



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB1210

Introduced 1/31/2023, by Rep. Kam Buckner

SYNOPSIS AS INTRODUCED:

New Act
20 ILCS 3930/7

from Ch. 38, par. 210-7

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

LRB103 05831 RLC 50851 b

STATE MANDATES
ACT MAY REQUIRE
REIMBURSEMENT

A BILL FOR

1 AN ACT concerning homicide victims.

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

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

6 Section 5. Definitions. In this Act:

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

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

14 "Cold case murder" means a murder committed more than 3
15 years prior to the date of the application under subsection
16 (a) of Section 10, for which all probative investigative leads
17 have been exhausted, and for which no likely perpetrator has
18 been identified.

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

22 "Immediate family member" means a parent, parent-in-law,
23 grandparent, grandparent-in-law, sibling, spouse, child, or

1 stepchild of a murder victim.

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

4 "Victim" means the victim of a murder.

5 Section 10. Case file review.

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

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

12 (1) an analysis of what investigative steps or
13 follow-up steps may have been missed in the initial
14 investigation;

15 (2) an assessment of whether witnesses should be
16 interviewed or re-interviewed;

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

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

24 (c) The person or persons performing the review required
25 by subsection (a) shall not have previously investigated the

1 murder at issue.

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

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

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

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

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

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

24 Section 20. Notice. Each agency shall provide notice of

1 the rights under this Act to designated persons as soon as is
2 practicable after being made aware of a murder.

3 Section 25. Full reinvestigation.

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

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

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

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

19 Section 30. Consultation and updates.

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

24 (b) The applicable agency shall meet with the designated

1 person and discuss the evidence to explain to the designated
2 person who filed the written application under Section 10 its
3 decision whether to engage in the full reinvestigation
4 provided for under Section 25 at the conclusion of the case
5 file review.

6 Section 35. Subsequent reviews.

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

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

17 Section 40. Data collection; annual report.

18 (a) Beginning 3 years after the effective date of this
19 Act, the Illinois Criminal Justice Information Authority
20 annually shall publish statistics regarding the number of cold
21 cases. The statistics published under this subsection at a
22 minimum shall be broken down by the degree of murder and by
23 agency, in addition to the criteria set forth in subsection

24 (b).

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

12 (c) The Illinois Criminal Justice Information Authority
13 shall submit an annual report to the General Assembly and the
14 Governor compiling the information received by the Authority
15 under subsection (b).

16 Section 45. Procedures to promote compliance.

17 (a) Not later than one year after the effective date of
18 this Act, the head of each agency shall adopt rules to enforce
19 the rights of designated persons and to ensure compliance by
20 responsible officials with the obligations described in this
21 Act.

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

23 (1) designate an administrative authority within the
24 agency to receive and investigate complaints relating to
25 the provision or violation of the rights of designated

1 persons;

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

4 (3) contain disciplinary sanctions, including
5 suspension or termination from employment, for employees
6 of the agency who willfully or wantonly fail to comply
7 with this Act;

8 (4) establish a process for investigations into the
9 conduct of persons no longer employed by a law enforcement
10 agency when a complaint is filed and a process for
11 referrals for prosecution to the appropriate State's
12 Attorney; and

13 (5) provide that the head of the agency, or the
14 designee of the head of the agency, shall be the final
15 arbiter of the complaint, and that there shall be no
16 judicial review of the final decision of the head of the
17 agency by a complainant.

18 Section 50. Withholding information. Nothing in this Act
19 shall require an agency to provide information that would
20 endanger the safety of any person, unreasonably impede an
21 ongoing investigation, violate a court order, or violate legal
22 obligations regarding privacy.

23 Section 55. Multiple agencies.

24 (a) If there is more than one possible applicable agency,

1 each applicable agency shall coordinate its case file review
2 or full reinvestigation such that there is only one joint case
3 file review or full reinvestigation occurring at a time in
4 compliance with subsection (e) of Section 10 or subsection (d)
5 of Section 25, as applicable.

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

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

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

19 (20 ILCS 3930/7) (from Ch. 38, par. 210-7)

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

22 (a) To develop and operate comprehensive information
23 systems for the improvement and coordination of all

1 aspects of law enforcement, prosecution, and corrections;

2 (b) To define, develop, evaluate, and correlate State
3 and local programs and projects associated with the
4 improvement of law enforcement and the administration of
5 criminal justice;

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

12 (d) To undertake research studies to aid in
13 accomplishing its purposes;

14 (e) To monitor the operation of existing criminal
15 justice information systems in order to protect the
16 constitutional rights and privacy of individuals about
17 whom criminal history record information has been
18 collected;

19 (f) To provide an effective administrative forum for
20 the protection of the rights of individuals concerning
21 criminal history record information;

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

25 (h) To act as the sole administrative appeal body in
26 the State of Illinois to conduct hearings and make final

1 determinations concerning individual challenges to the
2 completeness and accuracy of criminal history record
3 information;

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

10 (j) To advise the Authority's Statistical Analysis
11 Center;

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

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

24 (m) To enter into contracts and to cooperate with
25 units of general local government or combinations of such
26 units, State agencies, and criminal justice system

1 agencies of other states for the purpose of carrying out
2 the duties of the Authority imposed by this Act or by the
3 federal Crime Control Act of 1973, as amended;

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

12 (o) To establish general policies concerning criminal
13 justice information systems and to promulgate such rules,
14 regulations, and procedures as are necessary to the
15 operation of the Authority and to the uniform
16 consideration of appeals and audits;

17 (p) To advise and to make recommendations to the
18 Governor and the General Assembly on policies relating to
19 criminal justice information systems;

20 (q) To direct all other agencies under the
21 jurisdiction of the Governor to provide whatever
22 assistance and information the Authority may lawfully
23 require to carry out its functions;

24 (r) To exercise any other powers that are reasonable
25 and necessary to fulfill the responsibilities of the
26 Authority under this Act and to comply with the

1 requirements of applicable federal law or regulation;

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

5 (t) (Blank);

6 (u) To exercise the rights, powers, and duties vested
7 in the Authority by the Illinois Public Safety Agency
8 Network Act;

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

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

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

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

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

18 (Source: P.A. 99-938, eff. 1-1-18; 100-373, eff. 1-1-18;
19 100-575, eff. 1-8-18; 100-621, eff. 7-20-18; 100-1148, eff.
20 12-10-18.)