

SB3184



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB3184

Introduced 2/6/2024, by Sen. Terri Bryant

SYNOPSIS AS INTRODUCED:

725 ILCS 120/4.5

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

LRB103 37992 RLC 68124 b

A BILL FOR

1 AN ACT concerning criminal law.

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

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

6 (725 ILCS 120/4.5)

7 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
17 is closed.

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

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

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

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

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

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

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

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

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

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

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

15 (8) (blank);

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

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

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

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

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

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

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

1 restitution;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

14 (4) Assertion of and enforcement of rights.

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

1 to seek enforcement of a right.

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

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

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

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

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

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

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

1 the violation of the rights of a crime victim.

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

20 (5) Violation of rights and remedies.

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

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

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

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

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

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

1 the right in any reasonable manner the victim chooses.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

10 (12) Right to Restitution.

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

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

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

17 (13) Access to presentence reports.

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

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

25 (ii) any evaluation prepared under subsection

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

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

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

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

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

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

1 relates.

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

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

14 (d) Procedures after the imposition of sentence.

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

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

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

1 notification under this paragraph (1.5).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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