ensure that

1 employers of victims will cooperate with the criminal  
2 justice system in order to minimize an employee's loss of  
3 pay and other benefits resulting from court appearances;

4 (6) shall provide, whenever possible, a secure waiting  
5 area during court proceedings that does not require  
6 victims to be in close proximity to defendants or  
7 juveniles accused of a violent crime, and their families  
8 and friends;

9 (7) shall provide notice to the crime victim of the  
10 right to have a translator present at all court  
11 proceedings and, in compliance with the federal Americans  
12 with Disabilities Act of 1990, the right to communications  
13 access through a sign language interpreter or by other  
14 means;

15 (8) (blank);

16 (8.5) shall inform the victim of the right to be  
17 present at all court proceedings, unless the victim is to  
18 testify and the court determines that the victim's  
19 testimony would be materially affected if the victim hears  
20 other testimony at trial;

21 (9) shall inform the victim of the right to have  
22 present at all court proceedings, subject to the rules of  
23 evidence and confidentiality, an advocate and other  
24 support person of the victim's choice;

25 (9.3) shall inform the victim of the right to retain  
26 an attorney, at the victim's own expense, who, upon

1 written notice filed with the clerk of the court and  
2 State's Attorney, is to receive copies of all notices,  
3 motions, and court orders filed thereafter in the case, in  
4 the same manner as if the victim were a named party in the  
5 case;

6 (9.5) shall inform the victim of (A) the victim's  
7 right under Section 6 of this Act to make a statement at  
8 the sentencing hearing; (B) the right of the victim's  
9 spouse, guardian, parent, grandparent, and other immediate  
10 family and household members under Section 6 of this Act  
11 to present a statement at sentencing; and (C) if a  
12 presentence report is to be prepared, the right of the  
13 victim's spouse, guardian, parent, grandparent, and other  
14 immediate family and household members to submit  
15 information to the preparer of the presentence report  
16 about the effect the offense has had on the victim and the  
17 person;

18 (10) at the sentencing shall make a good faith attempt  
19 to explain the minimum amount of time during which the  
20 defendant may actually be physically imprisoned. The  
21 Office of the State's Attorney shall further notify the  
22 crime victim of the right to request from the Prisoner  
23 Review Board or Department of Juvenile Justice information  
24 concerning the release of the defendant;

25 (11) shall request restitution at sentencing and as  
26 part of a plea agreement if the victim requests



1           restitution;

2           (12) shall, upon the court entering a verdict of not  
3 guilty by reason of insanity, inform the victim of the  
4 notification services available from the Department of  
5 Human Services, including the statewide telephone number,  
6 under subparagraph (d) (2) of this Section;

7           (13) shall provide notice within a reasonable time  
8 after receipt of notice from the custodian, of the release  
9 of the defendant on pretrial release or personal  
10 recognizance or the release from detention of a minor who  
11 has been detained;

12           (14) shall explain in nontechnical language the  
13 details of any plea or verdict of a defendant, or any  
14 adjudication of a juvenile as a delinquent;

15           (15) shall make all reasonable efforts to consult with  
16 the crime victim before the Office of the State's Attorney  
17 makes an offer of a plea bargain to the defendant or enters  
18 into negotiations with the defendant concerning a possible  
19 plea agreement, and shall consider the written statement,  
20 if prepared prior to entering into a plea agreement. The  
21 right to consult with the prosecutor does not include the  
22 right to veto a plea agreement or to insist the case go to  
23 trial. If the State's Attorney has not consulted with the  
24 victim prior to making an offer or entering into plea  
25 negotiations with the defendant, the Office of the State's  
26 Attorney shall notify the victim of the offer or the

1 negotiations within 2 business days and confer with the  
2 victim;

3 (16) shall provide notice of the ultimate disposition  
4 of the cases arising from an indictment or an information,  
5 or a petition to have a juvenile adjudicated as a  
6 delinquent for a violent crime;

7 (17) shall provide notice of any appeal taken by the  
8 defendant and information on how to contact the  
9 appropriate agency handling the appeal, and how to request  
10 notice of any hearing, oral argument, or decision of an  
11 appellate court;

12 (18) shall provide timely notice of any request for  
13 post-conviction review filed by the defendant under  
14 Article 122 of the Code of Criminal Procedure of 1963, and  
15 of the date, time and place of any hearing concerning the  
16 petition. Whenever possible, notice of the hearing shall  
17 be given within 48 hours of the court's scheduling of the  
18 hearing;

19 (19) shall forward a copy of any statement presented  
20 under Section 6 to the Prisoner Review Board or Department  
21 of Juvenile Justice to be considered in making a  
22 determination under Section 3-2.5-85 or subsection (b) of  
23 Section 3-3-8 of the Unified Code of Corrections;

24 (20) shall, within a reasonable time, offer to meet  
25 with the crime victim regarding the decision of the  
26 State's Attorney not to charge an offense, and shall meet

1 with the victim, if the victim agrees. The victim has a  
2 right to have an attorney, advocate, and other support  
3 person of the victim's choice attend this meeting with the  
4 victim; and

5 (21) shall give the crime victim timely notice of any  
6 decision not to pursue charges and consider the safety of  
7 the victim when deciding how to give such notice.

8 (c) The court shall ensure that the rights of the victim  
9 are afforded.

10 (c-5) The following procedures shall be followed to afford  
11 victims the rights guaranteed by Article I, Section 8.1 of the  
12 Illinois Constitution:

13 (1) Written notice. A victim may complete a written  
14 notice of intent to assert rights on a form prepared by the  
15 Office of the Attorney General and provided to the victim  
16 by the State's Attorney. The victim may at any time  
17 provide a revised written notice to the State's Attorney.  
18 The State's Attorney shall file the written notice with  
19 the court. At the beginning of any court proceeding in  
20 which the right of a victim may be at issue, the court and  
21 prosecutor shall review the written notice to determine  
22 whether the victim has asserted the right that may be at  
23 issue.

24 (2) Victim's retained attorney. A victim's attorney  
25 shall file an entry of appearance limited to assertion of  
26 the victim's rights. Upon the filing of the entry of

1 appearance and service on the State's Attorney and the  
2 defendant, the attorney is to receive copies of all  
3 notices, motions and court orders filed thereafter in the  
4 case.

5 (3) Standing. The victim has standing to assert the  
6 rights enumerated in subsection (a) of Article I, Section  
7 8.1 of the Illinois Constitution and the statutory rights  
8 under Section 4 of this Act in any court exercising  
9 jurisdiction over the criminal case. The prosecuting  
10 attorney, a victim, or the victim's retained attorney may  
11 assert the victim's rights. The defendant in the criminal  
12 case has no standing to assert a right of the victim in any  
13 court proceeding, including on appeal.

14 (4) Assertion of and enforcement of rights.

15 (A) The prosecuting attorney shall assert a  
16 victim's right or request enforcement of a right by  
17 filing a motion or by orally asserting the right or  
18 requesting enforcement in open court in the criminal  
19 case outside the presence of the jury. The prosecuting  
20 attorney shall consult with the victim and the  
21 victim's attorney regarding the assertion or  
22 enforcement of a right. If the prosecuting attorney  
23 decides not to assert or enforce a victim's right, the  
24 prosecuting attorney shall notify the victim or the  
25 victim's attorney in sufficient time to allow the  
26 victim or the victim's attorney to assert the right or

1 to seek enforcement of a right.

2 (B) If the prosecuting attorney elects not to  
3 assert a victim's right or to seek enforcement of a  
4 right, the victim or the victim's attorney may assert  
5 the victim's right or request enforcement of a right  
6 by filing a motion or by orally asserting the right or  
7 requesting enforcement in open court in the criminal  
8 case outside the presence of the jury.

9 (C) If the prosecuting attorney asserts a victim's  
10 right or seeks enforcement of a right, unless the  
11 prosecuting attorney objects or the trial court does  
12 not allow it, the victim or the victim's attorney may  
13 be heard regarding the prosecuting attorney's motion  
14 or may file a simultaneous motion to assert or request  
15 enforcement of the victim's right. If the victim or  
16 the victim's attorney was not allowed to be heard at  
17 the hearing regarding the prosecuting attorney's  
18 motion, and the court denies the prosecuting  
19 attorney's assertion of the right or denies the  
20 request for enforcement of a right, the victim or  
21 victim's attorney may file a motion to assert the  
22 victim's right or to request enforcement of the right  
23 within 10 days of the court's ruling. The motion need  
24 not demonstrate the grounds for a motion for  
25 reconsideration. The court shall rule on the merits of  
26 the motion.

1           (D) The court shall take up and decide any motion  
2 or request asserting or seeking enforcement of a  
3 victim's right without delay, unless a specific time  
4 period is specified by law or court rule. The reasons  
5 for any decision denying the motion or request shall  
6 be clearly stated on the record.

7           (E) No later than January 1, 2023, the Office of  
8 the Attorney General shall:

9           (i) designate an administrative authority  
10 within the Office of the Attorney General to  
11 receive and investigate complaints relating to the  
12 provision or violation of the rights of a crime  
13 victim as described in Article I, Section 8.1 of  
14 the Illinois Constitution and in this Act;

15           (ii) create and administer a course of  
16 training for employees and offices of the State of  
17 Illinois that fail to comply with provisions of  
18 Illinois law pertaining to the treatment of crime  
19 victims as described in Article I, Section 8.1 of  
20 the Illinois Constitution and in this Act as  
21 required by the court under Section 5 of this Act;  
22 and

23           (iii) have the authority to make  
24 recommendations to employees and offices of the  
25 State of Illinois to respond more effectively to  
26 the needs of crime victims, including regarding

1           the violation of the rights of a crime victim.

2           (F) Crime victims' rights may also be asserted by  
3           filing a complaint for mandamus, injunctive, or  
4           declaratory relief in the jurisdiction in which the  
5           victim's right is being violated or where the crime is  
6           being prosecuted. For complaints or motions filed by  
7           or on behalf of the victim, the clerk of court shall  
8           waive filing fees that would otherwise be owed by the  
9           victim for any court filing with the purpose of  
10          enforcing crime victims' rights. If the court denies  
11          the relief sought by the victim, the reasons for the  
12          denial shall be clearly stated on the record in the  
13          transcript of the proceedings, in a written opinion,  
14          or in the docket entry, and the victim may appeal the  
15          circuit court's decision to the appellate court. The  
16          court shall issue prompt rulings regarding victims'  
17          rights. Proceedings seeking to enforce victims' rights  
18          shall not be stayed or subject to unreasonable delay  
19          via continuances.

20          (5) Violation of rights and remedies.

21                 (A) If the court determines that a victim's right  
22                 has been violated, the court shall determine the  
23                 appropriate remedy for the violation of the victim's  
24                 right by hearing from the victim and the parties,  
25                 considering all factors relevant to the issue, and  
26                 then awarding appropriate relief to the victim.

1           (A-5) Consideration of an issue of a substantive  
2 nature or an issue that implicates the constitutional  
3 or statutory right of a victim at a court proceeding  
4 labeled as a status hearing shall constitute a per se  
5 violation of a victim's right.

6           (B) The appropriate remedy shall include only  
7 actions necessary to provide the victim the right to  
8 which the victim was entitled. Remedies may include,  
9 but are not limited to: injunctive relief requiring  
10 the victim's right to be afforded; declaratory  
11 judgment recognizing or clarifying the victim's  
12 rights; a writ of mandamus; and may include reopening  
13 previously held proceedings; however, in no event  
14 shall the court vacate a conviction. Any remedy shall  
15 be tailored to provide the victim an appropriate  
16 remedy without violating any constitutional right of  
17 the defendant. In no event shall the appropriate  
18 remedy to the victim be a new trial or damages.

19           The court shall impose a mandatory training course  
20 provided by the Attorney General for the employee under  
21 item (ii) of subparagraph (E) of paragraph (4), which must  
22 be successfully completed within 6 months of the entry of  
23 the court order.

24           This paragraph (5) takes effect January 2, 2023.

25           (6) Right to be heard. Whenever a victim has the right  
26 to be heard, the court shall allow the victim to exercise



1 the right in any reasonable manner the victim chooses.

2 (7) Right to attend trial. A party must file a written  
3 motion to exclude a victim from trial at least 60 days  
4 prior to the date set for trial. The motion must state with  
5 specificity the reason exclusion is necessary to protect a  
6 constitutional right of the party, and must contain an  
7 offer of proof. The court shall rule on the motion within  
8 30 days. If the motion is granted, the court shall set  
9 forth on the record the facts that support its finding  
10 that the victim's testimony will be materially affected if  
11 the victim hears other testimony at trial.

12 (8) Right to have advocate and support person present  
13 at court proceedings.

14 (A) A party who intends to call an advocate as a  
15 witness at trial must seek permission of the court  
16 before the subpoena is issued. The party must file a  
17 written motion at least 90 days before trial that sets  
18 forth specifically the issues on which the advocate's  
19 testimony is sought and an offer of proof regarding  
20 (i) the content of the anticipated testimony of the  
21 advocate; and (ii) the relevance, admissibility, and  
22 materiality of the anticipated testimony. The court  
23 shall consider the motion and make findings within 30  
24 days of the filing of the motion. If the court finds by  
25 a preponderance of the evidence that: (i) the  
26 anticipated testimony is not protected by an absolute

1 privilege; and (ii) the anticipated testimony contains  
2 relevant, admissible, and material evidence that is  
3 not available through other witnesses or evidence, the  
4 court shall issue a subpoena requiring the advocate to  
5 appear to testify at an in camera hearing. The  
6 prosecuting attorney and the victim shall have 15 days  
7 to seek appellate review before the advocate is  
8 required to testify at an ex parte in camera  
9 proceeding.

10 The prosecuting attorney, the victim, and the  
11 advocate's attorney shall be allowed to be present at  
12 the ex parte in camera proceeding. If, after  
13 conducting the ex parte in camera hearing, the court  
14 determines that due process requires any testimony  
15 regarding confidential or privileged information or  
16 communications, the court shall provide to the  
17 prosecuting attorney, the victim, and the advocate's  
18 attorney a written memorandum on the substance of the  
19 advocate's testimony. The prosecuting attorney, the  
20 victim, and the advocate's attorney shall have 15 days  
21 to seek appellate review before a subpoena may be  
22 issued for the advocate to testify at trial. The  
23 presence of the prosecuting attorney at the ex parte  
24 in camera proceeding does not make the substance of  
25 the advocate's testimony that the court has ruled  
26 inadmissible subject to discovery.

1 (B) If a victim has asserted the right to have a  
2 support person present at the court proceedings, the  
3 victim shall provide the name of the person the victim  
4 has chosen to be the victim's support person to the  
5 prosecuting attorney, within 60 days of trial. The  
6 prosecuting attorney shall provide the name to the  
7 defendant. If the defendant intends to call the  
8 support person as a witness at trial, the defendant  
9 must seek permission of the court before a subpoena is  
10 issued. The defendant must file a written motion at  
11 least 45 days prior to trial that sets forth  
12 specifically the issues on which the support person  
13 will testify and an offer of proof regarding: (i) the  
14 content of the anticipated testimony of the support  
15 person; and (ii) the relevance, admissibility, and  
16 materiality of the anticipated testimony.

17 If the prosecuting attorney intends to call the  
18 support person as a witness during the State's  
19 case-in-chief, the prosecuting attorney shall inform  
20 the court of this intent in the response to the  
21 defendant's written motion. The victim may choose a  
22 different person to be the victim's support person.  
23 The court may allow the defendant to inquire about  
24 matters outside the scope of the direct examination  
25 during cross-examination. If the court allows the  
26 defendant to do so, the support person shall be

1 allowed to remain in the courtroom after the support  
2 person has testified. A defendant who fails to  
3 question the support person about matters outside the  
4 scope of direct examination during the State's  
5 case-in-chief waives the right to challenge the  
6 presence of the support person on appeal. The court  
7 shall allow the support person to testify if called as  
8 a witness in the defendant's case-in-chief or the  
9 State's rebuttal.

10 If the court does not allow the defendant to  
11 inquire about matters outside the scope of the direct  
12 examination, the support person shall be allowed to  
13 remain in the courtroom after the support person has  
14 been called by the defendant or the defendant has  
15 rested. The court shall allow the support person to  
16 testify in the State's rebuttal.

17 If the prosecuting attorney does not intend to  
18 call the support person in the State's case-in-chief,  
19 the court shall verify with the support person whether  
20 the support person, if called as a witness, would  
21 testify as set forth in the offer of proof. If the  
22 court finds that the support person would testify as  
23 set forth in the offer of proof, the court shall rule  
24 on the relevance, materiality, and admissibility of  
25 the anticipated testimony. If the court rules the  
26 anticipated testimony is admissible, the court shall

1 issue the subpoena. The support person may remain in  
2 the courtroom after the support person testifies and  
3 shall be allowed to testify in rebuttal.

4 If the court excludes the victim's support person  
5 during the State's case-in-chief, the victim shall be  
6 allowed to choose another support person to be present  
7 in court.

8 If the victim fails to designate a support person  
9 within 60 days of trial and the defendant has  
10 subpoenaed the support person to testify at trial, the  
11 court may exclude the support person from the trial  
12 until the support person testifies. If the court  
13 excludes the support person the victim may choose  
14 another person as a support person.

15 (9) Right to notice and hearing before disclosure of  
16 confidential or privileged information or records.

17 (A) A defendant who seeks to subpoena testimony or  
18 records of or concerning the victim that are  
19 confidential or privileged by law must seek permission  
20 of the court before the subpoena is issued. The  
21 defendant must file a written motion and an offer of  
22 proof regarding the relevance, admissibility and  
23 materiality of the testimony or records. If the court  
24 finds by a preponderance of the evidence that:

25 (i) the testimony or records are not protected  
26 by an absolute privilege and

1           (ii) the testimony or records contain  
2 relevant, admissible, and material evidence that  
3 is not available through other witnesses or  
4 evidence, the court shall issue a subpoena  
5 requiring the witness to appear in camera or a  
6 sealed copy of the records be delivered to the  
7 court to be reviewed in camera. If, after  
8 conducting an in camera review of the witness  
9 statement or records, the court determines that  
10 due process requires disclosure of any potential  
11 testimony or any portion of the records, the court  
12 shall provide copies of the records that it  
13 intends to disclose to the prosecuting attorney  
14 and the victim. The prosecuting attorney and the  
15 victim shall have 30 days to seek appellate review  
16 before the records are disclosed to the defendant,  
17 used in any court proceeding, or disclosed to  
18 anyone or in any way that would subject the  
19 testimony or records to public review. The  
20 disclosure of copies of any portion of the  
21 testimony or records to the prosecuting attorney  
22 under this Section does not make the records  
23 subject to discovery or required to be provided to  
24 the defendant.

25           (B) A prosecuting attorney who seeks to subpoena  
26 information or records concerning the victim that are

1 confidential or privileged by law must first request  
2 the written consent of the crime victim. If the victim  
3 does not provide such written consent, including where  
4 necessary the appropriate signed document required for  
5 waiving privilege, the prosecuting attorney must serve  
6 the subpoena at least 21 days prior to the date a  
7 response or appearance is required to allow the  
8 subject of the subpoena time to file a motion to quash  
9 or request a hearing. The prosecuting attorney must  
10 also send a written notice to the victim at least 21  
11 days prior to the response date to allow the victim to  
12 file a motion or request a hearing. The notice to the  
13 victim shall inform the victim (i) that a subpoena has  
14 been issued for confidential information or records  
15 concerning the victim, (ii) that the victim has the  
16 right to request a hearing prior to the response date  
17 of the subpoena, and (iii) how to request the hearing.  
18 The notice to the victim shall also include a copy of  
19 the subpoena. If requested, a hearing regarding the  
20 subpoena shall occur before information or records are  
21 provided to the prosecuting attorney.

22 (10) Right to notice of court proceedings. If the  
23 victim is not present at a court proceeding in which a  
24 right of the victim is at issue, the court shall ask the  
25 prosecuting attorney whether the victim was notified of  
26 the time, place, and purpose of the court proceeding and

1           that the victim had a right to be heard at the court  
2           proceeding. If the court determines that timely notice was  
3           not given or that the victim was not adequately informed  
4           of the nature of the court proceeding, the court shall not  
5           rule on any substantive issues, accept a plea, or impose a  
6           sentence and shall continue the hearing for the time  
7           necessary to notify the victim of the time, place and  
8           nature of the court proceeding. The time between court  
9           proceedings shall not be attributable to the State under  
10          Section 103-5 of the Code of Criminal Procedure of 1963.

11           (11) Right to timely disposition of the case. A victim  
12          has the right to timely disposition of the case so as to  
13          minimize the stress, cost, and inconvenience resulting  
14          from the victim's involvement in the case. Before ruling  
15          on a motion to continue trial or other court proceeding,  
16          the court shall inquire into the circumstances for the  
17          request for the delay and, if the victim has provided  
18          written notice of the assertion of the right to a timely  
19          disposition, and whether the victim objects to the delay.  
20          If the victim objects, the prosecutor shall inform the  
21          court of the victim's objections. If the prosecutor has  
22          not conferred with the victim about the continuance, the  
23          prosecutor shall inform the court of the attempts to  
24          confer. If the court finds the attempts of the prosecutor  
25          to confer with the victim were inadequate to protect the  
26          victim's right to be heard, the court shall give the



1 prosecutor at least 3 but not more than 5 business days to  
2 confer with the victim. In ruling on a motion to continue,  
3 the court shall consider the reasons for the requested  
4 continuance, the number and length of continuances that  
5 have been granted, the victim's objections and procedures  
6 to avoid further delays. If a continuance is granted over  
7 the victim's objection, the court shall specify on the  
8 record the reasons for the continuance and the procedures  
9 that have been or will be taken to avoid further delays.

10 (12) Right to Restitution.

11 (A) If the victim has asserted the right to  
12 restitution and the amount of restitution is known at  
13 the time of sentencing, the court shall enter the  
14 judgment of restitution at the time of sentencing.

15 (B) If the victim has asserted the right to  
16 restitution and the amount of restitution is not known  
17 at the time of sentencing, the prosecutor shall,  
18 within 5 days after sentencing, notify the victim what  
19 information and documentation related to restitution  
20 is needed and that the information and documentation  
21 must be provided to the prosecutor within 45 days  
22 after sentencing. Failure to timely provide  
23 information and documentation related to restitution  
24 shall be deemed a waiver of the right to restitution.  
25 The prosecutor shall file and serve within 60 days  
26 after sentencing a proposed judgment for restitution

1 and a notice that includes information concerning the  
2 identity of any victims or other persons seeking  
3 restitution, whether any victim or other person  
4 expressly declines restitution, the nature and amount  
5 of any damages together with any supporting  
6 documentation, a restitution amount recommendation,  
7 and the names of any co-defendants and their case  
8 numbers. Within 30 days after receipt of the proposed  
9 judgment for restitution, the defendant shall file any  
10 objection to the proposed judgment, a statement of  
11 grounds for the objection, and a financial statement.  
12 If the defendant does not file an objection, the court  
13 may enter the judgment for restitution without further  
14 proceedings. If the defendant files an objection and  
15 either party requests a hearing, the court shall  
16 schedule a hearing.

17 (13) Access to presentence reports.

18 (A) The victim may request a copy of the  
19 presentence report prepared under the Unified Code of  
20 Corrections from the State's Attorney. The State's  
21 Attorney shall redact the following information before  
22 providing a copy of the report:

23 (i) the defendant's mental history and  
24 condition;

25 (ii) any evaluation prepared under subsection

26 (b) or (b-5) of Section 5-3-2; and

1 (iii) the name, address, phone number, and  
2 other personal information about any other victim.

3 (B) The State's Attorney or the defendant may  
4 request the court redact other information in the  
5 report that may endanger the safety of any person.

6 (C) The State's Attorney may orally disclose to  
7 the victim any of the information that has been  
8 redacted if there is a reasonable likelihood that the  
9 information will be stated in court at the sentencing.

10 (D) The State's Attorney must advise the victim  
11 that the victim must maintain the confidentiality of  
12 the report and other information. Any dissemination of  
13 the report or information that was not stated at a  
14 court proceeding constitutes indirect criminal  
15 contempt of court.

16 (14) Appellate relief. If the trial court denies the  
17 relief requested, the victim, the victim's attorney, or  
18 the prosecuting attorney may file an appeal within 30 days  
19 of the trial court's ruling. The trial or appellate court  
20 may stay the court proceedings if the court finds that a  
21 stay would not violate a constitutional right of the  
22 defendant. If the appellate court denies the relief  
23 sought, the reasons for the denial shall be clearly stated  
24 in a written opinion. In any appeal in a criminal case, the  
25 State may assert as error the court's denial of any crime  
26 victim's right in the proceeding to which the appeal

1 relates.

2 (15) Limitation on appellate relief. In no case shall  
3 an appellate court provide a new trial to remedy the  
4 violation of a victim's right.

5 (16) The right to be reasonably protected from the  
6 accused throughout the criminal justice process and the  
7 right to have the safety of the victim and the victim's  
8 family considered in determining whether to release the  
9 defendant, and setting conditions of release after arrest  
10 and conviction. A victim of domestic violence, a sexual  
11 offense, or stalking may request the entry of a protective  
12 order under Article 112A of the Code of Criminal Procedure  
13 of 1963.

14 (d) Procedures after the imposition of sentence.

15 (1) The Prisoner Review Board shall inform a victim or  
16 any other concerned citizen, upon written request, of the  
17 prisoner's release on parole, mandatory supervised  
18 release, electronic detention, work release, international  
19 transfer or exchange, or by the custodian, other than the  
20 Department of Juvenile Justice, of the discharge of any  
21 individual who was adjudicated a delinquent for a crime  
22 from State custody and by the sheriff of the appropriate  
23 county of any such person's final discharge from county  
24 custody. The Prisoner Review Board, upon written request,  
25 shall provide to a victim or any other concerned citizen a  
26 recent photograph of any person convicted of a felony,

1 upon his or her release from custody. The Prisoner Review  
2 Board, upon written request, shall inform a victim or any  
3 other concerned citizen when feasible at least 7 days  
4 prior to the prisoner's release on furlough of the times  
5 and dates of such furlough. Upon written request by the  
6 victim or any other concerned citizen, the State's  
7 Attorney shall notify the person once of the times and  
8 dates of release of a prisoner sentenced to periodic  
9 imprisonment. Notification shall be based on the most  
10 recent information as to victim's or other concerned  
11 citizen's residence or other location available to the  
12 notifying authority.

13 (1.5) The Prisoner Review Board shall immediately  
14 inform a victim of the early release of the prisoner from  
15 State custody or of the prisoner's pardon, commutation,  
16 furlough, or granting of sentence credit, if the victim  
17 has previously requested notification of the prisoner's  
18 release. The notification shall be based upon the most  
19 recent information as to the victim's residence or other  
20 location available to the Board. When no such information  
21 is available, the Board shall make all reasonable efforts  
22 to obtain the information and make the notification. This  
23 notification requirement is in addition to any  
24 notification requirements pursuant to any other statewide  
25 victim notification systems. The Board must document  
26 notification efforts if that a victim alleges lack of

1 notification under this paragraph (1.5).

2 (2) When the defendant has been committed to the  
3 Department of Human Services pursuant to Section 5-2-4 of  
4 the Unified Code of Corrections or transferred to the  
5 Department of Human Services under Section 3-8-5 and has  
6 not been returned to the Department of Corrections under  
7 Section 3-8-6 ~~or any other provision~~ of the Unified Code  
8 of Corrections, the victim may request to be notified by  
9 the releasing authority of the approval by the court of an  
10 on-grounds pass, a supervised off-grounds pass, an  
11 unsupervised off-grounds pass, or conditional release; the  
12 release on an off-grounds pass; the return from an  
13 off-grounds pass; transfer to another facility;  
14 conditional release; escape; death; or final discharge  
15 from State custody. The Department of Human Services shall  
16 establish and maintain a statewide telephone number to be  
17 used by victims to make notification requests under these  
18 provisions and shall publicize this telephone number on  
19 its website and to the State's Attorney of each county.

20 (2.5) When the defendant has been found guilty but  
21 mentally ill pursuant to Section 5-2-6 of the Unified Code  
22 of Corrections and is granted early release, pardon,  
23 commutation, or furlough, the Prisoner Review Board  
24 immediately shall notify the victim, if the victim has  
25 previously requested notification of that information. The  
26 notification shall be based upon the most recent

1 information as to the victim's residence or other location  
2 available to the Board. When no such information is  
3 available, the Board shall make all reasonable efforts to  
4 obtain the information and make the notification. This  
5 notification requirement is in addition to any  
6 notification requirements pursuant to any other statewide  
7 victim notification systems. The Board must document  
8 notification efforts if the victim alleges lack of  
9 notification under this paragraph (2.5).

10 (3) In the event of an escape from State custody, the  
11 Department of Corrections or the Department of Juvenile  
12 Justice immediately shall notify the Prisoner Review Board  
13 of the escape and the Prisoner Review Board shall notify  
14 the victim. The notification shall be based upon the most  
15 recent information as to the victim's residence or other  
16 location available to the Board. When no such information  
17 is available, the Board shall make all reasonable efforts  
18 to obtain the information and make the notification. When  
19 the escapee is apprehended, the Department of Corrections  
20 or the Department of Juvenile Justice immediately shall  
21 notify the Prisoner Review Board and the Board shall  
22 notify the victim. This notification requirement is in  
23 addition to any notification requirements pursuant to any  
24 other statewide victim notification systems. The Board  
25 must document notification efforts if that victim alleges  
26 lack of notification under this paragraph (3).

1           (4) The victim of the crime for which the prisoner has  
2           been sentenced has the right to register with the Prisoner  
3           Review Board's victim registry. Victims registered with  
4           the Board shall receive reasonable written notice not less  
5           than 30 days prior to the parole hearing or target  
6           aftercare release date. The victim has the right to submit  
7           a victim statement for consideration by the Prisoner  
8           Review Board or the Department of Juvenile Justice in  
9           writing, on film, videotape, or other electronic means, or  
10          in the form of a recording prior to the parole hearing or  
11          target aftercare release date, or in person at the parole  
12          hearing or aftercare release protest hearing, or by  
13          calling the toll-free number established in subsection (f)  
14          of this Section. The victim shall be notified within 7  
15          days after the prisoner has been granted parole or  
16          aftercare release and shall be informed of the right to  
17          inspect the registry of parole decisions, established  
18          under subsection (g) of Section 3-3-5 of the Unified Code  
19          of Corrections. The provisions of this paragraph (4) are  
20          subject to the Open Parole Hearings Act. Victim statements  
21          provided to the Board shall be confidential and  
22          privileged, including any statements received prior to  
23          January 1, 2020 (the effective date of Public Act  
24          101-288), except if the statement was an oral statement  
25          made by the victim at a hearing open to the public.

26          (4-1) The crime victim has the right to submit a



1 victim statement for consideration by the Prisoner Review  
2 Board or the Department of Juvenile Justice prior to or at  
3 a hearing to determine the conditions of mandatory  
4 supervised release of a person sentenced to a determinate  
5 sentence or at a hearing on revocation of mandatory  
6 supervised release of a person sentenced to a determinate  
7 sentence. A victim statement may be submitted in writing,  
8 on film, videotape, or other electronic means, or in the  
9 form of a recording, or orally at a hearing, or by calling  
10 the toll-free number established in subsection (f) of this  
11 Section. Victim statements provided to the Board shall be  
12 confidential and privileged, including any statements  
13 received prior to January 1, 2020 (the effective date of  
14 Public Act 101-288), except if the statement was an oral  
15 statement made by the victim at a hearing open to the  
16 public.

17 (4-2) The crime victim has the right to submit a  
18 victim statement to the Prisoner Review Board for  
19 consideration at an executive clemency hearing as provided  
20 in Section 3-3-13 of the Unified Code of Corrections. A  
21 victim statement may be submitted in writing, on film,  
22 videotape, or other electronic means, or in the form of a  
23 recording prior to a hearing, or orally at a hearing, or by  
24 calling the toll-free number established in subsection (f)  
25 of this Section. Victim statements provided to the Board  
26 shall be confidential and privileged, including any

1 statements received prior to January 1, 2020 (the  
2 effective date of Public Act 101-288), except if the  
3 statement was an oral statement made by the victim at a  
4 hearing open to the public.

5 (5) If a statement is presented under Section 6, the  
6 Prisoner Review Board or Department of Juvenile Justice  
7 shall inform the victim of any order of discharge pursuant  
8 to Section 3-2.5-85 or 3-3-8 of the Unified Code of  
9 Corrections.

10 (6) At the written or oral request of the victim of the  
11 crime for which the prisoner was sentenced or the State's  
12 Attorney of the county where the person seeking parole or  
13 aftercare release was prosecuted, the Prisoner Review  
14 Board or Department of Juvenile Justice shall notify the  
15 victim and the State's Attorney of the county where the  
16 person seeking parole or aftercare release was prosecuted  
17 of the death of the prisoner if the prisoner died while on  
18 parole or aftercare release or mandatory supervised  
19 release.

20 (7) When a defendant who has been committed to the  
21 Department of Corrections, the Department of Juvenile  
22 Justice, or the Department of Human Services is released  
23 or discharged and subsequently committed to the Department  
24 of Human Services as a sexually violent person and the  
25 victim had requested to be notified by the releasing  
26 authority of the defendant's discharge, conditional

1 release, death, or escape from State custody, the  
2 releasing authority shall provide to the Department of  
3 Human Services such information that would allow the  
4 Department of Human Services to contact the victim.

5 (8) When a defendant has been convicted of a sex  
6 offense as defined in Section 2 of the Sex Offender  
7 Registration Act and has been sentenced to the Department  
8 of Corrections or the Department of Juvenile Justice, the  
9 Prisoner Review Board or the Department of Juvenile  
10 Justice shall notify the victim of the sex offense of the  
11 prisoner's eligibility for release on parole, aftercare  
12 release, mandatory supervised release, electronic  
13 detention, work release, international transfer or  
14 exchange, or by the custodian of the discharge of any  
15 individual who was adjudicated a delinquent for a sex  
16 offense from State custody and by the sheriff of the  
17 appropriate county of any such person's final discharge  
18 from county custody. The notification shall be made to the  
19 victim at least 30 days, whenever possible, before release  
20 of the sex offender.

21 (e) The officials named in this Section may satisfy some  
22 or all of their obligations to provide notices and other  
23 information through participation in a statewide victim and  
24 witness notification system established by the Attorney  
25 General under Section 8.5 of this Act.

26 (f) The Prisoner Review Board shall establish a toll-free

1 number that may be accessed by the crime victim to present a  
2 victim statement to the Board in accordance with paragraphs  
3 (4), (4-1), and (4-2) of subsection (d).

4 (Source: P.A. 101-81, eff. 7-12-19; 101-288, eff. 1-1-20;  
5 101-652, eff. 1-1-23; 102-22, eff. 6-25-21; 102-558, eff.  
6 8-20-21.)

7 Section 95. No acceleration or delay. Where this Act makes  
8 changes in a statute that is represented in this Act by text  
9 that is not yet or no longer in effect (for example, a Section  
10 represented by multiple versions), the use of that text does  
11 not accelerate or delay the taking effect of (i) the changes  
12 made by this Act or (ii) provisions derived from any other  
13 Public Act.