

1 AN ACT in relation to criminal law.

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

4 Section 5. The Criminal Code of 1961 is amended by  
5 changing Section 2-10.1 as follows:

6 (720 ILCS 5/2-10.1) (from Ch. 38, par. 2-10.1)

7 Sec. 2-10.1. "Severely or profoundly mentally retarded  
8 person" means a person (i) whose intelligence quotient does  
9 not exceed 40 or (ii) whose intelligence quotient does not  
10 exceed 55 and who suffers from significant mental illness to  
11 the extent that the person's ability to exercise rational  
12 judgment is impaired. In any proceeding in which the  
13 defendant is charged with committing a violation of Section  
14 10-2, 10-5, 11-15.1, 11-19.1, 11-19.2, 11-20.1, 12-4.3,  
15 12-14, or 12-16 of this Code against a victim who is alleged  
16 to be a severely or profoundly mentally retarded person, any  
17 findings concerning the victim's status as a severely or  
18 profoundly mentally retarded person, made by a court after a  
19 judicial admission hearing concerning the victim under  
20 Articles V and VI of Chapter 4 of the Mental Health and  
21 Developmental Disabilities Code is ~~shall~~-be admissible.  
22 (Source: P.A. 92-434, eff. 1-1-02.)