



Rep. Lou Lang

Filed: 4/16/2015

09900HB1121ham001

LRB099 04980 MRW 34196 a

1 AMENDMENT TO HOUSE BILL 1121

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 1121 by replacing  
3 everything after the enacting clause with the following:

4 "Section 1. This Act may be referred to as Marsy's Law.

5 Section 5. The Rights of Crime Victims and Witnesses Act is  
6 amended by changing Sections 2, 3, 4, 4.5, 6, 7, 8.5, and 9 as  
7 follows:

8 (725 ILCS 120/2) (from Ch. 38, par. 1402)

9 Sec. 2. The purpose of this Act is to implement, preserve,  
10 ~~and~~ protect, and enforce the rights guaranteed to crime victims  
11 by Article I, Section 8.1 of the Illinois Constitution to  
12 ensure that crime victims are treated with fairness and respect  
13 for their dignity and privacy throughout the criminal justice  
14 system, to ensure that crime victims are informed of their  
15 rights and have standing to assert their rights in the trial

1 and appellate courts, to establish procedures for enforcement  
2 of those rights, and to increase the effectiveness of the  
3 criminal justice system by affording certain basic rights and  
4 considerations to the witnesses of ~~violent~~ crime who are  
5 essential to prosecution.

6 (Source: P.A. 88-489.)

7 (725 ILCS 120/3) (from Ch. 38, par. 1403)

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" or "victim" means: (1) any natural  
11 person determined by the prosecutor or the court to have  
12 suffered direct physical or psychological harm as a result of a  
13 violent crime perpetrated or attempted against that person or  
14 direct physical or psychological harm as a result of (i) a  
15 violation of Section 11-501 of the Illinois Vehicle Code or  
16 similar provision of a local ordinance or (ii) a violation of  
17 Section 9-3 of the Criminal Code of 1961 or the Criminal Code  
18 of 2012; (2) in the case of a crime victim who is under 18 years  
19 of age or an adult victim who is incompetent or incapacitated,  
20 both parents, legal guardians, foster parents, or a single  
21 adult representative; (3) in the case of an adult deceased  
22 victim, 2 representatives who may be the spouse, parent, child  
23 or sibling of the victim, or the representative of the victim's  
24 estate; and (4) an immediate family member of a victim under  
25 clause (1) of this paragraph (a) chosen by the victim. If the

1 victim is 18 years of age or over, the victim may choose any  
2 person to be the victim's representative. In no event shall the  
3 defendant or any person who aided and abetted in the commission  
4 of the crime be considered a victim, a crime victim, or a  
5 representative of the victim.

6 A board, agency, or other governmental entity making  
7 decisions regarding an offender's release, sentence reduction,  
8 or clemency can determine additional persons are victims for  
9 the purpose of its proceedings. "Crime victim" and "victim"  
10 mean (1) a person physically injured in this State as a result  
11 of a violent crime perpetrated or attempted against that person  
12 or (2) a person who suffers injury to or loss of property as a  
13 result of a violent crime perpetrated or attempted against that  
14 person or (3) a single representative who may be the spouse,  
15 parent, child or sibling of a person killed as a result of a  
16 violent crime perpetrated against the person killed or the  
17 spouse, parent, child or sibling of any person granted rights  
18 under this Act who is physically or mentally incapable of  
19 exercising such rights, except where the spouse, parent, child  
20 or sibling is also the defendant or prisoner or (4) any person  
21 against whom a violent crime has been committed or (5) any  
22 person who has suffered personal injury as a result of a  
23 violation of Section 11-501 of the Illinois Vehicle Code, or of  
24 a similar provision of a local ordinance, or of Section 9-3 of  
25 the Criminal Code of 1961 or the Criminal Code of 2012 or (6)  
26 in proceedings under the Juvenile Court Act of 1987, both

1 ~~parents, legal guardians, foster parents, or a single adult~~  
2 ~~representative of a minor or disabled person who is a crime~~  
3 ~~victim.~~

4 (a-3) "Advocate" means a person whose communications with  
5 the victim are privileged under Section 8-802.1 or 8-802.2 of  
6 the Code of Civil Procedure, or Section 227 of the Illinois  
7 Domestic Violence Act of 1986.

8 (a-5) "Confer" means to consult together, share  
9 information, compare opinions and carry on a discussion or  
10 deliberation.

11 (a-7) "Sentence" includes, but is not limited to, the  
12 imposition of sentence, a request for a reduction in sentence,  
13 parole, mandatory supervised release, aftercare release, early  
14 release, clemency, or a proposal that would reduce the  
15 defendant's sentence or result in the defendant's release.  
16 "Early release" refers to a discretionary release.

17 (a-9) "Sentencing" includes, but is not limited to, the  
18 imposition of sentence and a request for a reduction in  
19 sentence, parole, mandatory supervised release, aftercare  
20 release, or early release.

21 (b) "Witness" means any person who personally observed the  
22 commission of a ~~violent~~ crime and who will testify on behalf of  
23 the State of Illinois ~~in the criminal prosecution of the~~  
24 ~~violent crime.~~

25 (c) "Violent Crime" means: (1) any felony in which force or  
26 threat of force was used against the victim; (2) ~~or~~ any

1 offense involving sexual exploitation, sexual conduct or  
2 sexual penetration; (3) ~~or~~ a violation of Section 11-20.1,  
3 11-20.1B, ~~or~~ 11-20.3, or 11-23.5 of the Criminal Code of 1961  
4 or the Criminal Code of 2012; (4) ~~or~~ domestic battery; (5) ~~or~~  
5 violation of an order of protection, stalking, a civil no  
6 contact order, or a stalking no contact order; (6) ~~or~~ any  
7 misdemeanor which results in death or great bodily harm to the  
8 victim; or (7) any violation of Section 9-3 of the Criminal  
9 Code of 1961 or the Criminal Code of 2012, or Section 11-501 of  
10 the Illinois Vehicle Code, or a similar provision of a local  
11 ordinance, if the violation resulted in personal injury or  
12 death. "Violent crime" ~~and~~ includes any action committed by a  
13 juvenile that would be a violent crime if committed by an  
14 adult. For the purposes of this paragraph, "personal injury"  
15 shall include any Type A injury as indicated on the traffic  
16 accident report completed by a law enforcement officer that  
17 requires immediate professional attention in either a doctor's  
18 office or medical facility. A type A injury shall include  
19 severely bleeding wounds, distorted extremities, and injuries  
20 that require the injured party to be carried from the scene.

21 (d) (Blank). ~~"Sentencing Hearing" means any hearing where a~~  
22 ~~sentence is imposed by the court on a convicted defendant and~~  
23 ~~includes hearings conducted pursuant to Sections 5-6-4,~~  
24 ~~5-6-4.1, 5-7-2 and 5-7-7 of the Unified Code of Corrections.~~

25 (e) "Court proceedings" includes, but is not limited to,  
26 the preliminary hearing, any post-arraignment hearing the

1 effect of which may be the release of the defendant from  
2 custody or to alter the conditions of bond, change of plea  
3 hearing, the trial, any pretrial or post-trial hearing,  
4 sentencing hearing, notice of appeal, any oral argument or  
5 hearing before an Illinois appellate court, any hearing under  
6 the Mental Health and Developmental Disabilities Code after a  
7 finding that the defendant is not guilty by reason of insanity,  
8 any hearing related to a modification of sentence, probation  
9 revocation hearing ~~hearings,~~ aftercare release or parole  
10 hearings, post-conviction relief proceedings, habeas corpus  
11 proceedings and clemency proceedings related to the  
12 defendant's conviction or sentence. For purposes of the  
13 victim's right to be present, "court proceedings" does not  
14 include (1) hearings under Section 109-1 of the Code of  
15 Criminal Procedure of 1963, (2) grand jury proceedings, (3)  
16 status hearings, or (4) the issuance of an order or decision of  
17 an Illinois court that dismisses a charge, reverses a  
18 conviction, reduces a sentence, or releases an offender under a  
19 court rule.

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 (g) "Victim's attorney" means an attorney retained by the  
24 victim for the purposes of asserting the victim's  
25 constitutional and statutory rights. An attorney retained by  
26 the victim means an attorney who is hired to represent the

1 victim at the victim's expense or an attorney who has agreed to  
2 provide pro bono representation. Nothing in this statute  
3 creates a right to counsel at public expense for a victim.

4 (Source: P.A. 97-572, eff. 1-1-12; 97-1150, eff. 1-25-13;  
5 98-558, eff. 1-1-14.)

6 (725 ILCS 120/4) (from Ch. 38, par. 1404)

7 Sec. 4. Rights of crime victims.

8 (a) Crime victims shall have the following rights:

9 (1) The right to be treated with fairness and respect  
10 for their dignity and privacy and to be free from  
11 harassment, intimidation, and abuse throughout the  
12 criminal justice process.

13 (1.5) The right to notice and to a hearing before a  
14 court ruling on a request for access to any of the victim's  
15 records, information, or communications which are  
16 privileged or confidential by law.

17 (2) The right to timely notification of all court  
18 proceedings.

19 (3) The right to communicate with the prosecution.

20 (4) The right to be heard at any post-arraignment court  
21 proceeding in which a right of the victim is at issue and  
22 any court proceeding involving a post-arraignment release  
23 decision, plea, or ~~make a statement to the court at~~  
24 sentencing.

25 (5) The right to be notified of ~~information about~~ the

1 conviction, the sentence, the imprisonment and the release  
2 of the accused.

3 (6) The right to the timely disposition of the case  
4 following the arrest of the accused.

5 (7) The right to be reasonably protected from the  
6 accused through the criminal justice process.

7 (7.5) The right to have the safety of the victim and  
8 the victim's family considered in denying or fixing the  
9 amount of bail, determining whether to release the  
10 defendant, and setting conditions of release after arrest  
11 and conviction.

12 (8) The right to be present at the trial and all other  
13 court proceedings on the same basis as the accused, unless  
14 the victim is to testify and the court determines that the  
15 victim's testimony would be materially affected if the  
16 victim hears other testimony at the trial.

17 (9) The ~~the~~ right to have present at all court  
18 proceedings, including proceedings under the Juvenile  
19 Court Act of 1987, ~~subject to the admonition of the rules~~  
20 ~~of confidentiality and~~ subject to the rules of evidence, ~~a~~  
21 ~~victim-witness specialist,~~ an advocate and ~~or~~ other  
22 support person of the victim's choice.

23 (10) The right to restitution.

24 (b) Any law enforcement agency that investigates an offense  
25 committed in this State shall provide a crime victim with a  
26 written statement and explanation of the rights of crime



1 victims within 48 hours of law enforcement's initial contact  
2 with a victim. The statement shall include information about  
3 crime victim compensation, including how to contact the Office  
4 of the Illinois Attorney General to file a claim, and  
5 appropriate referrals to local and State programs that provide  
6 victim services. The content of the statement shall be provided  
7 to law enforcement by the Attorney General. Law enforcement  
8 shall also provide a crime victim with a sign-off sheet that  
9 the victim shall sign and date as an acknowledgement that he or  
10 she has been furnished with information and an explanation of  
11 the rights of crime victims and compensation set forth in this  
12 Act.

13 (c) The Clerk of the Circuit Court shall post the rights of  
14 crime victims set forth in Article I, Section 8.1(a) of the  
15 Illinois Constitution and subsection (a) of this Section within  
16 3 feet of the door to any courtroom where criminal proceedings  
17 are conducted. The clerk may also post the rights in other  
18 locations in the courthouse.

19 ~~(d) A statement and explanation of the rights of crime~~  
20 ~~victims set forth in paragraph (a) of this Section shall be~~  
21 ~~given to a crime victim at the initial contact with the~~  
22 ~~criminal justice system by the appropriate authorities and~~  
23 ~~shall be conspicuously posted in all court facilities.~~

24 (Source: P.A. 97-815, eff. 1-1-13.)

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

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

12           (a-5) When law enforcement authorities re-open a closed  
13 case to resume investigating, they shall provide notice of the  
14 re-opening of the case, except where the State's Attorney  
15 determines that disclosure of such information would  
16 unreasonably interfere with the investigation.

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

18           (1) shall provide notice of the filing of an  
19 information, the return of an indictment ~~by which a~~  
20 ~~prosecution for any violent crime is commenced~~, or the  
21 filing of a petition to adjudicate a minor as a delinquent  
22 for a violent crime;

23           (2) shall provide timely notice of the date, time, and  
24 place of court proceedings; of any change in the date,  
25 time, and place of court proceedings; and of any  
26 cancellation of court proceedings. Notice shall be

1 provided in sufficient time, wherever possible, for the  
2 victim to make arrangements to attend or to prevent an  
3 unnecessary appearance at court proceedings ~~trial~~;

4 (3) or victim advocate personnel shall provide  
5 information of social services and financial assistance  
6 available for victims of crime, including information of  
7 how to apply for these services and assistance;

8 (3.5) or victim advocate personnel shall provide  
9 information about available victim services, including  
10 referrals to programs, counselors, and agencies that  
11 assist a victim to deal with trauma, loss, and grief;

12 (4) shall assist in having any stolen or other personal  
13 property held by law enforcement authorities for  
14 evidentiary or other purposes returned as expeditiously as  
15 possible, pursuant to the procedures set out in Section  
16 115-9 of the Code of Criminal Procedure of 1963;

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

22 (6) shall provide ~~information~~ whenever possible, ~~of~~ a  
23 secure waiting area during court proceedings that does not  
24 require victims to be in close proximity to defendants  
25 ~~defendant~~ or juveniles accused of a violent crime, and  
26 their families and friends;

1 (7) shall provide notice to the crime victim of the  
2 right to have a translator present at all court proceedings  
3 and, in compliance with the federal Americans with  
4 Disabilities Act of 1990, the right to communications  
5 access through a sign language interpreter or by other  
6 means;

7 (8) ~~(blank); in the case of the death of a person,~~  
8 ~~which death occurred in the same transaction or occurrence~~  
9 ~~in which acts occurred for which a defendant is charged~~  
10 ~~with an offense, shall notify the spouse, parent, child or~~  
11 ~~sibling of the decedent of the date of the trial of the~~  
12 ~~person or persons allegedly responsible for the death;~~

13 (8.5) shall inform the victim of the right to be  
14 present at all court proceedings, unless the victim is to  
15 testify and the court determines that the victim's  
16 testimony would be materially affected if the victim hears  
17 other testimony at trial;

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

22 (9.3) shall inform the victim of the right to retain an  
23 attorney, at the victim's own expense, who, upon written  
24 notice filed with the clerk of the court and State's  
25 Attorney, is to receive copies of all notices, motions and  
26 court orders filed thereafter in the case, in the same

1 manner as if the victim were a named party in the case;

2 (9.5) shall inform the victim of (A) the victim's right  
3 under Section 6 of this Act to make a victim impact  
4 statement at the sentencing hearing; (B) the right of the  
5 victim's spouse, guardian, parent, grandparent and other  
6 immediate family and household members under Section 6 of  
7 this Act to present an impact statement at sentencing; and  
8 (C) if a presentence report is to be prepared, the right of  
9 the victim's spouse, guardian, parent, grandparent and  
10 other immediate family and household members to submit  
11 information to the preparer of the presentence report about  
12 the effect the offense has had on the victim and the  
13 person;

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

21 (11) shall request restitution at sentencing and as  
22 part of a plea agreement unless the victim expressly waives  
23 the right to restitution in writing or orally on the record  
24 ~~shall consider restitution in any plea negotiation, as~~  
25 ~~provided by law; and~~

26 (12) shall, upon the court entering a verdict of not

1 guilty by reason of insanity, inform the victim of the  
2 notification services available from the Department of  
3 Human Services, including the statewide telephone number,  
4 under subparagraph (d) (2) of this Section.

5 ~~(c) At the written request of the crime victim, the office~~  
6 ~~of the State's Attorney shall:~~

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

15 (13) shall ~~(2)~~ provide notice within a reasonable time  
16 after receipt of notice from the custodian, of the release  
17 of the defendant on bail or personal recognizance or the  
18 release from detention of a minor who has been detained ~~for~~  
19 ~~a violent crime;~~

20 (14) shall ~~(3)~~ explain in nontechnical language the  
21 details of any plea or verdict of a defendant, or any  
22 adjudication of a juvenile as a delinquent ~~for a violent~~  
23 ~~crime;~~

24 (15) shall make all reasonable efforts to ~~(4) where~~  
25 ~~practical,~~ consult with the crime victim before the Office  
26 of the State's Attorney makes an offer of a plea bargain to

1 the defendant or enters into negotiations with the  
2 defendant concerning a possible plea agreement, and shall  
3 consider the written victim impact statement, if prepared  
4 prior to entering into a plea agreement. The right to  
5 consult with the prosecutor does not include the right to  
6 veto a plea agreement or to insist the case go to trial. If  
7 the State's Attorney has not consulted with the victim  
8 prior to making an offer or entering into plea negotiations  
9 with the defendant, the Office of the State's Attorney  
10 shall notify the victim of the offer or the negotiations  
11 within 2 business days and confer with the victim. If a  
12 plea agreement has been executed prior to a victim's  
13 opportunity to confer, the State's Attorney shall inform  
14 the victim of the right to file a motion to reopen the plea  
15 under this Section and explain how to file the motion and  
16 what the motion must contain. The State's Attorney may  
17 provide the victim with a template motion;

18 (16) shall ~~(5)~~ provide notice of the ultimate  
19 disposition of the cases arising from an indictment or an  
20 information, or a petition to have a juvenile adjudicated  
21 as a delinquent for a violent crime;

22 (17) shall ~~(6)~~ provide notice of any appeal taken by  
23 the defendant and information on how to contact the  
24 appropriate agency handling the appeal, and how to request  
25 notice of any hearing, oral argument, or decision of an  
26 appellate court;

1           (18) shall ~~(7)~~ provide timely notice of any request for  
2           post-conviction review filed by the defendant under  
3           Article 122 of the Code of Criminal Procedure of 1963, and  
4           of the date, time and place of any hearing concerning the  
5           petition. Whenever possible, notice of the hearing shall be  
6           given within 48 hours of the of the court's scheduling of  
7           the hearing; and ~~in advance,~~

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

13          (c) The court shall ensure that the rights of the victim  
14          are afforded.

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

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



1 whether the victim has asserted the right that may be at  
2 issue.

3 (2) Victim's retained attorney. A victim's attorney  
4 shall file an entry of appearance limited to assertion of  
5 the victim's rights. Upon the filing of the entry of  
6 appearance and service on the State's Attorney and the  
7 defendant, the attorney is to receive copies of all  
8 notices, motions and court orders filed thereafter in the  
9 case.

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

19 (4) Assertion of and enforcement of rights.

20 (A) The prosecuting attorney shall assert a  
21 victim's right or request enforcement of a right by  
22 filing a motion or by orally asserting the right or  
23 requesting enforcement in open court in the criminal  
24 case outside the presence of the jury. The prosecuting  
25 attorney shall consult with the victim and the victim's  
26 attorney regarding the assertion or enforcement of a

1           right. If the prosecuting attorney decides not to  
2           assert or enforce a victim's right, the prosecuting  
3           attorney shall notify the victim or the victim's  
4           attorney in sufficient time to allow the victim or the  
5           victim's attorney to assert the right or to seek  
6           enforcement of a right.

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

14           (C) If the prosecuting attorney asserts a victim's  
15           right or seeks enforcement of a right, and the court  
16           denies the assertion of the right or denies the request  
17           for enforcement of a right, the victim or victim's  
18           attorney may file a motion to assert the victim's right  
19           or to request enforcement of the right within 10 days  
20           of the court's ruling. The motion need not demonstrate  
21           the grounds for a motion for reconsideration. The court  
22           shall rule on the merits of the motion.

23           (D) The court shall take up and decide any motion  
24           or request asserting or seeking enforcement of a  
25           victim's right without delay, unless a specific time  
26           period is specified by law or court rule. The reasons

1           for any decision denying the motion or request shall be  
2           clearly stated on the record.

3           (5) Violation of rights and remedies.

4           (A) If the court determines that a victim's right  
5           has been violated, the court shall determine the  
6           appropriate remedy for the violation of the victim's  
7           right by hearing from the victim and the parties,  
8           considering all factors relevant to the issue, and then  
9           awarding appropriate relief to the victim.

10           (B) The appropriate remedy shall include only  
11           actions necessary to provide the victim the right to  
12           which the victim was entitled 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 remedy  
16           without violating any constitutional right of the  
17           defendant. In no event shall the appropriate remedy be  
18           a new trial, damages, or costs.

19           (6) Right to be heard. Whenever a victim has the right  
20           to be heard, the court shall allow the victim to exercise  
21           the right in any reasonable manner the victim chooses.

22           (7) Right to attend trial. A party must file a written  
23           motion to exclude a victim from trial at least 60 days  
24           prior to the date set for trial. The motion must state with  
25           specificity the reason exclusion is necessary to protect a  
26           constitutional right of the party, and must contain an

1       offer of proof. The court shall rule on the motion within  
2       30 days. If the motion is granted, the court shall set  
3       forth on the record the facts that support its finding that  
4       the victim's testimony will be materially affected if the  
5       victim hears other testimony at trial.

6       (8) Right to have advocate present. A party who intends  
7       to call an advocate as a witness must seek permission of  
8       the court before the subpoena is issued. The party must  
9       file a written motion and offer of proof regarding the  
10       anticipated testimony of the advocate in sufficient time to  
11       allow the court to rule and the victim to seek appellate  
12       review. The court shall rule on the motion without delay.

13       (9) Right to notice and hearing before disclosure of  
14       confidential or privileged information or records. A  
15       defendant who seeks to subpoena records of or concerning  
16       the victim that are confidential or privileged by law must  
17       seek permission of the court before the subpoena is issued.  
18       The defendant must file a written motion and an offer of  
19       proof regarding the relevance, admissibility and  
20       materiality of the records. If the court finds by clear and  
21       convincing evidence that: (A) the records are not protected  
22       by an absolute privilege and (B) the records contain  
23       relevant, admissible, and material evidence that is not  
24       available through other witnesses or evidence, the court  
25       shall issue a subpoena requiring a sealed copy of the  
26       records be delivered to the court to be reviewed in camera.

1       If, after conducting an in camera review of the records,  
2       the court determines that due process requires disclosure  
3       of any portion of the records, the court shall provide  
4       copies of what it intends to disclose to the prosecuting  
5       attorney and the victim. The prosecuting attorney and the  
6       victim shall have 30 days to seek appellate review before  
7       the records are disclosed to the defendant. The disclosure  
8       of copies of any portion of the records to the prosecuting  
9       attorney does not make the records subject to discovery.

10       (10) Right to notice of court proceedings. If the  
11       victim is not present at a court proceeding in which a  
12       right of the victim is at issue, the court shall ask the  
13       prosecuting attorney whether the victim was notified of the  
14       time, place, and purpose of the court proceeding and that  
15       the victim had a right to be heard at the court proceeding.  
16       If the court determines that timely notice was not given or  
17       that the victim was not adequately informed of the nature  
18       of the court proceeding, the court shall not rule on any  
19       substantive issues, accept a plea, or impose a sentence and  
20       shall continue the hearing for the time necessary to notify  
21       the victim of the time, place and nature of the court  
22       proceeding. The time between court proceedings shall not be  
23       attributable to the State under Section 103-5 of the Code  
24       of Criminal Procedure of 1963.

25       (11) Right to timely disposition of the case. A victim  
26       has the right to timely disposition of the case so as to

1 minimize the stress, cost, and inconvenience resulting  
2 from the victim's involvement in the case. Before ruling on  
3 a motion to continue trial or other court proceeding, the  
4 court shall inquire into the circumstances for the request  
5 for the delay and, if the victim has provided written  
6 notice of the assertion of the right to a timely  
7 disposition, and whether the victim objects to the delay.  
8 If the victim objects, the prosecutor shall inform the  
9 court of the victim's objections. If the prosecutor has not  
10 conferred with the victim about the continuance, the  
11 prosecutor shall inform the court of the attempts to  
12 confer. If the court finds the attempts of the prosecutor  
13 to confer with the victim were inadequate to protect the  
14 victim's right to be heard, the court shall give the  
15 prosecutor at least 3 but not more than 5 business days to  
16 confer with the victim. In ruling on a motion to continue,  
17 the court shall consider the reasons for the requested  
18 continuance, the number and length of continuances that  
19 have been granted, the victim's objections and procedures  
20 to avoid further delays. If a continuance is granted over  
21 the victim's objection, the court shall specify on the  
22 record the reasons for the continuance and the procedures  
23 that have been or will be taken to avoid further delays.

24 (12) Right to Restitution.

25 (A) If the victim has asserted the right to  
26 restitution and the amount of restitution is known at

1           the time of sentencing, the court shall enter the  
2           judgment of restitution at the time of sentencing.

3           (B) If the victim has asserted the right to  
4           restitution and the amount of restitution is not known  
5           at the time of sentencing, the prosecutor shall, within  
6           5 days after sentencing, notify the victim what  
7           information and documentation related to restitution  
8           is needed and that the information and documentation  
9           must be provided to the prosecutor within 60 days after  
10           sentencing. Failure to timely provide information and  
11           documentation related to restitution shall be deemed a  
12           waiver of the right to restitution. The prosecutor  
13           shall file and serve within 90 days after sentencing a  
14           proposed judgment for restitution and a notice that  
15           includes information concerning the identity of any  
16           victims or other persons seeking restitution, whether  
17           any victim or other person expressly declines  
18           restitution, the nature and amount of any damages  
19           together with any supporting documentation, a  
20           restitution amount recommendation, and the names of  
21           any co-defendants and their case numbers. Within 30  
22           days after receipt of the proposed judgment for  
23           restitution, the defendant shall file any objection to  
24           the proposed judgment, a statement of grounds for the  
25           objection, and a financial statement. If the defendant  
26           does not file an objection, the court may enter the

1 judgment for restitution without further proceedings.  
2 If the defendant files an objection and either party  
3 requests a hearing, the court shall schedule a hearing.

4 (13) Access to presentence reports.

5 (A) The victim may request a copy of the  
6 presentence report prepared under the Unified Code of  
7 Corrections from the State's Attorney. The State's  
8 Attorney shall redact the following information before  
9 providing a copy of the report:

10 (i) the defendant's mental history and  
11 condition;

12 (ii) any evaluation prepared under subsection  
13 (b) or (b-5) of Section 5-3-2; and

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

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

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

23 (D) The State's Attorney must advise the victim  
24 that the victim must maintain the confidentiality of  
25 the report and other information. Any dissemination of  
26 the report or information that was not stated at a



1           court proceeding constitutes indirect criminal  
2           contempt of court.

3           (14) Appellate relief. If the trial court denies the  
4           relief requested, the victim, the victim's attorney or the  
5           prosecuting attorney may file an appeal within 30 days of  
6           the trial court's ruling. The trial or appellate court may  
7           stay the court proceedings if the court finds that a stay  
8           would not violate a constitutional right of the defendant.  
9           If the appellate court denies the relief sought, the  
10          reasons for the denial shall be clearly stated in a written  
11          opinion. In any appeal in a criminal case, the State may  
12          assert as error the court's denial of any crime victim's  
13          right in the proceeding to which the appeal relates.

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

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

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

13 (2) When the defendant has been committed to the Department  
14 of Human Services pursuant to Section 5-2-4 or any other  
15 provision of the Unified Code of Corrections, the victim may  
16 request to be notified by the releasing authority of the  
17 approval by the court of an on-grounds pass, a supervised  
18 off-grounds pass, an unsupervised off-grounds pass, or  
19 conditional release; the release on an off-grounds pass; the  
20 return from an off-grounds pass; transfer to another facility;  
21 conditional release; escape; death; or final discharge from  
22 State custody. The Department of Human Services shall establish  
23 and maintain a statewide telephone number to be used by victims  
24 to make notification requests under these provisions and shall  
25 publicize this telephone number on its website and to the  
26 State's Attorney of each county.

1           (3) In the event of an escape from State custody, the  
2 Department of Corrections or the Department of Juvenile Justice  
3 immediately shall notify the Prisoner Review Board of the  
4 escape and the Prisoner Review Board shall notify the victim.  
5 The notification shall be based upon the most recent  
6 information as to the victim's residence or other location  
7 available to the Board. When no such information is available,  
8 the Board shall make all reasonable efforts to obtain the  
9 information and make the notification. When the escapee is  
10 apprehended, the Department of Corrections or the Department of  
11 Juvenile Justice immediately shall notify the Prisoner Review  
12 Board and the Board shall notify the victim.

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

1 to the Open Parole Hearings Act.

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

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

15 (7) When a defendant who has been committed to the  
16 Department of Corrections, the Department of Juvenile Justice,  
17 or the Department of Human Services is released or discharged  
18 and subsequently committed to the Department of Human Services  
19 as a sexually violent person and the victim had requested to be  
20 notified by the releasing authority of the defendant's  
21 discharge, conditional release, death, or escape from State  
22 custody, the releasing authority shall provide to the  
23 Department of Human Services such information that would allow  
24 the Department of Human Services to contact the victim.

25 (8) When a defendant has been convicted of a sex offense as  
26 defined in Section 2 of the Sex Offender Registration Act and

1 has been sentenced to the Department of Corrections or the  
2 Department of Juvenile Justice, the Prisoner Review Board shall  
3 notify the victim of the sex offense of the prisoner's  
4 eligibility for release on parole, aftercare release,  
5 mandatory supervised release, electronic detention, work  
6 release, international transfer or exchange, or by the  
7 custodian of the discharge of any individual who was  
8 adjudicated a delinquent for a sex offense from State custody  
9 and by the sheriff of the appropriate county of any such  
10 person's final discharge from county custody. The notification  
11 shall be made to the victim at least 30 days, whenever  
12 possible, before release of the sex offender.

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

18 (f) To permit a crime victim of a violent crime to provide  
19 information to the Prisoner Review Board for consideration by  
20 the Board at a parole or aftercare release hearing of a person  
21 who committed the crime against the victim in accordance with  
22 clause (d) (4) of this Section or at a proceeding to determine  
23 the conditions of mandatory supervised release of a person  
24 sentenced to a determinate sentence or at a hearing on  
25 revocation of mandatory supervised release of a person  
26 sentenced to a determinate sentence, the Board shall establish

1 a toll-free number that may be accessed by the victim of a  
2 violent crime to present that information to the Board.

3 (Source: P.A. 97-457, eff. 1-1-12; 97-572, eff. 1-1-12; 97-813,  
4 eff. 7-13-12; 97-815, eff. 1-1-13; 98-372, eff. 1-1-14; 98-558,  
5 eff. 1-1-14; 98-756, eff. 7-16-14.)

6 (725 ILCS 120/6) (from Ch. 38, par. 1406)

7 Sec. 6. Right to be heard at sentencing ~~Rights to present~~  
8 ~~victim impact statement.~~

9 (a) A crime victim shall be allowed to present an oral or  
10 written victim impact statement in any case in which a  
11 defendant has been convicted of a violent crime or a juvenile  
12 has been adjudicated delinquent for a violent crime. The court  
13 shall allow a victim to make an oral impact statement if the  
14 victim is present in the courtroom and requests to make an oral  
15 statement. An oral statement includes the victim or a  
16 representative of the victim reading the written impact  
17 statement. The court may allow persons impacted by the crime  
18 who are not victims under subsection (a) of Section 3 of this  
19 Act to present an oral or written statement. A victim and any  
20 person making an oral statement shall not be put under oath or  
21 questioned by the defendant. ~~In any case where a defendant has~~  
22 ~~been convicted of a violent crime or a juvenile has been~~  
23 ~~adjudicated a delinquent for a violent crime and a victim of~~  
24 ~~the violent crime or the victim's spouse, guardian, parent,~~  
25 ~~grandparent, or other immediate family or household member is~~

1 ~~present in the courtroom at the time of the sentencing or the~~  
2 ~~disposition hearing, the victim or his or her representative~~  
3 ~~shall have the right and the victim's spouse, guardian, parent,~~  
4 ~~grandparent, and other immediate family or household member~~  
5 ~~upon his, her, or their request may be permitted by the court~~  
6 ~~to address the court regarding the impact that the defendant's~~  
7 ~~criminal conduct or the juvenile's delinquent conduct has had~~  
8 ~~upon them and the victim. The court has discretion to determine~~  
9 ~~the number of oral presentations of victim impact statements.~~  
10 ~~Any impact statement must have been prepared in writing in~~  
11 ~~conjunction with the Office of the State's Attorney prior to~~  
12 ~~the initial hearing or sentencing, before it can be presented~~  
13 ~~orally or in writing at the sentencing hearing. In conjunction~~  
14 ~~with the Office of the State's Attorney, a victim impact~~  
15 ~~statement that is presented orally may be done so by the victim~~  
16 ~~or the victim's spouse, guardian, parent, grandparent, or other~~  
17 ~~immediate family or household member or his, her, or their~~  
18 ~~representative. At the sentencing hearing, the prosecution may~~  
19 ~~introduce that evidence either in its case in chief or in~~  
20 ~~rebuttal.~~ The court shall consider any impact statement  
21 presented ~~admitted~~ along with all other appropriate factors in  
22 determining the sentence of the defendant or disposition of  
23 such juvenile.

24 (a-1) In any case where a defendant has been convicted of a  
25 violation of any statute, ordinance, or regulation relating to  
26 the operation or use of motor vehicles, the use of streets and

1 highways by pedestrians or the operation of any other wheeled  
2 or tracked vehicle, except parking violations, if the violation  
3 resulted in great bodily harm or death, the person who suffered  
4 great bodily harm, the injured person's representative, or the  
5 representative of a deceased person shall be entitled to notice  
6 of the sentencing hearing. "Representative" includes the  
7 spouse, guardian, grandparent, or other immediate family or  
8 household member of an injured or deceased person. ~~The~~ If the  
9 ~~injured person, the injured person's representative, or a~~  
10 ~~representative of a deceased person is present in the courtroom~~  
11 ~~at the time of sentencing,~~ the injured person or his or her  
12 representative and a representative of the deceased person  
13 shall have the right to address the court regarding the impact  
14 that the defendant's criminal conduct has had upon them. If  
15 more than one representative of an injured or deceased person  
16 is present in the courtroom at the time of sentencing, the  
17 court has discretion to permit one or more of the  
18 representatives to present an oral impact statement. A victim  
19 and any person making an oral statement shall not be put under  
20 oath or questioned by the defendant. ~~Any impact statement must~~  
21 ~~have been prepared in writing in conjunction with the Office of~~  
22 ~~the State's Attorney prior to the initial hearing or~~  
23 ~~sentencing, before it can be presented orally or in writing at~~  
24 ~~the sentencing hearing. In conjunction with the Office of the~~  
25 ~~State's Attorney, an impact statement that is presented orally~~  
26 ~~may be done so by the injured person or the representative of~~



1 ~~an injured or deceased person. At the sentencing hearing, the~~  
2 ~~prosecution may introduce that evidence either in its case in~~  
3 ~~chief or in rebuttal.~~ The court shall consider any impact  
4 statement presented ~~admitted~~ along with all other appropriate  
5 factors in determining the sentence of the defendant.

6 (a-5) A crime victim shall be allowed to present an oral  
7 and written victim impact statement at ~~In any case where a~~  
8 ~~defendant has been found not guilty by reason of insanity of a~~  
9 ~~violent crime and a hearing has been~~ ordered by the court under  
10 the Mental Health and Developmental Disabilities Code to  
11 determine if the defendant is: (1) in need of mental health  
12 services on an inpatient basis; (2) in need of mental health  
13 services on an outpatient basis; or (3) not in need of mental  
14 health services. The court shall allow a victim to make an oral  
15 impact statement if the victim is present in the courtroom and  
16 requests to make an oral statement. An oral statement includes  
17 the victim or a representative of the victim reading the  
18 written impact statement. The court may allow persons impacted  
19 by the crime who are not victims under subsection (a) of  
20 Section 3 of this Act, to present an oral or written statement.  
21 A victim and any person making an oral statement shall not be  
22 put under oath or questioned by the defendant. ~~and a victim of~~  
23 ~~the violent crime or the victim's spouse, guardian, parent,~~  
24 ~~grandparent, or other immediate family or household member is~~  
25 ~~present in the courtroom at the time of the initial commitment~~  
26 ~~hearing, the victim or his or her representative shall have the~~

1 ~~right and the victim's spouse, guardian, parent, grandparent,~~  
2 ~~and other immediate family or household members upon their~~  
3 ~~request may be permitted by the court to address the court~~  
4 ~~regarding the impact that the defendant's criminal conduct has~~  
5 ~~had upon them and the victim. The court has discretion to~~  
6 ~~determine the number of oral presentations of victim impact~~  
7 ~~statements. Any impact statement must have been prepared in~~  
8 ~~writing in conjunction with the Office of the State's Attorney~~  
9 ~~prior to the initial commitment hearing, before it may be~~  
10 ~~presented orally or in writing at the commitment hearing. In~~  
11 ~~conjunction with the Office of the State's Attorney, a victim~~  
12 ~~impact statement that is presented orally may be presented so~~  
13 ~~by the victim or the victim's spouse, guardian, parent,~~  
14 ~~grandparent, or other immediate family or household member or~~  
15 ~~his or her representative. At the initial commitment hearing,~~  
16 ~~the State's Attorney may introduce the statement either in its~~  
17 ~~case in chief or in rebuttal.~~ The court may only consider the  
18 impact statement along with all other appropriate factors in  
19 determining the: (1) threat of serious physical harm poised by  
20 the respondent to himself or herself, or to another person; (2)  
21 location of inpatient or outpatient mental health services  
22 ordered by the court, but only after complying with all other  
23 applicable administrative, rule, and statutory requirements;  
24 (3) maximum period of commitment for inpatient mental health  
25 services; and (4) conditions of release for outpatient mental  
26 health services ordered by the court.

1 (b) The crime victim has the right to prepare a victim  
2 impact statement and present it to the Office of the State's  
3 Attorney at any time during the proceedings. Any written victim  
4 impact statement submitted to the Office of the State's  
5 Attorney shall be considered by the court during its  
6 consideration of aggravation and mitigation in plea  
7 proceedings under Supreme Court Rule 402.

8 (c) This Section shall apply to any victims ~~of a violent~~  
9 ~~crime~~ during any dispositional hearing under Section 5-705 of  
10 the Juvenile Court Act of 1987 which takes place pursuant to an  
11 adjudication or trial or plea of delinquency for any such  
12 offense.

13 (Source: P.A. 96-117, eff. 1-1-10; 97-572, eff. 1-1-12.)

14 (725 ILCS 120/7) (from Ch. 38, par. 1407)

15 Sec. 7. Responsibilities of victims and witnesses. Victims  
16 and witnesses shall have the following responsibilities to aid  
17 in the prosecution of violent crime and to ensure that their  
18 constitutional rights are enforced:

19 (a) To make a timely report of the ~~violent~~ crime;

20 (b) To cooperate with law enforcement authorities  
21 throughout the investigation, prosecution, and trial;

22 (c) To testify at trial;

23 (c-5) to timely provide information and documentation to  
24 the prosecuting attorney that is related to the assertion of  
25 their rights.

1           (d) To notify law enforcement authorities and the  
2 prosecuting attorney of any change of contact information,  
3 including but not limited to, changes of address and contact  
4 information, including but not limited to changes of address,  
5 telephone number, and email address. Law enforcement  
6 authorities and the prosecuting attorney shall maintain the  
7 confidentiality of this information. A court may find that the  
8 failure to notify the prosecuting attorney of any change in  
9 contact information constitutes waiver of a right ~~of any change~~  
10 ~~of address.~~

11           (Source: P.A. 83-1499.)

12           (725 ILCS 120/8.5)

13           Sec. 8.5. Statewide victim and witness notification  
14 system.

15           (a) The Attorney General may establish a crime victim and  
16 witness notification system to assist public officials in  
17 carrying out their duties to notify and inform crime victims  
18 and witnesses under Section 4.5 of this Act or under  
19 subsections (a), (a-2), and (a-3) of Section 120 of the Sex  
20 Offender Community Notification Law ~~as the Attorney General~~  
21 ~~specifies by rule.~~ The system shall download necessary  
22 information from participating officials into its computers,  
23 where it shall be maintained, updated, and automatically  
24 transmitted to victims and witnesses by telephone, computer, ~~or~~  
25 written notice, SMS text message, or other electronic means.

1 (b) The Illinois Department of Corrections, the Department  
2 of Juvenile Justice, the Department of Human Services, and the  
3 Prisoner Review Board shall cooperate with the Attorney General  
4 in the implementation of this Section and shall provide  
5 information as necessary to the effective operation of the  
6 system.

7 (c) State's attorneys, circuit court clerks, and local law  
8 enforcement and correctional authorities may enter into  
9 agreements with the Attorney General for participation in the  
10 system. The Attorney General may provide those who elect to  
11 participate with the equipment, software, or training  
12 necessary to bring their offices into the system.

13 (d) The provision of information to crime victims and  
14 witnesses through the Attorney General's notification system  
15 satisfies a given State or local official's corresponding  
16 obligation to provide the information.

17 (e) The Attorney General may provide for telephonic,  
18 electronic, or other public access to the database established  
19 under this Section.

20 (f) (Blank). ~~The Attorney General shall adopt rules as~~  
21 ~~necessary to implement this Section. The rules shall include,~~  
22 ~~but not be limited to, provisions for the scope and operation~~  
23 ~~of any system the Attorney General may establish and~~  
24 ~~procedures, requirements, and standards for entering into~~  
25 ~~agreements to participate in the system and to receive~~  
26 ~~equipment, software, or training.~~

1           (g) There is established in the Office of the Attorney  
2 General a Crime Victim and Witness Notification Advisory  
3 Committee consisting of those victims advocates, sheriffs,  
4 State's Attorneys, circuit court clerks, Illinois Department  
5 of Corrections, the Department of Juvenile Justice, and  
6 Prisoner Review Board employees that the Attorney General  
7 chooses to appoint. The Attorney General shall designate one  
8 member to chair the Committee.

9           (1) The Committee shall consult with and advise the  
10 Attorney General as to the exercise of the Attorney  
11 General's authority under this Section, including, but not  
12 limited to:

13                 (i) the design, scope, and operation of the  
14 notification system;

15                 (ii) the content of any rules adopted to implement  
16 this Section;

17                 (iii) the procurement of hardware, software, and  
18 support for the system, including choice of supplier or  
19 operator; and

20                 (iv) the acceptance of agreements with and the  
21 award of equipment, software, or training to officials  
22 that seek to participate in the system.

23           (2) The Committee shall review the status and operation  
24 of the system and report any findings and recommendations  
25 for changes to the Attorney General and the General  
26 Assembly by November 1 of each year.

1           (3) The members of the Committee shall receive no  
2           compensation for their services as members of the  
3           Committee, but may be reimbursed for their actual expenses  
4           incurred in serving on the Committee.

5           (h) The Attorney General shall not release the names,  
6           addresses, phone numbers, personal identification numbers, or  
7           email addresses of any person registered to receive  
8           notifications to any other person except State or local  
9           officials using the notification system to satisfy the  
10          official's obligation to provide the information. The Attorney  
11          General may grant limited access to the Automated Victim  
12          Notification system (AVN) to law enforcement, prosecution, and  
13          other agencies that provide service to victims of violent crime  
14          to assist victims in enrolling and utilizing the AVN system.

15          (Source: P.A. 98-717, eff. 1-1-15.)

16          (725 ILCS 120/9) (from Ch. 38, par. 1408)

17          Sec. 9. This Act does not limit any rights or  
18          responsibilities otherwise enjoyed by or imposed upon victims  
19          or witnesses of violent crime, nor does it grant any person a  
20          cause of action in equity or at law for compensation for  
21          damages or attorneys fees. Any act of omission or commission by  
22          any law enforcement officer, circuit court clerk, or State's  
23          Attorney, by the Attorney General, Prisoner Review Board,  
24          Department of Corrections, the Department of Juvenile Justice,  
25          Department of Human Services, or other State agency, or private

1 entity under contract pursuant to Section 8, or by any employee  
2 of any State agency or private entity under contract pursuant  
3 to Section 8 acting in good faith in rendering crime victim's  
4 assistance or otherwise enforcing this Act shall not impose  
5 civil liability upon the individual or entity or his or her  
6 supervisor or employer. Nothing in this Act shall create a  
7 basis for vacating a conviction or a ground for ~~appellate~~  
8 relief requested by the defendant in any criminal case. ~~Failure~~  
9 ~~of the crime victim to receive notice as required, however,~~  
10 ~~shall not deprive the court of the power to act regarding the~~  
11 ~~proceeding before it; nor shall any such failure grant the~~  
12 ~~defendant the right to seek a continuance.~~

13 (Source: P.A. 93-258, eff. 1-1-04; 94-696, eff. 6-1-06.)

14 Section 10. The Unified Code of Corrections is amended by  
15 changing Section 5-3-4 as follows:

16 (730 ILCS 5/5-3-4) (from Ch. 38, par. 1005-3-4)

17 Sec. 5-3-4. Disclosure of Reports.

18 (a) Any report made pursuant to this Article or Section  
19 5-705 of the Juvenile Court Act of 1987 shall be filed of  
20 record with the court in a sealed envelope.

21 (b) Presentence reports shall be open for inspection only  
22 as follows:

23 (1) to the sentencing court;

24 (2) to the state's attorney and the defendant's



1 attorney at least 3 days prior to the imposition of  
2 sentence, unless such 3 day requirement is waived;

3 (3) to an appellate court in which the conviction or  
4 sentence is subject to review;

5 (4) to any department, agency or institution to which  
6 the defendant is committed;

7 (5) to any probation department of whom courtesy  
8 probation is requested;

9 (6) to any probation department assigned by a court of  
10 lawful jurisdiction to conduct a presentence report;

11 (6.5) to the victim of a crime under paragraph (13) of  
12 subsection (c-5) of Section 4.5 of the Rights of Crime  
13 Victims and Witnesses Act;

14 (7) to any other person only as ordered by the court;  
15 and

16 (8) to any mental health professional on behalf of the  
17 Illinois Department of Corrections or the Department of  
18 Human Services or to a prosecutor who is evaluating or  
19 investigating a potential or actual petition brought under  
20 the Sexually Violent Persons Commitment Act relating to a  
21 person who is the subject of a presentence report or the  
22 respondent to a petition brought under the Sexually Violent  
23 Persons Commitment Act who is the subject of the  
24 presentence report sought. Any records and any information  
25 obtained from those records under this paragraph (8) may be  
26 used only in sexually violent persons commitment

1 proceedings.

2 (c) Presentence reports shall be filed of record with the  
3 court within 60 days of a verdict or finding of guilty for any  
4 offense involving an illegal sexual act perpetrated upon a  
5 victim, including but not limited to offenses for violations of  
6 Article 12 of the Criminal Code of 1961 or the Criminal Code of  
7 2012, or any offense determined by the court or the probation  
8 department to be sexually motivated, as defined in the Sex  
9 Offender Management Board Act.

10 (d) A complaint, information or indictment shall not be  
11 quashed or dismissed nor shall any person in custody for an  
12 offense be discharged from custody because of noncompliance  
13 with subsection (c) of this Section.

14 (Source: P.A. 97-1150, eff. 1-25-13.)

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