



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB0199

Introduced 01/18/11, by Rep. Tom Cross - Timothy L. Schmitz

SYNOPSIS AS INTRODUCED:

725 ILCS 120/3
730 ILCS 5/3-3-1

from Ch. 38, par. 1403
from Ch. 38, par. 1003-3-1

Amends the Rights of Crime Victims and Witnesses Act. Defines "victim advocate" as a person who works or has worked with crime victims in one or more of the following capacities: (1) participating in education programs or seminars for the benefit of crime victims; or (2) rendering confidential assistance to crime victims. Amends the Unified Code of Corrections. Provides that at least one member of the Prisoner Review Board shall be a crime victim or victim advocate.

LRB097 05040 RLC 45080 b

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 is
5 amended by changing Section 3 as follows:

6 (725 ILCS 120/3) (from Ch. 38, par. 1403)

7 Sec. 3. The terms used in this Act, unless the context
8 clearly requires otherwise, shall have the following meanings:

9 (a) "Crime victim" and "victim" mean (1) a person
10 physically injured in this State as a result of a violent crime
11 perpetrated or attempted against that person or (2) a person
12 who suffers injury to or loss of property as a result of a
13 violent crime perpetrated or attempted against that person or
14 (3) a single representative who may be the spouse, parent,
15 child or sibling of a person killed as a result of a violent
16 crime perpetrated against the person killed or the spouse,
17 parent, child or sibling of any person granted rights under
18 this Act who is physically or mentally incapable of exercising
19 such rights, except where the spouse, parent, child or sibling
20 is also the defendant or prisoner or (4) any person against
21 whom a violent crime has been committed or (5) any person who
22 has suffered personal injury as a result of a violation of
23 Section 11-501 of the Illinois Vehicle Code, or of a similar

1 provision of a local ordinance, or of Section 9-3 of the
2 Criminal Code of 1961, as amended or (6) in proceedings under
3 the Juvenile Court Act of 1987, both parents, legal guardians,
4 foster parents, or a single adult representative of a minor or
5 disabled person who is a crime victim.

6 (b) "Witness" means any person who personally observed the
7 commission of a violent crime and who will testify on behalf of
8 the State of Illinois in the criminal prosecution of the
9 violent crime.

10 (c) "Violent Crime" means any felony in which force or
11 threat of force was used against the victim, or any offense
12 involving sexual exploitation, sexual conduct or sexual
13 penetration, or a violation of Section 11-20.1 or 11-20.3 of
14 the Criminal Code of 1961, domestic battery, violation of an
15 order of protection, stalking, or any misdemeanor which results
16 in death or great bodily harm to the victim or any violation of
17 Section 9-3 of the Criminal Code of 1961, or Section 11-501 of
18 the Illinois Vehicle Code, or a similar provision of a local
19 ordinance, if the violation resulted in personal injury or
20 death, and includes any action committed by a juvenile that
21 would be a violent crime if committed by an adult. For the
22 purposes of this paragraph, "personal injury" shall include any
23 Type A injury as indicated on the traffic accident report
24 completed by a law enforcement officer that requires immediate
25 professional attention in either a doctor's office or medical
26 facility. A type A injury shall include severely bleeding

1 wounds, distorted extremities, and injuries that require the
2 injured party to be carried from the scene.

3 (d) "Sentencing Hearing" means any hearing where a sentence
4 is imposed by the court on a convicted defendant and includes
5 hearings conducted pursuant to Sections 5-6-4, 5-6-4.1, 5-7-2
6 and 5-7-7 of the Unified Code of Corrections except those cases
7 in which both parties have agreed to the imposition of a
8 specific sentence.

9 (e) "Court proceedings" includes the preliminary hearing,
10 any hearing the effect of which may be the release of the
11 defendant from custody or to alter the conditions of bond, the
12 trial, sentencing hearing, notice of appeal, any modification
13 of sentence, probation revocation hearings or parole hearings.

14 (f) "Concerned citizen" includes relatives of the victim,
15 friends of the victim, witnesses to the crime, or any other
16 person associated with the victim or prisoner.

17 (g) "Victim advocate" means a person who works or has
18 worked with crime victims in one or more of the following
19 capacities: (1) participating in education programs or
20 seminars for the benefit of crime victims; or (2) rendering
21 confidential assistance to crime victims.

22 (Source: P.A. 95-591, eff. 6-1-08; 95-876, eff. 8-21-08;
23 96-292, eff. 1-1-10; 96-875, eff. 1-22-10.)

24 Section 10. The Unified Code of Corrections is amended by
25 changing Section 3-3-1 as follows:

1 (730 ILCS 5/3-3-1) (from Ch. 38, par. 1003-3-1)
2 Sec. 3-3-1. Establishment and Appointment of Prisoner
3 Review Board.

4 (a) There shall be a Prisoner Review Board independent of
5 the Department of Corrections which shall be:

6 (1) the paroling authority for persons sentenced under
7 the law in effect prior to the effective date of this
8 amendatory Act of 1977;

9 (2) the board of review for cases involving the
10 revocation of good conduct credits or a suspension or
11 reduction in the rate of accumulating such credit;

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

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

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

23 (b) The Board shall consist of 15 persons appointed by the
24 Governor by and with the advice and consent of the Senate. One
25 member of the Board shall be designated by the Governor to be

1 Chairman and shall serve as Chairman at the pleasure of the
2 Governor. At least one member of the Board shall be a crime
3 victim or victim advocate as those terms are defined in Section
4 3 of the Rights of Crime Victims and Witnesses Act. The members
5 of the Board shall have had at least 5 years of actual
6 experience in the fields of penology, corrections work, law
7 enforcement, sociology, law, education, social work, medicine,
8 psychology, other behavioral sciences, or a combination
9 thereof. At least 6 members so appointed must have had at least
10 3 years experience in the field of juvenile matters. No more
11 than 8 Board members may be members of the same political
12 party.

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

22 (c) Notwithstanding any other provision of this Section,
23 the term of each member of the Board who was appointed by the
24 Governor and is in office on June 30, 2003 shall terminate at
25 the close of business on that date or when all of the successor
26 members to be appointed pursuant to this amendatory Act of the

1 93rd General Assembly have been appointed by the Governor,
2 whichever occurs later. As soon as possible, the Governor shall
3 appoint persons to fill the vacancies created by this
4 amendatory Act.

5 Of the initial members appointed under this amendatory Act
6 of the 93rd General Assembly, the Governor shall appoint 5
7 members whose terms shall expire on the third Monday in January
8 2005, 5 members whose terms shall expire on the third Monday in
9 January 2007, and 5 members whose terms shall expire on the
10 third Monday in January 2009. Their respective successors shall
11 be appointed for terms of 6 years from the third Monday in
12 January of the year of appointment. Each member shall serve
13 until his successor is appointed and qualified.

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

16 (d) The Chairman of the Board shall be its chief executive
17 and administrative officer. The Board may have an Executive
18 Director; if so, the Executive Director shall be appointed by
19 the Governor with the advice and consent of the Senate. The
20 salary and duties of the Executive Director shall be fixed by
21 the Board.

22 (Source: P.A. 93-509, eff. 8-11-03; 94-165, eff. 7-11-05.)