

1 AN ACT in relation to the elderly.

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 115-10.3 as follows:

6 (725 ILCS 5/115-10.3)

7 Sec. 115-10.3. Hearsay exception regarding elder adults.

8 (a) In a prosecution for abuse, neglect, or financial  
9 exploitation perpetrated upon or against an eligible adult,  
10 as defined in the Elder Abuse and Neglect Act, who at the  
11 time the act was committed has been diagnosed by a physician  
12 to suffer from (i) any form of dementia, developmental  
13 disability, or other form of mental incapacity or (ii) any  
14 physical infirmity which prevents the eligible adult's  
15 appearance in court, including but not limited to  
16 prosecutions for violations of Sections 10-1, 10-2, 10-3,  
17 10-3.1, 10-4, 11-11, 12-1, 12-2, 12-3, 12-3.2, 12-4, 12-4.1,  
18 12-4.2, 12-4.5, 12-4.6, 12-4.7, 12-5, 12-6, 12-7.3, 12-7.4,  
19 12-11, 12-13, 12-14, 12-15, 12-16, 12-21, 16-1, 16-1.3, and  
20 17-3 of the Criminal Code of 1961, the following evidence  
21 shall be admitted as an exception to the hearsay rule:

22 (1) testimony by an eligible adult, of an out of  
23 court statement made by the eligible adult, that he or  
24 she complained of such act to another; and

25 (2) testimony of an out of court statement made by  
26 the eligible adult, describing any complaint of such act  
27 or matter or detail pertaining to any act which is an  
28 element of an offense which is the subject of a  
29 prosecution for abuse, neglect, or financial exploitation  
30 perpetrated upon or against the eligible adult.

31 (b) Such Testimony described in subsection (a) shall

1 only be admitted if:

2 (1) The court finds in a hearing conducted outside  
3 the presence of the jury that the time, content, and  
4 circumstances of the statement provide sufficient  
5 safeguards of reliability; and

6 (2) The eligible adult either:

7 (A) testifies at the proceeding; or

8 (B) is unavailable as a witness and there is  
9 corroborative evidence of the act which is the  
10 subject of the statement.

11 (c) If a statement is admitted pursuant to this Section,  
12 the court shall instruct the jury that it is for the jury to  
13 determine the weight and credibility to be given the  
14 statement and that, in making the determination, it shall  
15 consider the condition of the eligible adult, the nature of  
16 the statement, the circumstances under which the statement  
17 was made, and any other relevant factor.

18 (d) The proponent of the statement shall give the  
19 adverse party reasonable notice of his or her intention to  
20 offer the statement and the particulars of the statement.

21 (Source: P.A. 90-628, eff. 1-1-99.)