

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 Sections 3 and 4.5 as follows:

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

7 (Text of Section after amendment by P.A. 96-1551)

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

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

1 Section 11-501 of the Illinois Vehicle Code, or of a similar
2 provision of a local ordinance, or of Section 9-3 of the
3 Criminal Code of 1961, as amended or (6) in proceedings under
4 the Juvenile Court Act of 1987, both parents, legal guardians,
5 foster parents, or a single adult representative of a minor or
6 disabled person who is a crime victim.

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

11 (c) "Violent Crime" means any felony in which force or
12 threat of force was used against the victim, or any offense
13 involving sexual exploitation, sexual conduct or sexual
14 penetration, or a violation of Section 11-20.1, 11-20.1B, or
15 11-20.3 of the Criminal Code of 1961, domestic battery,
16 violation of an order of protection, stalking, or any
17 misdemeanor which results in death or great bodily harm to the
18 victim or any violation of Section 9-3 of the Criminal Code of
19 1961, or Section 11-501 of the Illinois Vehicle Code, or a
20 similar provision of a local ordinance, if the violation
21 resulted in personal injury or death, or a violation of any
22 statute, ordinance, or regulation relating to the operation or
23 use of motor vehicles, the use of streets and highways by
24 pedestrians or the operation of any other wheeled or tracked
25 vehicle, except parking violations, if the violation resulted
26 in personal injury or death, and includes any action committed

1 by a juvenile that would be a violent crime if committed by an
2 adult. For the purposes of this paragraph, "personal injury"
3 shall include any Type A injury as indicated on the traffic
4 accident report completed by a law enforcement officer that
5 requires immediate professional attention in either a doctor's
6 office or medical facility. A type A injury shall include
7 severely bleeding wounds, distorted extremities, and injuries
8 that require the injured party to be carried from the scene.

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

15 (e) "Court proceedings" includes the preliminary hearing,
16 any hearing the effect of which may be the release of the
17 defendant from custody or to alter the conditions of bond, the
18 trial, sentencing hearing, notice of appeal, any modification
19 of sentence, probation revocation hearings or parole hearings.

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

23 (Source: P.A. 95-591, eff. 6-1-08; 95-876, eff. 8-21-08;
24 96-292, eff. 1-1-10; 96-875, eff. 1-22-10; 96-1551, eff.
25 7-1-11.)

1 (725 ILCS 120/4.5)

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

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

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

14 (1) shall provide notice of the filing of information,
15 the return of an indictment by which a prosecution for any
16 violent crime is commenced, or the filing of a petition to
17 adjudicate a minor as a delinquent for a violent crime;

18 (2) shall provide notice of the date, time, and place
19 of trial;

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

24 (3.5) or victim advocate personnel shall provide
25 information about available victim services, including
26 referrals to programs, counselors, and agencies that

1 assist a victim to deal with trauma, loss, and grief;

2 (4) shall assist in having any stolen or other personal
3 property held by law enforcement authorities for
4 evidentiary or other purposes returned as expeditiously as
5 possible, pursuant to the procedures set out in Section
6 115-9 of the Code of Criminal Procedure of 1963;

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

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

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

23 (8) in the case of the death of a person, which death
24 occurred in the same transaction or occurrence in which
25 acts occurred for which a defendant is charged with an
26 offense, shall notify the spouse, parent, child or sibling

1 of the decedent of the date of the trial of the person or
2 persons allegedly responsible for the death;

3 (9) shall inform the victim of the right to have
4 present at all court proceedings, subject to the rules of
5 evidence, an advocate or other support person of the
6 victim's choice, and the right to retain an attorney, at
7 the victim's own expense, who, upon written notice filed
8 with the clerk of the court and State's Attorney, is to
9 receive copies of all notices, motions and court orders
10 filed thereafter in the case, in the same manner as if the
11 victim were a named party in the case;

12 (10) at the sentencing hearing shall make a good faith
13 attempt to explain the minimum amount of time during which
14 the defendant may actually be physically imprisoned. The
15 Office of the State's Attorney shall further notify the
16 crime victim of the right to request from the Prisoner
17 Review Board information concerning the release of the
18 defendant under subparagraph (d) (1) of this Section;

19 (11) shall request restitution at sentencing and shall
20 consider restitution in any plea negotiation, as provided
21 by law; and

22 (12) shall, upon the court entering a verdict of not
23 guilty by reason of insanity, inform the victim of the
24 notification services available from the Department of
25 Human Services, including the statewide telephone number,
26 under subparagraph (d) (2) of this Section.

1 (c) At the written request of the crime victim, the office
2 of the State's Attorney shall:

3 (1) provide notice a reasonable time in advance of the
4 following court proceedings: preliminary hearing, any
5 hearing the effect of which may be the release of defendant
6 from custody, or to alter the conditions of bond and the
7 sentencing hearing. The crime victim shall also be notified
8 of the cancellation of the court proceeding in sufficient
9 time, wherever possible, to prevent an unnecessary
10 appearance in court;

11 (2) provide notice within a reasonable time after
12 receipt of notice from the custodian, of the release of the
13 defendant on bail or personal recognizance or the release
14 from detention of a minor who has been detained for a
15 violent crime;

16 (3) explain in nontechnical language the details of any
17 plea or verdict of a defendant, or any adjudication of a
18 juvenile as a delinquent for a violent crime;

19 (4) where practical, consult with the crime victim
20 before the Office of the State's Attorney makes an offer of
21 a plea bargain to the defendant or enters into negotiations
22 with the defendant concerning a possible plea agreement,
23 and shall consider the written victim impact statement, if
24 prepared prior to entering into a plea agreement;

25 (5) provide notice of the ultimate disposition of the
26 cases arising from an indictment or an information, or a

1 petition to have a juvenile adjudicated as a delinquent for
2 a violent crime;

3 (6) provide notice of any appeal taken by the defendant
4 and information on how to contact the appropriate agency
5 handling the appeal;

6 (7) provide notice of any request for post-conviction
7 review filed by the defendant under Article 122 of the Code
8 of Criminal Procedure of 1963, and of the date, time and
9 place of any hearing concerning the petition. Whenever
10 possible, notice of the hearing shall be given in advance;

11 (8) forward a copy of any statement presented under
12 Section 6 to the Prisoner Review Board to be considered by
13 the Board in making its determination under subsection (b)
14 of Section 3-3-8 of the Unified Code of Corrections.

15 (d) (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 release,
18 electronic detention, work release, international transfer or
19 exchange, or by the custodian of the discharge of any
20 individual who was adjudicated a delinquent for a violent crime
21 from State custody and by the sheriff of the appropriate county
22 of any such person's final discharge from county custody. The
23 Prisoner Review Board, upon written request, shall provide to a
24 victim or any other concerned citizen a recent photograph of
25 any person convicted of a felony, upon his or her release from
26 custody. The Prisoner Review Board, upon written request, shall

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

10 (2) When the defendant has been committed to the Department
11 of Human Services pursuant to Section 5-2-4 or any other
12 provision of the Unified Code of Corrections, the victim may
13 request to be notified by the releasing authority of the
14 defendant's furloughs, temporary release, or final discharge
15 from State custody. The Department of Human Services shall
16 establish and maintain a statewide telephone number to be used
17 by victims to make notification requests under these provisions
18 and shall publicize this telephone number on its website and to
19 the State's Attorney of each county.

20 (3) In the event of an escape from State custody, the
21 Department of Corrections or the Department of Juvenile Justice
22 immediately shall notify the Prisoner Review Board of the
23 escape and the Prisoner Review Board shall notify the victim.
24 The notification shall be based upon the most recent
25 information as to the victim's residence or other location
26 available to the Board. When no such information is available,

1 the Board shall make all reasonable efforts to obtain the
2 information and make the notification. When the escapee is
3 apprehended, the Department of Corrections or the Department of
4 Juvenile Justice immediately shall notify the Prisoner Review
5 Board and the Board shall notify the victim.

6 (4) The victim of the crime for which the prisoner has been
7 sentenced shall receive reasonable written notice not less than
8 30 days prior to the parole interview and may submit, in
9 writing, on film, videotape or other electronic means or in the
10 form of a recording or in person at the parole interview or if
11 a victim of a violent crime, by calling the toll-free number
12 established in subsection (f) of this Section, information for
13 consideration by the Prisoner Review Board. The victim shall be
14 notified within 7 days after the prisoner has been granted
15 parole and shall be informed of the right to inspect the
16 registry of parole decisions, established under subsection (g)
17 of Section 3-3-5 of the Unified Code of Corrections. The
18 provisions of this paragraph (4) are subject to the Open Parole
19 Hearings Act.

20 (5) If a statement is presented under Section 6, the
21 Prisoner Review Board shall inform the victim of any order of
22 discharge entered by the Board pursuant to Section 3-3-8 of the
23 Unified Code of Corrections.

24 (6) At the written request of the victim of the crime for
25 which the prisoner was sentenced or the State's Attorney of the
26 county where the person seeking parole was prosecuted, the

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

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

15 (8) When a defendant has been convicted of a sex offense as
16 defined in Section 2 of the Sex Offender Registration Act and
17 has been sentenced to the Department of Corrections or the
18 Department of Juvenile Justice, the Prisoner Review Board shall
19 notify the victim of the sex offense of the prisoner's
20 eligibility for release on parole, mandatory supervised
21 release, electronic detention, work release, international
22 transfer or exchange, or by the custodian of the discharge of
23 any individual who was adjudicated a delinquent for a sex
24 offense from State custody and by the sheriff of the
25 appropriate county of any such person's final discharge from
26 county custody. The notification shall be made to the victim at

1 least 30 days, whenever possible, before release of the sex
2 offender.

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

8 (f) To permit a victim of a violent crime to provide
9 information to the Prisoner Review Board for consideration by
10 the Board at a parole hearing of a person who committed the
11 crime against the victim in accordance with clause (d)(4) of
12 this Section or at a proceeding to determine the conditions of
13 mandatory supervised release of a person sentenced to a
14 determinate sentence or at a hearing on revocation of mandatory
15 supervised release of a person sentenced to a determinate
16 sentence, the Board shall establish a toll-free number that may
17 be accessed by the victim of a violent crime to present that
18 information to the Board.

19 (Source: P.A. 95-317, eff. 8-21-07; 95-896, eff. 1-1-09;
20 95-897, eff. 1-1-09; 95-904, eff. 1-1-09; 96-328, eff. 8-11-09;
21 96-875, eff. 1-22-10.)