



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB4753

Introduced 2/6/2024, 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 open unresolved murders. Defines "open unresolved murder" as any criminal activity in which death occurred more than 3 years prior to the date of the application for review of the case file under the Act, for which all probative investigative leads have been exhausted, and for which no likely perpetrator has been identified. Provides that the person or persons performing the review shall not have previously investigated the murder. 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 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 open unresolved murders by the Illinois Criminal Justice Information Authority. Provides that each law enforcement agency shall employ or designate a minimum number of family liaison officers proportionate to the average number of homicides in the agency's jurisdiction within the previous 5 years of the date of employment with the maximum ratio of 40 homicides per each family liaison officer employed. Each agency may establish a lower ratio for hiring of family liaison officers. Establishes the duties and training for family liaison officers. Amends the Illinois Criminal Justice Information Act to make conforming changes.

LRB103 37094 RLC 67212 b

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.

13 "Open unresolved murder" means any criminal activity in
14 which death occurred more than 3 years prior to the date of the
15 application under subsection (a) of Section 10, for which all
16 probative investigative leads have been exhausted, and for
17 which no likely perpetrator has been identified.

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

21 "Immediate family member" means a parent, parent-in-law,
22 grandparent, grandparent-in-law, sibling, spouse, child,
23 stepchild, foster parent, or guardian of a murder victim.

1 "Victim" means the victim of a murder.

2 Section 10. Case file review.

3 (a) An applicable agency shall review the case file
4 regarding an open unresolved murder upon written application
5 by a designated person to determine if a full reinvestigation
6 would result in probative investigative leads.

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

9 (1) an analysis of what investigative steps or
10 follow-up steps may have been missed in the initial
11 investigation;

12 (2) an assessment of whether witnesses should be
13 interviewed or re-interviewed;

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

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

21 (c) The person or persons performing the review required
22 by subsection (a) shall not have previously investigated the
23 murder. This subsection (c) does not apply to law enforcement
24 agencies located in counties or municipalities that have less
25 than 35,000 inhabitants.

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

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

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

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

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

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

23 Section 20. Notice. Each agency shall provide notice of
24 the rights under this Act to designated persons as soon as is

1 practicable after being made aware of a murder.

2 Section 25. Full reinvestigation.

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

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

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

16 (d) Only one full reinvestigation shall be undertaken at
17 any one time with respect to the same open unresolved murder
18 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 36. Family liaison officers.

18 (a) Each agency shall employ or designate a minimum number
19 of family liaison officers proportionate to the average number
20 of homicides in the agency's jurisdiction within the previous
21 5 years of the date of employment with the maximum ratio of 40
22 homicides per each family liaison officer employed. Each
23 agency may establish a lower ratio for hiring of family
24 liaison officers.

1 (b) The primary purpose of a family liaison officer is
2 that of an investigator. A family liaison officer's role is to
3 gather evidence and information from the family to contribute
4 to the investigation and preserve its integrity. The family
5 liaison officer shall also provide support and information, in
6 a sensitive and compassionate manner, securing confidence and
7 trust of families of victims of crime (primarily homicide),
8 road fatality, mass disaster, or other critical incident,
9 ensuring family members are given timely information in
10 accordance with the needs of the investigation.

11 (c) The family liaison officer shall:

12 (1) establish and maintain a supportive and ethical
13 relationship with the family, building trust, in line with
14 local and national guidance to gathering information and
15 evidence;

16 (2) act as a single point of contact between families
17 and investigation teams when a homicide occurs to enable
18 information to be shared which may assist in the
19 investigation;

20 (3) collect best evidence to enable identification of
21 a reported missing person (high risk of criminality or
22 vulnerability) or identify the deceased, and consider
23 potential future viewing requirements and postmortem with
24 the family to further the investigation;

25 (4) provide information regarding additional services
26 available for families, including providing information

1 about open unresolved murders to support agencies, and
2 explain criminal justice and coroner's procedures, so that
3 they can access all available services and support;

4 (5) contact the family at least once every 30 days for
5 the first 6 months the case is open then once per quarter
6 until the case becomes inactive. The family liaison
7 officer shall work closely with the lead investigator to
8 obtain substantive updates on the case prior to contacting
9 the family. The lead investigator has discretion over any
10 information shared with the family and shall communicate
11 with the family liaison accordingly. If the family liaison
12 officer is contacted by the family regarding an open case
13 at any time, the family liaison officer shall return the
14 call within 5 business days with all relevant information
15 regarding a police investigation, in line with the
16 strategy of the chief investigating officer or lead
17 investigator so that they are informed of progress;

18 (6) obtain victimology and family personal statements
19 and any other material to enable the gathering of evidence
20 and to support the investigative process;

21 (7) document any requests or complaints, or both, made
22 by the family, to be forwarded for the consideration of
23 the chief investigating officer or lead investigator;

24 (8) record all contact with the family to ensure
25 compliance with this Act, the Criminal Identification Act,
26 the Illinois Criminal Justice Information Act, the Missing

1 Children Records Act, the Juvenile Court Act of 1987, the
2 Code of Criminal Procedure of 1963, the Rights of Crime
3 Victims and Witnesses Act, and the Police and Community
4 Relations Improvement Act to maintain the integrity of the
5 investigation;

6 (9) liaise between families and the coroner or medical
7 examiner and chief investigating officer or lead
8 investigator in relation to the Illinois Anatomical Gift
9 Act; and

10 (10) track the case files required in Section 10, the
11 date of review of the case file, confirm the receipt of the
12 request of the case file, provide notice to the family if
13 an extension of review has been made, and consult with the
14 family on the investigation of the case.

15 (d) A family liaison officer may not be assigned to work
16 patrol or attached to other special units while designated as
17 a family liaison officer.

18 (e) The training of all family liaison officers shall
19 include instruction on victim-centered, trauma-informed
20 investigation as established by the Illinois Law Enforcement
21 Training Standards Board.

22 (f) Except in emergencies or other exigent circumstances,
23 a family liaison officer shall exclusively investigate
24 homicide cases.

25 Section 40. Data collection; annual report.

1 (a) Beginning 3 years after the effective date of this
2 Act, the Illinois Criminal Justice Information Authority
3 annually shall publish statistics regarding the number of open
4 unresolved murders. The statistics published under this
5 subsection at a minimum shall be broken down by the degree of
6 murder, the type of weapon used in the murder, the location of
7 the murder and by agency, in addition to the criteria set forth
8 in subsection (b).

9 (b) Each applicable agency annually shall submit data to
10 the Illinois Criminal Justice Information Authority regarding
11 the open unresolved murders within its jurisdiction,
12 including, but not limited to, the number of requests received
13 under subsection (a) of Section 10, the number of extensions
14 granted and an explanation of reasons provided under
15 subsection (g) of Section 10, the number of full
16 reinvestigations initiated and closed under Section 25, and
17 the number of suspects identified, arrested, charged, and
18 convicted for each open unresolved murder investigated by the
19 applicable agency under this Act during the year reported. The
20 data shall also include what cases are being solved and which
21 cases are not being solved, identifying the age, race, and
22 ethnicity of the victim whose case is being solved and not
23 being solved and the cases that are being solved by
24 exceptional means.

25 (c) The Illinois Criminal Justice Information Authority
26 shall submit an annual report to the General Assembly and the

1 Governor compiling the information received by the Authority
2 under subsection (b).

3 Section 45. Procedures to promote compliance.

4 (a) Not later than one year after the effective date of
5 this Act, the head of each agency shall adopt rules to enforce
6 the rights of designated persons and to ensure compliance by
7 responsible officials with the obligations described in this
8 Act.

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

10 (1) designate an administrative authority within the
11 agency to receive and investigate complaints relating to
12 the provision or violation of the rights of designated
13 persons;

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

16 (3) contain disciplinary sanctions, including
17 suspension or termination from employment, for employees
18 of the agency who willfully or wantonly fail to comply
19 with this Act;

20 (4) establish a process for investigations into the
21 conduct of persons no longer employed by a law enforcement
22 agency when a complaint is filed and a process for
23 referrals for prosecution to the appropriate State's
24 Attorney; and

25 (5) provide that the head of the agency, or the

1 designee of the head of the agency, shall be the final
2 arbiter of the complaint, and that there shall be no
3 judicial review of the final decision of the head of the
4 agency by a complainant.

5 Section 50. Withholding information. Nothing in this Act
6 shall require an agency to provide information that would
7 endanger the safety of any person, unreasonably impede an
8 ongoing investigation, violate a court order, or violate legal
9 obligations regarding privacy.

10 Section 55. Multiple agencies.

11 (a) If there is more than one possible applicable agency,
12 each applicable agency shall coordinate its case file review
13 or full reinvestigation such that there is only one joint case
14 file review or full reinvestigation occurring at a time in
15 compliance with subsection (e) of Section 10 or subsection (d)
16 of Section 25, as applicable.

17 (b) If an immediate family member believes there was bias
18 demonstrated in the handling of the initial case, any case
19 file review, or any full reinvestigation by any of the
20 possible applicable agencies, the family member may
21 communicate that concern to the Attorney General. The Attorney
22 General shall review the allegations made by the immediate
23 family member to determine whether, in the interest of
24 justice, another law enforcement agency should conduct the

1 case file review or the full reinvestigation, as applicable.

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

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

6 (20 ILCS 3930/7) (from Ch. 38, par. 210-7)

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

9 (a) To develop and operate comprehensive information
10 systems for the improvement and coordination of all
11 aspects of law enforcement, prosecution, and corrections;

12 (b) To define, develop, evaluate, and correlate State
13 and local programs and projects associated with the
14 improvement of law enforcement and the administration of
15 criminal justice;

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

22 (d) To undertake research studies to aid in
23 accomplishing its purposes;

1 (e) To monitor the operation of existing criminal
2 justice information systems in order to protect the
3 constitutional rights and privacy of individuals about
4 whom criminal history record information has been
5 collected;

6 (f) To provide an effective administrative forum for
7 the protection of the rights of individuals concerning
8 criminal history record information;

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

12 (h) To act as the sole administrative appeal body in
13 the State of Illinois to conduct hearings and make final
14 determinations concerning individual challenges to the
15 completeness and accuracy of criminal history record
16 information;

17 (i) To act as the sole, official, criminal justice
18 body in the State of Illinois to conduct annual and
19 periodic audits of the procedures, policies, and practices
20 of the State central repositories for criminal history
21 record information to verify compliance with federal and
22 state laws and regulations governing such information;

23 (j) To advise the Authority's Statistical Analysis
24 Center;

25 (k) To apply for, receive, establish priorities for,
26 allocate, disburse, and spend grants of funds that are

1 made available by and received on or after January 1, 1983
2 from private sources or from the United States pursuant to
3 the federal Crime Control Act of 1973, as amended, and
4 similar federal legislation, and to enter into agreements
5 with the United States government to further the purposes
6 of this Act, or as may be required as a condition of
7 obtaining federal funds;

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

11 (m) To enter into contracts and to cooperate with
12 units of general local government or combinations of such
13 units, State agencies, and criminal justice system
14 agencies of other states for the purpose of carrying out
15 the duties of the Authority imposed by this Act or by the
16 federal Crime Control Act of 1973, as amended;

17 (n) To enter into contracts and cooperate with units
18 of general local government outside of Illinois, other
19 states' agencies, and private organizations outside of
20 Illinois to provide computer software or design that has
21 been developed for the Illinois criminal justice system,
22 or to participate in the cooperative development or design
23 of new software or systems to be used by the Illinois
24 criminal justice system;

25 (o) To establish general policies concerning criminal
26 justice information systems and to promulgate such rules,

1 regulations, and procedures as are necessary to the
2 operation of the Authority and to the uniform
3 consideration of appeals and audits;

4 (p) To advise and to make recommendations to the
5 Governor and the General Assembly on policies relating to
6 criminal justice information systems;

7 (q) To direct all other agencies under the
8 jurisdiction of the Governor to provide whatever
9 assistance and information the Authority may lawfully
10 require to carry out its functions;

11 (r) To exercise any other powers that are reasonable
12 and necessary to fulfill the responsibilities of the
13 Authority under this Act and to comply with the
14 requirements of applicable federal law or regulation;

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

18 (t) (Blank);

19 (u) To exercise the rights, powers, and duties vested
20 in the Authority by the Illinois Public Safety Agency
21 Network Act;

22 (v) To provide technical assistance in the form of
23 training to local governmental entities within Illinois
24 requesting such assistance for the purposes of procuring
25 grants for gang intervention and gang prevention programs
26 or other criminal justice programs from the United States

1 Department of Justice;

2 (w) To conduct strategic planning and provide
3 technical assistance to implement comprehensive trauma
4 recovery services for violent crime victims in underserved
5 communities with high levels of violent crime, with the
6 goal of providing a safe, community-based, culturally
7 competent environment in which to access services
8 necessary to facilitate recovery from the effects of
9 chronic and repeat exposure to trauma. Services may
10 include, but are not limited to, behavioral health
11 treatment, financial recovery, family support and
12 relocation assistance, and support in navigating the legal
13 system; ~~and~~

14 (x) To coordinate statewide violence prevention
15 efforts and assist in the implementation of trauma
16 recovery centers and analyze trauma recovery services. The
17 Authority shall develop, publish, and facilitate the
18 implementation of a 4-year statewide violence prevention
19 plan, which shall incorporate public health, public
20 safety, victim services, and trauma recovery centers and
21 services; and

22 (y) To compile and publish information regarding open
23 unresolved murders as provided in Section 40 of the
24 Homicide Victims' Families' Rights Act.

25 The requirement for reporting to the General Assembly
26 shall be satisfied by filing copies of the report as required

1 by Section 3.1 of the General Assembly Organization Act, and
2 filing such additional copies with the State Government Report
3 Distribution Center for the General Assembly as is required
4 under paragraph (t) of Section 7 of the State Library Act.

5 (Source: P.A. 99-938, eff. 1-1-18; 100-373, eff. 1-1-18;
6 100-575, eff. 1-8-18; 100-621, eff. 7-20-18; 100-1148, eff.
7 12-10-18.)