



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB5264

Introduced 2/8/2012, by Rep. Arthur Turner

SYNOPSIS AS INTRODUCED:

725 ILCS 5/115-7.4

Amends the Code of Criminal Procedure of 1963. Provides that in a criminal prosecution in which the defendant is accused of first degree murder or second degree murder when the commission of the offense involves domestic violence, evidence of the defendant's commission of another offense or offenses of domestic violence is admissible, and may be considered for its bearing on any matter to which it is relevant. Effective immediately.

LRB097 19085 RLC 64324 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 Code of Criminal Procedure of 1963 is
5 amended by changing Section 115-7.4 as follows:

6 (725 ILCS 5/115-7.4)

7 Sec. 115-7.4. Evidence in domestic violence cases.

8 (a) In a criminal prosecution in which the defendant is
9 accused of an offense of domestic violence as defined in
10 paragraphs (1) and (3) of Section 103 of the Illinois Domestic
11 Violence Act of 1986, or first degree murder or second degree
12 murder when the commission of the offense involves domestic
13 violence, evidence of the defendant's commission of another
14 offense or offenses of domestic violence is admissible, and may
15 be considered for its bearing on any matter to which it is
16 relevant.

17 (b) In weighing the probative value of the evidence against
18 undue prejudice to the defendant, the court may consider:

19 (1) the proximity in time to the charged or predicate
20 offense;

21 (2) the degree of factual similarity to the charged or
22 predicate offense; or

23 (3) other relevant facts and circumstances.

1 (c) In a criminal case in which the prosecution intends to
2 offer evidence under this Section, it must disclose the
3 evidence, including statements of witnesses or a summary of the
4 substance of any testimony, at a reasonable time in advance of
5 trial, or during trial if the court excuses pretrial notice on
6 good cause shown.

7 (d) In a criminal case in which evidence is offered under
8 this Section, proof may be made by specific instances of
9 conduct, testimony as to reputation, or testimony in the form
10 of an expert opinion, except that the prosecution may offer
11 reputation testimony only after the opposing party has offered
12 that testimony.

13 (Source: P.A. 95-360, eff. 8-23-07.)

14 Section 99. Effective date. This Act takes effect upon
15 becoming law.