



Sen. John F. Curran

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10300SB1175sam001

LRB103 05616 RLC 71740 a

1 AMENDMENT TO SENATE BILL 1175

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 1175 by replacing  
3 everything after the enacting clause with the following:

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

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

1 is closed.

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

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

8 (1) shall provide notice of the filing of an  
9 information, the return of an indictment, or the filing of  
10 a petition to adjudicate a minor as a delinquent for a  
11 violent crime;

12 (2) shall provide timely notice of the date, time, and  
13 place of court proceedings; of any change in the date,  
14 time, and place of court proceedings; and of any  
15 cancellation of court proceedings. Notice shall be  
16 provided in sufficient time, wherever possible, for the  
17 victim to make arrangements to attend or to prevent an  
18 unnecessary appearance at court proceedings;

19 (3) or victim advocate personnel shall provide  
20 information of social services and financial assistance  
21 available for victims of crime, including information of  
22 how to apply for these services and assistance;

23 (3.5) or victim advocate personnel shall provide  
24 information about available victim services, including  
25 referrals to programs, counselors, and agencies that  
26 assist a victim to deal with trauma, loss, and grief;

1           (4) shall assist in having any stolen or other  
2 personal property held by law enforcement authorities for  
3 evidentiary or other purposes returned as expeditiously as  
4 possible, pursuant to the procedures set out in Section  
5 115-9 of the Code of Criminal Procedure of 1963;

6           (5) or victim advocate personnel shall provide  
7 appropriate employer intercession services to ensure that  
8 employers of victims will cooperate with the criminal  
9 justice system in order to minimize an employee's loss of  
10 pay and other benefits resulting from court appearances;

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

16           (7) shall provide notice to the crime victim of the  
17 right to have a translator present at all court  
18 proceedings and, in compliance with the federal Americans  
19 with Disabilities Act of 1990, the right to communications  
20 access through a sign language interpreter or by other  
21 means;

22           (8) (blank);

23           (8.5) shall inform the victim of the right to be  
24 present at all court proceedings, unless the victim is to  
25 testify and the court determines that the victim's  
26 testimony would be materially affected if the victim hears

1 other testimony at trial;

2 (9) shall inform the victim of the right to have  
3 present at all court proceedings, subject to the rules of  
4 evidence and confidentiality, an advocate and other  
5 support person of the victim's choice;

6 (9.3) shall inform the victim of the right to retain  
7 an attorney, at the victim's own expense, who, upon  
8 written notice filed with the clerk of the court and  
9 State's Attorney, is to receive copies of all notices,  
10 motions, and court orders filed thereafter in the case, in  
11 the same manner as if the victim were a named party in the  
12 case;

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

25 (10) at the sentencing shall make a good faith attempt  
26 to explain the minimum amount of time during which the

1 defendant may actually be physically imprisoned. The  
2 Office of the State's Attorney shall further notify the  
3 crime victim of the right to request from the Prisoner  
4 Review Board or Department of Juvenile Justice information  
5 concerning the release of the defendant;

6 (11) shall request restitution at sentencing and as  
7 part of a plea agreement if the victim requests  
8 restitution;

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

14 (13) shall provide notice within a reasonable time  
15 after receipt of notice from the custodian, of the release  
16 of the defendant on pretrial release or personal  
17 recognizance or the release from detention of a minor who  
18 has been detained;

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

22 (15) shall make all reasonable efforts to consult with  
23 the crime victim before the Office of the State's Attorney  
24 makes an offer of a plea bargain to the defendant or enters  
25 into negotiations with the defendant concerning a possible  
26 plea agreement, and shall consider the written statement,

1 if prepared prior to entering into a plea agreement. The  
2 right to consult with the prosecutor does not include the  
3 right to veto a plea agreement or to insist the case go to  
4 trial. If the State's Attorney has not consulted with the  
5 victim prior to making an offer or entering into plea  
6 negotiations with the defendant, the Office of the State's  
7 Attorney shall notify the victim of the offer or the  
8 negotiations within 2 business days and confer with the  
9 victim;

10 (16) shall provide notice of the ultimate disposition  
11 of the cases arising from an indictment or an information,  
12 or a petition to have a juvenile adjudicated as a  
13 delinquent for a violent crime;

14 (17) shall provide notice of any appeal taken by the  
15 defendant and information on how to contact the  
16 appropriate agency handling the appeal, and how to request  
17 notice of any hearing, oral argument, or decision of an  
18 appellate court;

19 (18) shall provide timely notice of any request for  
20 post-conviction review filed by the defendant under  
21 Article 122 of the Code of Criminal Procedure of 1963, and  
22 of the date, time and place of any hearing concerning the  
23 petition. Whenever possible, notice of the hearing shall  
24 be given within 48 hours of the court's scheduling of the  
25 hearing;

26 (19) shall forward a copy of any statement presented

1 under Section 6 to the Prisoner Review Board or Department  
2 of Juvenile Justice to be considered in making a  
3 determination under Section 3-2.5-85 or subsection (b) of  
4 Section 3-3-8 of the Unified Code of Corrections;

5 (20) shall, within a reasonable time, offer to meet  
6 with the crime victim regarding the decision of the  
7 State's Attorney not to charge an offense, and shall meet  
8 with the victim, if the victim agrees. The victim has a  
9 right to have an attorney, advocate, and other support  
10 person of the victim's choice attend this meeting with the  
11 victim; and

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

15 (c) The court shall ensure that the rights of the victim  
16 are afforded.

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

20 (1) Written notice. A victim may complete a written  
21 notice of intent to assert rights on a form prepared by the  
22 Office of the Attorney General and provided to the victim  
23 by the State's Attorney. The victim may at any time  
24 provide a revised written notice to the State's Attorney.  
25 The State's Attorney shall file the written notice with  
26 the court. At the beginning of any court proceeding in

1           which the right of a victim may be at issue, the court and  
2           prosecutor shall review the written notice to determine  
3           whether the victim has asserted the right that may be at  
4           issue.

5           (2) Victim's retained attorney. A victim's attorney  
6           shall file an entry of appearance limited to assertion of  
7           the victim's rights. Upon the filing of the entry of  
8           appearance and service on the State's Attorney and the  
9           defendant, the attorney is to receive copies of all  
10          notices, motions and court orders filed thereafter in the  
11          case.

12          (3) Standing. The victim has standing to assert the  
13          rights enumerated in subsection (a) of Article I, Section  
14          8.1 of the Illinois Constitution and the statutory rights  
15          under Section 4 of this Act in any court exercising  
16          jurisdiction over the criminal case. The prosecuting  
17          attorney, a victim, or the victim's retained attorney may  
18          assert the victim's rights. The defendant in the criminal  
19          case has no standing to assert a right of the victim in any  
20          court proceeding, including on appeal.

21          (4) Assertion of and enforcement of rights.

22                 (A) The prosecuting attorney shall assert a  
23                 victim's right or request enforcement of a right by  
24                 filing a motion or by orally asserting the right or  
25                 requesting enforcement in open court in the criminal  
26                 case outside the presence of the jury. The prosecuting



1 attorney shall consult with the victim and the  
2 victim's attorney regarding the assertion or  
3 enforcement of a right. If the prosecuting attorney  
4 decides not to assert or enforce a victim's right, the  
5 prosecuting attorney shall notify the victim or the  
6 victim's attorney in sufficient time to allow the  
7 victim or the victim's attorney to assert the right or  
8 to seek enforcement of a right.

9 (B) If the prosecuting attorney elects not to  
10 assert a victim's right or to seek enforcement of a  
11 right, the victim or the victim's attorney may assert  
12 the victim's right or request enforcement of a right  
13 by filing a motion or by orally asserting the right or  
14 requesting enforcement in open court in the criminal  
15 case outside the presence of the jury.

16 (C) If the prosecuting attorney asserts a victim's  
17 right or seeks enforcement of a right, unless the  
18 prosecuting attorney objects or the trial court does  
19 not allow it, the victim or the victim's attorney may  
20 be heard regarding the prosecuting attorney's motion  
21 or may file a simultaneous motion to assert or request  
22 enforcement of the victim's right. If the victim or  
23 the victim's attorney was not allowed to be heard at  
24 the hearing regarding the prosecuting attorney's  
25 motion, and the court denies the prosecuting  
26 attorney's assertion of the right or denies the

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

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

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

16 (i) designate an administrative authority  
17 within the Office of the Attorney General to  
18 receive and investigate complaints relating to the  
19 provision or violation of the rights of a crime  
20 victim as described in Article I, Section 8.1 of  
21 the Illinois Constitution and in this Act;

22 (ii) create and administer a course of  
23 training for employees and offices of the State of  
24 Illinois that fail to comply with provisions of  
25 Illinois law pertaining to the treatment of crime  
26 victims as described in Article I, Section 8.1 of

1           the Illinois Constitution and in this Act as  
2           required by the court under Section 5 of this Act;  
3           and

4           (iii) have the authority to make  
5           recommendations to employees and offices of the  
6           State of Illinois to respond more effectively to  
7           the needs of crime victims, including regarding  
8           the violation of the rights of a crime victim.

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

1 (5) Violation of rights and remedies.

2 (A) If the court determines that a victim's right  
3 has been violated, the court shall determine the  
4 appropriate remedy for the violation of the victim's  
5 right by hearing from the victim and the parties,  
6 considering all factors relevant to the issue, and  
7 then awarding appropriate relief to the victim.

8 (A-5) Consideration of an issue of a substantive  
9 nature or an issue that implicates the constitutional  
10 or statutory right of a victim at a court proceeding  
11 labeled as a status hearing shall constitute a per se  
12 violation of a victim's right.

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

26 The court shall impose a mandatory training course

1 provided by the Attorney General for the employee under  
2 item (ii) of subparagraph (E) of paragraph (4), which must  
3 be successfully completed within 6 months of the entry of  
4 the court order.

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

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

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

19 (8) Right to have advocate and support person present  
20 at court proceedings.

21 (A) A party who intends to call an advocate as a  
22 witness at trial must seek permission of the court  
23 before the subpoena is issued. The party must file a  
24 written motion at least 90 days before trial that sets  
25 forth specifically the issues on which the advocate's  
26 testimony is sought and an offer of proof regarding

1 (i) the content of the anticipated testimony of the  
2 advocate; and (ii) the relevance, admissibility, and  
3 materiality of the anticipated testimony. The court  
4 shall consider the motion and make findings within 30  
5 days of the filing of the motion. If the court finds by  
6 a preponderance of the evidence that: (i) the  
7 anticipated testimony is not protected by an absolute  
8 privilege; and (ii) the anticipated testimony contains  
9 relevant, admissible, and material evidence that is  
10 not available through other witnesses or evidence, the  
11 court shall issue a subpoena requiring the advocate to  
12 appear to testify at an in camera hearing. The  
13 prosecuting attorney and the victim shall have 15 days  
14 to seek appellate review before the advocate is  
15 required to testify at an ex parte in camera  
16 proceeding.

17 The prosecuting attorney, the victim, and the  
18 advocate's attorney shall be allowed to be present at  
19 the ex parte in camera proceeding. If, after  
20 conducting the ex parte in camera hearing, the court  
21 determines that due process requires any testimony  
22 regarding confidential or privileged information or  
23 communications, the court shall provide to the  
24 prosecuting attorney, the victim, and the advocate's  
25 attorney a written memorandum on the substance of the  
26 advocate's testimony. The prosecuting attorney, the

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

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

24 If the prosecuting attorney intends to call the  
25 support person as a witness during the State's  
26 case-in-chief, the prosecuting attorney shall inform

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

17 If the court does not allow the defendant to  
18 inquire about matters outside the scope of the direct  
19 examination, the support person shall be allowed to  
20 remain in the courtroom after the support person has  
21 been called by the defendant or the defendant has  
22 rested. The court shall allow the support person to  
23 testify in the State's rebuttal.

24 If the prosecuting attorney does not intend to  
25 call the support person in the State's case-in-chief,  
26 the court shall verify with the support person whether



1 the support person, if called as a witness, would  
2 testify as set forth in the offer of proof. If the  
3 court finds that the support person would testify as  
4 set forth in the offer of proof, the court shall rule  
5 on the relevance, materiality, and admissibility of  
6 the anticipated testimony. If the court rules the  
7 anticipated testimony is admissible, the court shall  
8 issue the subpoena. The support person may remain in  
9 the courtroom after the support person testifies and  
10 shall be allowed to testify in rebuttal.

11 If the court excludes the victim's support person  
12 during the State's case-in-chief, the victim shall be  
13 allowed to choose another support person to be present  
14 in court.

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

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

24 (A) A defendant who seeks to subpoena testimony or  
25 records of or concerning the victim that are  
26 confidential or privileged by law must seek permission

1 of the court before the subpoena is issued. The  
2 defendant must file a written motion and an offer of  
3 proof regarding the relevance, admissibility and  
4 materiality of the testimony or records. If the court  
5 finds by a preponderance of the evidence that:

6 (i) the testimony or records are not protected  
7 by an absolute privilege and

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

1 disclosure of copies of any portion of the  
2 testimony or records to the prosecuting attorney  
3 under this Section does not make the records  
4 subject to discovery or required to be provided to  
5 the defendant.

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

1 subpoena shall occur before information or records are  
2 provided to the prosecuting attorney.

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

18 (11) Right to timely disposition of the case. A victim  
19 has the right to timely disposition of the case so as to  
20 minimize the stress, cost, and inconvenience resulting  
21 from the victim's involvement in the case. Before ruling  
22 on a motion to continue trial or other court proceeding,  
23 the court shall inquire into the circumstances for the  
24 request for the delay and, if the victim has provided  
25 written notice of the assertion of the right to a timely  
26 disposition, and whether the victim objects to the delay.

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

17 (12) Right to Restitution.

18 (A) If the victim has asserted the right to  
19 restitution and the amount of restitution is known at  
20 the time of sentencing, the court shall enter the  
21 judgment of restitution at the time of sentencing.

22 (B) If the victim has asserted the right to  
23 restitution and the amount of restitution is not known  
24 at the time of sentencing, the prosecutor shall,  
25 within 5 days after sentencing, notify the victim what  
26 information and documentation related to restitution

1 is needed and that the information and documentation  
2 must be provided to the prosecutor within 45 days  
3 after sentencing. Failure to timely provide  
4 information and documentation related to restitution  
5 shall be deemed a waiver of the right to restitution.  
6 The prosecutor shall file and serve within 60 days  
7 after sentencing a proposed judgment for restitution  
8 and a notice that includes information concerning the  
9 identity of any victims or other persons seeking  
10 restitution, whether any victim or other person  
11 expressly declines restitution, the nature and amount  
12 of any damages together with any supporting  
13 documentation, a restitution amount recommendation,  
14 and the names of any co-defendants and their case  
15 numbers. Within 30 days after receipt of the proposed  
16 judgment for restitution, the defendant shall file any  
17 objection to the proposed judgment, a statement of  
18 grounds for the objection, and a financial statement.  
19 If the defendant does not file an objection, the court  
20 may enter the judgment for restitution without further  
21 proceedings. If the defendant files an objection and  
22 either party requests a hearing, the court shall  
23 schedule a hearing.

24 (13) Access to presentence reports.

25 (A) The victim may request a copy of the  
26 presentence report prepared under the Unified Code of

1 Corrections from the State's Attorney. The State's  
2 Attorney shall redact the following information before  
3 providing a copy of the report:

4 (i) the defendant's mental history and  
5 condition;

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

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

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

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

17 (D) The State's Attorney must advise the victim  
18 that the victim must maintain the confidentiality of  
19 the report and other information. Any dissemination of  
20 the report or information that was not stated at a  
21 court proceeding constitutes indirect criminal  
22 contempt of court.

23 (14) Appellate relief. If the trial court denies the  
24 relief requested, the victim, the victim's attorney, or  
25 the prosecuting attorney may file an appeal within 30 days  
26 of the trial court's ruling. The trial or appellate court

1 may stay the court proceedings if the court finds that a  
2 stay would not violate a constitutional right of the  
3 defendant. If the appellate court denies the relief  
4 sought, the reasons for the denial shall be clearly stated  
5 in a written opinion. In any appeal in a criminal case, the  
6 State may assert as error the court's denial of any crime  
7 victim's right in the proceeding to which the appeal  
8 relates.

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

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

21 (d) Procedures after the imposition of sentence.

22 (1) The Prisoner Review Board shall inform a victim or  
23 any other concerned citizen, upon written request, of the  
24 prisoner's release on parole, mandatory supervised  
25 release, electronic detention, work release, international  
26 transfer or exchange, or by the custodian, other than the



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

20 (1.5) The Prisoner Review Board shall immediately  
21 inform a victim of the early release of the prisoner from  
22 State custody or of the prisoner's pardon, commutation,  
23 furlough, or granting of sentence credit, if the victim  
24 has previously requested notification of that information.  
25 The notification shall be based upon the most recent  
26 information as to the victim's residence or other location

1 available to the Board. When no such information is  
2 available, the Board shall make all reasonable efforts to  
3 obtain the information and make the notification. This  
4 notification requirement is in addition to any  
5 notification requirements pursuant to any other statewide  
6 victim notification systems. The Board must document  
7 notification efforts if that victim alleges lack of  
8 notification under this paragraph (1.5).

9 (1.6) The Prisoner Review Board shall immediately  
10 inform a victim of any hearing under Section 3-3-9  
11 involving the defendant's alleged violation of the  
12 conditions of the prisoner's parole or mandatory  
13 supervised release.

14 (2) When the defendant has been committed to the  
15 Department of Human Services pursuant to Section 5-2-4 of  
16 the Unified Code of Corrections or transferred to the  
17 Department of Human Services under Section 3-8-5 and has  
18 not been returned to the Department of Corrections under  
19 Section 3-8-6 or any other provision of the Unified Code  
20 of Corrections, the victim may request to be notified by  
21 the releasing authority of the approval by the court of an  
22 on-grounds pass, a supervised off-grounds pass, an  
23 unsupervised off-grounds pass, or conditional release; the  
24 release on an off-grounds pass; the return from an  
25 off-grounds pass; transfer to another facility;  
26 conditional release; escape; death; or final discharge

1 from State custody. The Department of Human Services shall  
2 establish and maintain a statewide telephone number to be  
3 used by victims to make notification requests under these  
4 provisions and shall publicize this telephone number on  
5 its website and to the State's Attorney of each county.

6 (2.5) When the defendant has been found guilty but  
7 mentally ill pursuant to Section 5-2-6 of the Unified Code  
8 of Corrections and is granted early release, pardon,  
9 commutation, or furlough, the Prisoner Review Board  
10 immediately shall notify the victim, if the victim has  
11 previously requested notification of that information. The  
12 notification shall be based upon the most recent  
13 information as to the victim's residence or other location  
14 available to the Board. When no such information is  
15 available, the Board shall make all reasonable efforts to  
16 obtain the information and make the notification. This  
17 notification requirement is in addition to any  
18 notification requirements pursuant to any other statewide  
19 victim notification systems. The Board must document  
20 notification efforts if the victim alleges lack of  
21 notification under this paragraph (2.5).

22 (3) In the event of an escape from State custody, the  
23 Department of Corrections or the Department of Juvenile  
24 Justice immediately shall notify the Prisoner Review Board  
25 of the escape and the Prisoner Review Board shall notify  
26 the victim. The notification shall be based upon the most

1 recent information as to the victim's residence or other  
2 location available to the Board. When no such information  
3 is available, the Board shall make all reasonable efforts  
4 to obtain the information and make the notification. When  
5 the escapee is apprehended, the Department of Corrections  
6 or the Department of Juvenile Justice immediately shall  
7 notify the Prisoner Review Board and the Board shall  
8 notify the victim. This notification requirement is in  
9 addition to any notification requirements pursuant to any  
10 other statewide victim notification systems. The Board  
11 must document notification efforts if that victim alleges  
12 lack of notification under this paragraph (3).

13 (4) The victim of the crime for which the prisoner has  
14 been sentenced has the right to register with the Prisoner  
15 Review Board's victim registry. Victims registered with  
16 the Board shall receive reasonable written notice not less  
17 than 30 days prior to the parole hearing or target  
18 aftercare release date. The victim has the right to submit  
19 a victim statement for consideration by the Prisoner  
20 Review Board or the Department of Juvenile Justice in  
21 writing, on film, videotape, or other electronic means, or  
22 in the form of a recording prior to the parole hearing or  
23 target aftercare release date, or in person at the parole  
24 hearing or aftercare release protest hearing, or by  
25 calling the toll-free number established in subsection (f)  
26 of this Section. The victim shall be notified within 7

1 days after the prisoner has been granted parole or  
2 aftercare release and shall be informed of the right to  
3 inspect the registry of parole decisions, established  
4 under subsection (g) of Section 3-3-5 of the Unified Code  
5 of Corrections. The provisions of this paragraph (4) are  
6 subject to the Open Parole Hearings Act. Victim statements  
7 provided to the Board shall be confidential and  
8 privileged, including any statements received prior to  
9 January 1, 2020 (the effective date of Public Act  
10 101-288), except if the statement was an oral statement  
11 made by the victim at a hearing open to the public.

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

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

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

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

22 (6) At the written or oral request of the victim of the  
23 crime for which the prisoner was sentenced or the State's  
24 Attorney of the county where the person seeking parole or  
25 aftercare release was prosecuted, the Prisoner Review  
26 Board or Department of Juvenile Justice shall notify the

1 victim and the State's Attorney of the county where the  
2 person seeking parole or aftercare release was prosecuted  
3 of the death of the prisoner if the prisoner died while on  
4 parole or aftercare release or mandatory supervised  
5 release.

6 (7) When a defendant who has been committed to the  
7 Department of Corrections, the Department of Juvenile  
8 Justice, or the Department of Human Services is released  
9 or discharged and subsequently committed to the Department  
10 of Human Services as a sexually violent person and the  
11 victim had requested to be notified by the releasing  
12 authority of the defendant's discharge, conditional  
13 release, death, or escape from State custody, the  
14 releasing authority shall provide to the Department of  
15 Human Services such information that would allow the  
16 Department of Human Services to contact the victim.

17 (8) When a defendant has been convicted of a sex  
18 offense as defined in Section 2 of the Sex Offender  
19 Registration Act and has been sentenced to the Department  
20 of Corrections or the Department of Juvenile Justice, the  
21 Prisoner Review Board or the Department of Juvenile  
22 Justice shall notify the victim of the sex offense of the  
23 prisoner's eligibility for release on parole, aftercare  
24 release, mandatory supervised release, electronic  
25 detention, work release, international transfer or  
26 exchange, or by the custodian of the discharge of any

1 individual who was adjudicated a delinquent for a sex  
2 offense from State custody and by the sheriff of the  
3 appropriate county of any such person's final discharge  
4 from county custody. The notification shall be made to the  
5 victim at least 30 days, whenever possible, before release  
6 of the sex offender.

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

12 (f) The Prisoner Review Board shall establish a toll-free  
13 number that may be accessed by the crime victim to present a  
14 victim statement to the Board in accordance with paragraphs  
15 (4), (4-1), and (4-2) of subsection (d).

16 (Source: P.A. 101-81, eff. 7-12-19; 101-288, eff. 1-1-20;  
17 101-652, eff. 1-1-23; 102-22, eff. 6-25-21; 102-558, eff.  
18 8-20-21; 102-813, eff. 5-13-22.)

19 Section 10. The Unified Code of Corrections is amended by  
20 changing Sections 3-3-1 and 3-3-9 as follows:

21 (730 ILCS 5/3-3-1) (from Ch. 38, par. 1003-3-1)

22 Sec. 3-3-1. Establishment and appointment of Prisoner  
23 Review Board.

24 (a) There shall be a Prisoner Review Board independent of



1 the Department which shall be:

2 (1) the paroling authority for persons sentenced under  
3 the law in effect prior to the effective date of this  
4 amendatory Act of 1977;

5 (1.2) the paroling authority for persons eligible for  
6 parole review under Section 5-4.5-115;

7 (1.5) (blank);

8 (2) the board of review for cases involving the  
9 revocation of sentence credits or a suspension or  
10 reduction in the rate of accumulating the credit;

11 (3) the board of review and recommendation for the  
12 exercise of executive clemency by the Governor;

13 (4) the authority for establishing release dates for  
14 certain prisoners sentenced under the law in existence  
15 prior to the effective date of this amendatory Act of  
16 1977, in accordance with Section 3-3-2.1 of this Code;

17 (5) the authority for setting conditions for parole  
18 and mandatory supervised release under Section 5-8-1(a) of  
19 this Code, and determining whether a violation of those  
20 conditions warrant revocation of parole or mandatory  
21 supervised release or the imposition of other sanctions;

22 (6) the authority for determining whether a violation  
23 of aftercare release conditions warrant revocation of  
24 aftercare release; and

25 (7) the authority to release medically infirm or  
26 disabled prisoners under Section 3-3-14.

1 (b) The Board shall consist of 15 persons appointed by the  
2 Governor by and with the advice and consent of the Senate. One  
3 member of the Board shall be designated by the Governor to be  
4 Chairman and shall serve as Chairman at the pleasure of the  
5 Governor. ~~The members of the Board shall have had at least 5~~  
6 ~~years of actual experience in the fields of penology,~~  
7 ~~corrections work, law enforcement, sociology, law, education,~~  
8 ~~social work, medicine, psychology, other behavioral sciences,~~  
9 ~~or a combination thereof.~~ At least 6 members so appointed must  
10 have at least 6 ~~3~~ years experience in the field of juvenile  
11 matters. Each member of the Board shall have had at least 20  
12 years experience in the criminal justice system as either a  
13 prosecutor, a criminal defense attorney, a judge, a probation  
14 officer, or a public defender or a combination thereof. No  
15 more than 8 Board members may be members of the same political  
16 party.

17 Each member of the Board shall serve on a full-time basis  
18 and shall not hold any other salaried public office, whether  
19 elective or appointive, nor any other office or position of  
20 profit, nor engage in any other business, employment, or  
21 vocation. The Chairman of the Board shall receive \$35,000 a  
22 year, or an amount set by the Compensation Review Board,  
23 whichever is greater, and each other member \$30,000, or an  
24 amount set by the Compensation Review Board, whichever is  
25 greater.

26 (c) Notwithstanding any other provision of this Section,

1 the term of each member of the Board who was appointed by the  
2 Governor and is in office on June 30, 2003 shall terminate at  
3 the close of business on that date or when all of the successor  
4 members to be appointed pursuant to this amendatory Act of the  
5 93rd General Assembly have been appointed by the Governor,  
6 whichever occurs later. As soon as possible, the Governor  
7 shall appoint persons to fill the vacancies created by this  
8 amendatory Act.

9 Of the initial members appointed under this amendatory Act  
10 of the 93rd General Assembly, the Governor shall appoint 5  
11 members whose terms shall expire on the third Monday in  
12 January 2005, 5 members whose terms shall expire on the third  
13 Monday in January 2007, and 5 members whose terms shall expire  
14 on the third Monday in January 2009. Their respective  
15 successors shall be appointed for terms of 6 years from the  
16 third Monday in January of the year of appointment. Each  
17 member shall serve until his or her successor is appointed and  
18 qualified.

19 Any member may be removed by the Governor for  
20 incompetence, neglect of duty, malfeasance or inability to  
21 serve.

22 (d) The Chairman of the Board shall be its chief executive  
23 and administrative officer. The Board may have an Executive  
24 Director; if so, the Executive Director shall be appointed by  
25 the Governor with the advice and consent of the Senate. The  
26 salary and duties of the Executive Director shall be fixed by

1 the Board.

2 (e) Each member of the Board shall annually receive  
3 mandatory domestic violence training and sexual assault  
4 training accredited or approved within this State.

5 (Source: P.A. 101-288, eff. 1-1-20; 102-494, eff. 1-1-22.)

6 (730 ILCS 5/3-3-9) (from Ch. 38, par. 1003-3-9)

7 Sec. 3-3-9. Violations; changes of conditions; preliminary  
8 hearing; revocation of parole or mandatory supervised release;  
9 revocation hearing.

10 (a) If prior to expiration or termination of the term of  
11 parole or mandatory supervised release, a person violates a  
12 condition set by the Prisoner Review Board or a condition of  
13 parole or mandatory supervised release under Section 3-3-7 of  
14 this Code to govern that term, the Board may:

15 (1) continue the existing term, with or without  
16 modifying or enlarging the conditions; or

17 (1.5) for those released as a result of youthful  
18 offender parole as set forth in Section 5-4.5-115 of this  
19 Code, order that the inmate be subsequently rereleased to  
20 serve a specified mandatory supervised release term not to  
21 exceed the full term permitted under the provisions of  
22 Section 5-4.5-115 and subsection (d) of Section 5-8-1 of  
23 this Code and may modify or enlarge the conditions of the  
24 release as the Board deems proper; or

25 (2) parole or release the person to a half-way house;

1 or

2 (3) revoke the parole or mandatory supervised release  
3 and reconfine the person for a term computed in the  
4 following manner:

5 (i) (A) For those sentenced under the law in  
6 effect prior to this amendatory Act of 1977, the  
7 recommitment shall be for any portion of the imposed  
8 maximum term of imprisonment or confinement which had  
9 not been served at the time of parole and the parole  
10 term, less the time elapsed between the parole of the  
11 person and the commission of the violation for which  
12 parole was revoked;

13 (B) Except as set forth in paragraphs (C) and (D),  
14 for those subject to mandatory supervised release  
15 under paragraph (d) of Section 5-8-1 of this Code, the  
16 recommitment shall be for the total mandatory  
17 supervised release term, less the time elapsed between  
18 the release of the person and the commission of the  
19 violation for which mandatory supervised release is  
20 revoked. The Board may also order that a prisoner  
21 serve up to one year of the sentence imposed by the  
22 court which was not served due to the accumulation of  
23 sentence credit;

24 (C) For those subject to sex offender supervision  
25 under clause (d) (4) of Section 5-8-1 of this Code, the  
26 reconfinement period for violations of clauses (a) (3)

1 through (b-1)(15) of Section 3-3-7 shall not exceed 2  
2 years from the date of reconfinement;

3 (D) For those released as a result of youthful  
4 offender parole as set forth in Section 5-4.5-115 of  
5 this Code, the reconfinement period shall be for the  
6 total mandatory supervised release term, less the time  
7 elapsed between the release of the person and the  
8 commission of the violation for which mandatory  
9 supervised release is revoked. The Board may also  
10 order that a prisoner serve up to one year of the  
11 mandatory supervised release term previously earned.  
12 The Board may also order that the inmate be  
13 subsequently rereleased to serve a specified mandatory  
14 supervised release term not to exceed the full term  
15 permitted under the provisions of Section 5-4.5-115  
16 and subsection (d) of Section 5-8-1 of this Code and  
17 may modify or enlarge the conditions of the release as  
18 the Board deems proper;

19 (ii) the person shall be given credit against the  
20 term of reimprisonment or reconfinement for time spent  
21 in custody since he or she was paroled or released  
22 which has not been credited against another sentence  
23 or period of confinement;

24 (iii) (blank);

25 (iv) this Section is subject to the release under  
26 supervision and the reparole and rerelease provisions

1           of Section 3-3-10.

2           (b) The Board may revoke parole or mandatory supervised  
3 release for violation of a condition for the duration of the  
4 term and for any further period which is reasonably necessary  
5 for the adjudication of matters arising before its expiration.  
6 The issuance of a warrant of arrest for an alleged violation of  
7 the conditions of parole or mandatory supervised release shall  
8 toll the running of the term until the final determination of  
9 the charge. When parole or mandatory supervised release is not  
10 revoked that period shall be credited to the term, unless a  
11 community-based sanction is imposed as an alternative to  
12 revocation and reincarceration, including a diversion  
13 established by the Illinois Department of Corrections Parole  
14 Services Unit prior to the holding of a preliminary parole  
15 revocation hearing. Parolees who are diverted to a  
16 community-based sanction shall serve the entire term of parole  
17 or mandatory supervised release, if otherwise appropriate.

18           (b-5) The Board shall revoke parole or mandatory  
19 supervised release for violation of the conditions prescribed  
20 in paragraph (7.6) of subsection (a) of Section 3-3-7.

21           (c) A person charged with violating a condition of parole  
22 or mandatory supervised release shall have a preliminary  
23 hearing before a hearing officer designated by the Board to  
24 determine if there is cause to hold the person for a revocation  
25 hearing. However, no preliminary hearing need be held when  
26 revocation is based upon new criminal charges and a court

1 finds probable cause on the new criminal charges or when the  
2 revocation is based upon a new criminal conviction and a  
3 certified copy of that conviction is available.

4 (d) Parole or mandatory supervised release shall not be  
5 revoked without written notice to the offender setting forth  
6 the violation of parole or mandatory supervised release  
7 charged against him or her. The victim of the offense shall be  
8 given written notice within 24 hours of the Board's decision  
9 to release an offender who has violated the offender's  
10 conditions of parole or mandatory supervised release. The  
11 Board shall provide the victim with the votes of the members on  
12 the decision to release an offender who has violated terms of  
13 parole or mandatory supervised release and any relevant notes,  
14 debate, and information concerning the decision to release the  
15 offender.

16 (e) A hearing on revocation shall be conducted before at  
17 least one member of the Prisoner Review Board. The Board may  
18 meet and order its actions in panels of 3 or more members. The  
19 action of a majority of the panel shall be the action of the  
20 Board. A record of the hearing shall be made. At the hearing  
21 the offender shall be permitted to:

22 (1) appear and answer the charge; and

23 (2) bring witnesses on his or her behalf.

24 (f) The Board shall either revoke parole or mandatory  
25 supervised release or order the person's term continued with  
26 or without modification or enlargement of the conditions.



1           (g) Parole or mandatory supervised release shall not be  
2       revoked for failure to make payments under the conditions of  
3       parole or release unless the Board determines that such  
4       failure is due to the offender's willful refusal to pay.

5       (Source: P.A. 100-1182, eff. 6-1-19; 101-288, eff. 1-1-20.)

6           Section 99. Effective date. This Act takes effect upon  
7       becoming law."