

1 AN ACT in relation to 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  
5 Act is amended by changing Section 4.5 as follows:

6 (725 ILCS 120/4.5)

7 Sec. 4.5. Procedures to implement the rights of crime  
8 victims. To afford crime victims their rights, law  
9 enforcement, prosecutors, judges and corrections will provide  
10 information, as appropriate of the following procedures:

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

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

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

24 (2) shall provide notice of the date, time, and  
25 place of trial;

26 (3) or victim advocate personnel shall provide  
27 information of social services and financial assistance  
28 available for victims of crime, including information of  
29 how to apply for these services and assistance;

30 (4) shall assist in having any stolen or other  
31 personal property held by law enforcement authorities for

1       evidentiary or other purposes returned as expeditiously  
2       as possible, pursuant to the procedures set out in  
3       Section 115-9 of the Code of Criminal Procedure of 1963;

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

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

14            (7) shall provide notice to the crime victim of the  
15       right to have a translator present at all court  
16       proceedings;

17            (8) in the case of the death of a person, which  
18       death occurred in the same transaction or occurrence in  
19       which acts occurred for which a defendant is charged with  
20       an offense, shall notify the spouse, parent, child or  
21       sibling of the decedent of the date of the trial of the  
22       person or persons allegedly responsible for the death;

23            (9) shall inform the victim of the right to have  
24       present at all court proceedings, subject to the rules of  
25       evidence, an advocate or other support person of the  
26       victim's choice, and the right to retain an attorney, at  
27       the victim's own expense, who, upon written notice filed  
28       with the clerk of the court and State's Attorney, is to  
29       receive copies of all notices, motions and court orders  
30       filed thereafter in the case, in the same manner as if  
31       the victim were a named party in the case; and

32            (10) at the sentencing hearing shall make a good  
33       faith attempt to explain the minimum amount of time  
34       during which the defendant may actually be physically

1 imprisoned. The Office of the State's Attorney shall  
2 further notify the crime victim of the right to request  
3 from the Prisoner Review Board information concerning the  
4 release of the defendant under subparagraph (d)(1) of  
5 this Section; and

6 (11) shall request restitution at sentencing and  
7 shall consider restitution in any plea negotiation, as  
8 provided by law.

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

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

19 (2) provide notice within a reasonable time after  
20 receipt of notice from the custodian, of the release of  
21 the defendant on bail or personal recognizance or the  
22 release from detention of a minor who has been detained  
23 for a violent crime;

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

27 (4) where practical, consult with the crime victim  
28 before the Office of the State's Attorney makes an offer  
29 of a plea bargain to the defendant or enters into  
30 negotiations with the defendant concerning a possible  
31 plea agreement, and shall consider the written victim  
32 impact statement, if prepared prior to entering into a  
33 plea agreement;

34 (5) provide notice of the ultimate disposition of

1 the cases arising from an indictment or an information,  
2 or a petition to have a juvenile adjudicated as a  
3 delinquent for a violent crime;

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

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

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

17 (d) (1) The Prisoner Review Board shall inform a victim  
18 or any other concerned citizen, upon written request, of  
19 the prisoner's release on parole, mandatory supervised  
20 release, electronic detention, work release or by the  
21 custodian of the discharge of any individual who was  
22 adjudicated a delinquent for a violent crime from State  
23 custody and by the sheriff of the appropriate county of  
24 any such person's final discharge from county custody.  
25 The Prisoner Review Board, upon written request, shall  
26 provide to a victim or any other concerned citizen a  
27 recent photograph of any person convicted of a felony,  
28 upon his or her release from custody. The Prisoner Review  
29 Board, upon written request, shall inform a victim or any  
30 other concerned citizen when feasible at least 7 days  
31 prior to the prisoner's release on furlough of the times  
32 and dates of such furlough. Upon written request by the  
33 victim or any other concerned citizen, the State's  
34 Attorney shall notify the person once of the times and

1 dates of release of a prisoner sentenced to periodic  
2 imprisonment. Notification shall be based on the most  
3 recent information as to victim's or other concerned  
4 citizen's residence or other location available to the  
5 notifying authority. For purposes of this paragraph (1)  
6 of subsection (d), "concerned citizen" includes relatives  
7 of the victim, friends of the victim, witnesses to the  
8 crime, or any other person associated with the victim or  
9 prisoner.

10 (2) When the defendant has been committed to the  
11 Department of Human Services pursuant to Section 5-2-4 or  
12 any other provision of the Unified Code of Corrections,  
13 the victim may request to be notified by the releasing  
14 authority of the defendant's discharge from State  
15 custody.

16 (3) In the event of an escape from State custody,  
17 the Department of Corrections immediately shall notify  
18 the Prisoner Review Board of the escape and the Prisoner  
19 Review Board shall notify the victim. The notification  
20 shall be based upon the most recent information as to the  
21 victim's residence or other location available to the  
22 Board. When no such information is available, the Board  
23 shall make all reasonable efforts to obtain the  
24 information and make the notification. When the escapee  
25 is apprehended, the Department of Corrections immediately  
26 shall notify the Prisoner Review Board and the Board  
27 shall notify the victim.

28 (4) The victim, witnesses, and family members of  
29 the victim of the crime for which the prisoner has been  
30 sentenced shall receive reasonable written notice not  
31 less than 15 days prior to the parole hearing and may  
32 submit, in writing, on film, videotape or other  
33 electronic means or in the form of a recording or in  
34 person at the parole hearing, information for

1 consideration by the Prisoner Review Board. The victim,  
2 witnesses, and family members of the victim shall be  
3 notified within 7 days after the prisoner has been  
4 granted parole and shall be informed of the right to  
5 inspect the registry of parole decisions, established  
6 under subsection (g) of Section 3-3-5 of the Unified Code  
7 of Corrections. The provisions of this paragraph (4) are  
8 subject to the Open Parole Hearings Act. For purposes of  
9 this paragraph (4), "family members" means the spouse,  
10 parents, children, or siblings of the victim.

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

15 (6) At the written request of the victim of the  
16 crime for which the prisoner was sentenced, the Prisoner  
17 Review Board shall notify the victim of the death of the  
18 prisoner if the prisoner died while on parole or  
19 mandatory supervised release.

20 (7) When a defendant who has been committed to the  
21 Department of Corrections or the Department of Human  
22 Services is released or discharged and subsequently  
23 committed to the Department of Human Services as a  
24 sexually violent person and the victim had requested to  
25 be notified by the releasing authority of the defendant's  
26 discharge from State custody, the releasing authority  
27 shall provide to the Department of Human Services such  
28 information that would allow the Department of Human  
29 Services to contact the victim.

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

1 (Source: P.A. 90-14, eff. 7-1-97; 90-793, eff. 8-14-98;  
2 91-237, eff. 1-1-00; 91-693, eff. 4-13-00.)

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

5 (730 ILCS 5/3-3-4) (from Ch. 38, par. 1003-3-4)

6 Sec. 3-3-4. Preparation for Parole Hearing.

7 (a) The Prisoner Review Board shall consider the parole  
8 of each eligible person committed to the Adult Division at  
9 least 30 days prior to the date he shall first become  
10 eligible for parole, and shall consider the parole of each  
11 person committed to the Juvenile Division as a delinquent at  
12 least 30 days prior to the expiration of the first year of  
13 confinement.

14 (b) A person eligible for parole shall, in advance of  
15 his parole hearing, prepare a parole plan in accordance with  
16 the rules of the Prisoner Review Board. The person shall be  
17 assisted in preparing his parole plan by personnel of the  
18 Department and may, for this purpose, be released on furlough  
19 under Article 11 or on authorized absence under Section  
20 3-9-4. The Department shall also provide assistance in  
21 obtaining information and records helpful to the individual  
22 for his parole hearing.

23 (c) The members of the Board shall have access at all  
24 reasonable times to any committed person and to his master  
25 record file within the Department, and the Department shall  
26 furnish such reports to the Board as the Board may require  
27 concerning the conduct and character of any such person.

28 (d) In making its determination of parole, the Board  
29 shall consider:

30 (1) material transmitted to the Department by the  
31 clerk of the committing court under Section 5-4-1 or  
32 Section 5-10 of the Juvenile Court Act or Section 5-750

1 of the Juvenile Court Act of 1987;

2 (2) the report under Section 3-8-2 or 3-10-2;

3 (3) a report by the Department and any report by  
4 the chief administrative officer of the institution or  
5 facility;

6 (4) a parole progress report;

7 (5) a medical and psychological report, if  
8 requested by the Board;

9 (6) material in writing, or on film, video tape or  
10 other electronic means in the form of a recording  
11 submitted by the person whose parole is being considered;  
12 and

13 (7) material in writing, or on film, video tape or  
14 other electronic means in the form of a recording or  
15 testimony submitted by the State's Attorney and the  
16 victim, witnesses, and family members of the victim under  
17 the pursuant-to-the-Bill-of Rights of Crime for Victims  
18 and Witnesses of Violent-Crime Act.

19 (e) The prosecuting State's Attorney's office shall  
20 receive reasonable written notice not less than 15 days prior  
21 to the parole hearing and may submit relevant information in  
22 writing, or on film, video tape or other electronic means or  
23 in the form of a recording to the Board for its  
24 consideration. The State's Attorney may waive the written  
25 notice.

26 (f) The victim, witnesses, and family members of the  
27 victim of the violent crime for which the prisoner has been  
28 sentenced shall receive notice of a parole hearing as  
29 provided in paragraph (16) of Section 4 of the Bill-of Rights  
30 of Crime for Victims and Witnesses of Violent-Crime Act.

31 (g) Any recording considered under the provisions of  
32 subsection (d)(6), (d)(7) or (e) of this Section shall be in  
33 the form designated by the Board. Such recording shall be  
34 both visual and aural. Every voice on the recording and



1 person present shall be identified and the recording shall  
2 contain either a visual or aural statement of the person  
3 submitting such recording, the date of the recording and the  
4 name of the person whose parole eligibility is being  
5 considered. Such recordings, if retained by the Board shall  
6 be deemed to be submitted at any subsequent parole hearing if  
7 the victim, witnesses, and family members of the victim, or  
8 State's Attorney submits in writing a declaration clearly  
9 identifying such recording as representing the present  
10 position of the victim, witnesses, and family members of the  
11 victim, or State's Attorney regarding the issues to be  
12 considered at the parole hearing.

13 (Source: P.A. 90-590, eff. 1-1-99.)