

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 Sections 3 and 4 as follows:

6 (725 ILCS 120/3) (from Ch. 38, par. 1403)

7 (Text of Section before amendment by P.A. 102-982)

8 Sec. 3. The terms used in this Act shall have the following
9 meanings:

10 (a) "Crime victim" or "victim" means: (1) any natural
11 person determined by the prosecutor or the court to have
12 suffered direct physical or psychological harm as a result of
13 a violent crime perpetrated or attempted against that person
14 or direct physical or psychological harm as a result of (i) a
15 violation of Section 11-501 of the Illinois Vehicle Code or
16 similar provision of a local ordinance or (ii) a violation of
17 Section 9-3 of the Criminal Code of 1961 or the Criminal Code
18 of 2012; (2) in the case of a crime victim who is under 18
19 years of age or an adult victim who is incompetent or
20 incapacitated, both parents, legal guardians, foster parents,
21 or a single adult representative; (3) in the case of an adult
22 deceased victim, 2 representatives who may be the spouse,
23 parent, child or sibling of the victim, or the representative

1 of the victim's estate; and (4) an immediate family member of a
2 victim under clause (1) of this paragraph (a) chosen by the
3 victim. If the victim is 18 years of age or over, the victim
4 may choose any person to be the victim's representative. In no
5 event shall the defendant or any person who aided and abetted
6 in the commission of the crime be considered a victim, a crime
7 victim, or a representative of the victim.

8 A board, agency, or other governmental entity making
9 decisions regarding an offender's release, sentence reduction,
10 or clemency can determine additional persons are victims for
11 the purpose of its proceedings.

12 (a-3) "Advocate" means a person whose communications with
13 the victim are privileged under Section 8-802.1 or 8-802.2 of
14 the Code of Civil Procedure, or Section 227 of the Illinois
15 Domestic Violence Act of 1986.

16 (a-5) "Confer" means to consult together, share
17 information, compare opinions and carry on a discussion or
18 deliberation.

19 (a-7) "Sentence" includes, but is not limited to, the
20 imposition of sentence, a request for a reduction in sentence,
21 parole, mandatory supervised release, aftercare release, early
22 release, inpatient treatment, outpatient treatment,
23 conditional release after a finding that the defendant is not
24 guilty by reason of insanity, clemency, or a proposal that
25 would reduce the defendant's sentence or result in the
26 defendant's release. "Early release" refers to a discretionary

1 release.

2 (a-9) "Sentencing" includes, but is not limited to, the
3 imposition of sentence and a request for a reduction in
4 sentence, parole, mandatory supervised release, aftercare
5 release, early release, consideration of inpatient treatment
6 or outpatient treatment, or conditional release after a
7 finding that the defendant is not guilty by reason of
8 insanity.

9 (a-10) "Status hearing" means a hearing designed to
10 provide information to the court, at which no motion of a
11 substantive nature and no constitutional or statutory right of
12 a crime victim is implicated or at issue.

13 (b) "Witness" means: any person who personally observed
14 the commission of a crime and who will testify on behalf of the
15 State of Illinois; or a person who will be called by the
16 prosecution to give testimony establishing a necessary nexus
17 between the offender and the violent crime.

18 (c) "Violent crime" means: (1) any felony in which force
19 or threat of force was used against the victim; (2) any offense
20 involving sexual exploitation, sexual conduct, or sexual
21 penetration; (3) a violation of Section 11-20.1, 11-20.1B,
22 11-20.3, 11-23, or 11-23.5 of the Criminal Code of 1961 or the
23 Criminal Code of 2012; (4) domestic battery or stalking; (5)
24 violation of an order of protection, a civil no contact order,
25 or a stalking no contact order; (6) any misdemeanor which
26 results in death or great bodily harm to the victim; or (7) any

1 violation of Section 9-3 of the Criminal Code of 1961 or the
2 Criminal Code of 2012, or Section 11-501 of the Illinois
3 Vehicle Code, or a similar provision of a local ordinance, if
4 the violation resulted in personal injury or death. "Violent
5 crime" includes any action committed by a juvenile that would
6 be a violent crime if committed by an adult. For the purposes
7 of this paragraph, "personal injury" shall include any Type A
8 injury as indicated on the traffic accident report completed
9 by a law enforcement officer that requires immediate
10 professional attention in either a doctor's office or medical
11 facility. A type A injury shall include severely bleeding
12 wounds, distorted extremities, and injuries that require the
13 injured party to be carried from the scene.

14 (d) (Blank).

15 (e) "Court proceedings" includes, but is not limited to,
16 the preliminary hearing, any post-arraignment hearing the
17 effect of which may be the release of the defendant from
18 custody or to alter the conditions of bond, change of plea
19 hearing, the trial, any pretrial or post-trial hearing,
20 sentencing, any oral argument or hearing before an Illinois
21 appellate court, any hearing under the Mental Health and
22 Developmental Disabilities Code or Section 5-2-4 of the
23 Unified Code of Corrections after a finding that the defendant
24 is not guilty by reason of insanity, including a hearing for
25 conditional release, any hearing related to a modification of
26 sentence, probation revocation hearing, aftercare release or

1 parole hearings, post-conviction relief proceedings, habeas
2 corpus proceedings and clemency proceedings related to the
3 defendant's conviction or sentence. For purposes of the
4 victim's right to be present, "court proceedings" does not
5 include (1) hearings under Section 109-1 of the Code of
6 Criminal Procedure of 1963, (2) grand jury proceedings, (3)
7 status hearings, or (4) the issuance of an order or decision of
8 an Illinois court that dismisses a charge, reverses a
9 conviction, reduces a sentence, or releases an offender under
10 a court rule.

11 (f) "Concerned citizen" includes relatives of the victim,
12 friends of the victim, witnesses to the crime, or any other
13 person associated with the victim or prisoner.

14 (g) "Victim's attorney" means an attorney retained by the
15 victim for the purposes of asserting the victim's
16 constitutional and statutory rights. An attorney retained by
17 the victim means an attorney who is hired to represent the
18 victim at the victim's expense or an attorney who has agreed to
19 provide pro bono representation. Nothing in this statute
20 creates a right to counsel at public expense for a victim.

21 (h) "Support person" means a person chosen by a victim to
22 be present at court proceedings.

23 (Source: P.A. 102-1104, eff. 1-1-23.)

24 (Text of Section after amendment by P.A. 102-982)

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2 the victim are privileged under Section 8-802.1 or 8-802.2 of
3 the Code of Civil Procedure, or Section 227 of the Illinois
4 Domestic Violence Act of 1986.

5 (a-5) "Confer" means to consult together, share
6 information, compare opinions and carry on a discussion or
7 deliberation.

8 (a-6) "DNA database" means a collection of DNA profiles
9 from forensic casework or specimens from anonymous,
10 identified, and unidentified sources that is created to search
11 DNA records against each other to develop investigative leads
12 among forensic cases.

13 (a-7) "Sentence" includes, but is not limited to, the
14 imposition of sentence, a request for a reduction in sentence,
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20 sentence, probation revocation hearing, aftercare release or
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22 corpus proceedings and clemency proceedings related to the
23 defendant's conviction or sentence. For purposes of the
24 victim's right to be present, "court proceedings" does not
25 include (1) grand jury proceedings, (2) status hearings, or
26 (3) the issuance of an order or decision of an Illinois court

1 that dismisses a charge, reverses a conviction, reduces a
2 sentence, or releases an offender under a court rule.

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7 victim for the purposes of asserting the victim's
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9 the victim means an attorney who is hired to represent the
10 victim at the victim's expense or an attorney who has agreed to
11 provide pro bono representation. Nothing in this statute
12 creates a right to counsel at public expense for a victim.

13 (h) "Support person" means a person chosen by a victim to
14 be present at court proceedings.

15 (Source: P.A. 102-982, eff. 7-1-23; 102-1104, eff. 1-1-23.)

16 (725 ILCS 120/4) (from Ch. 38, par. 1404)

17 Sec. 4. Rights of crime victims.

18 (a) Crime victims shall have the following rights:

19 (1) The right to be treated with fairness and respect
20 for their dignity and privacy and to be free from
21 harassment, intimidation, and abuse throughout the
22 criminal justice process.

23 (1.5) The right to notice and to a hearing before a
24 court ruling on a request for access to any of the victim's
25 records, information, or communications which are

1 privileged or confidential by law.

2 (1.6) Except as otherwise provided in Section 9.5 of
3 the Criminal Identification Act or Section 3-3013 of the
4 Counties Code, whenever a person's DNA profile is
5 collected due to the person being a victim of a crime, as
6 identified by law enforcement, that specific profile
7 collected in conjunction with that criminal investigation
8 shall not be entered into any DNA database. Nothing in
9 this paragraph (1.6) shall be interpreted to contradict
10 rules and regulations developed by the Federal Bureau of
11 Investigation relating to the National DNA Index System or
12 Combined DNA Index System.

13 (2) The right to timely notification of all court
14 proceedings.

15 (3) The right to communicate with the prosecution.

16 (4) The right to be heard at any post-arraignment
17 court proceeding in which a right of the victim is at issue
18 and any court proceeding involving a post-arraignment
19 release decision, plea, or sentencing.

20 (5) The right to be notified of the conviction, the
21 sentence, the imprisonment and the release of the accused.

22 (6) The right to the timely disposition of the case
23 following the arrest of the accused.

24 (7) The right to be reasonably protected from the
25 accused through the criminal justice process.

26 (7.5) The right to have the safety of the victim and

1 the victim's family considered in determining whether to
2 release the defendant and setting conditions of release
3 after arrest and conviction.

4 (8) The right to be present at the trial and all other
5 court proceedings on the same basis as the accused, unless
6 the victim is to testify and the court determines that the
7 victim's testimony would be materially affected if the
8 victim hears other testimony at the trial.

9 (9) The right to have present at all court
10 proceedings, including proceedings under the Juvenile
11 Court Act of 1987, subject to the rules of evidence, an
12 advocate and other support person of the victim's choice.

13 (10) The right to restitution.

14 (b) Any law enforcement agency that investigates an
15 offense committed in this State shall provide a crime victim
16 with a written statement and explanation of the rights of
17 crime victims under this amendatory Act of the 99th General
18 Assembly within 48 hours of law enforcement's initial contact
19 with a victim. The statement shall include information about
20 crime victim compensation, including how to contact the Office
21 of the Illinois Attorney General to file a claim, and
22 appropriate referrals to local and State programs that provide
23 victim services. The content of the statement shall be
24 provided to law enforcement by the Attorney General. Law
25 enforcement shall also provide a crime victim with a sign-off
26 sheet that the victim shall sign and date as an

1 acknowledgement that he or she has been furnished with
2 information and an explanation of the rights of crime victims
3 and compensation set forth in this Act.

4 (b-5) Upon the request of the victim, the law enforcement
5 agency having jurisdiction shall provide a free copy of the
6 police report concerning the victim's incident, as soon as
7 practicable, but in no event later than 5 business days from
8 the request.

9 (c) The Clerk of the Circuit Court shall post the rights of
10 crime victims set forth in Article I, Section 8.1(a) of the
11 Illinois Constitution and subsection (a) of this Section
12 within 3 feet of the door to any courtroom where criminal
13 proceedings are conducted. The clerk may also post the rights
14 in other locations in the courthouse.

15 (d) At any point, the victim has the right to retain a
16 victim's attorney who may be present during all stages of any
17 interview, investigation, or other interaction with
18 representatives of the criminal justice system. Treatment of
19 the victim should not be affected or altered in any way as a
20 result of the victim's decision to exercise this right.

21 (Source: P.A. 100-1087, eff. 1-1-19; 101-652, eff. 1-1-23.)

22 Section 95. No acceleration or delay. Where this Act makes
23 changes in a statute that is represented in this Act by text
24 that is not yet or no longer in effect (for example, a Section
25 represented by multiple versions), the use of that text does

1 not accelerate or delay the taking effect of (i) the changes
2 made by this Act or (ii) provisions derived from any other
3 Public Act.