

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 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 a physical act, abuse, neglect,  
9 or financial exploitation perpetrated upon or against an  
10 eligible adult, as defined in the Elder Abuse and Neglect  
11 Act, ~~who at the time the act was committed has been diagnosed~~  
12 ~~by a physician to suffer from (i) any form of dementia,~~  
13 ~~developmental disability, or other form of mental incapacity~~  
14 ~~or (ii) any physical infirmity which prevents the eligible~~  
15 ~~adult's 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, 12-11.1, 12-13, 12-14, 12-15, 12-16, 12-21, 16-1,  
20 16-1.3, 17-1, and 17-3, 18-1, 18-2, 18-3, 18-4, 18-5, 20-1.1,  
21 24-1.2, and 33A-2 of the Criminal Code of 1961, the following  
22 evidence shall be admitted as an exception to the hearsay  
23 rule:

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

27 (2) testimony of an out of court statement made by  
28 the eligible adult, describing any complaint of such act  
29 or matter or detail pertaining to any act which is an  
30 element of an offense which is the subject of a  
31 prosecution for a physical act, abuse, neglect, or

1 financial exploitation perpetrated upon or against the  
2 eligible adult.

3 (b) Such testimony shall only be admitted if:

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

8 (2) The eligible adult either:

9 (A) testifies at the proceeding; or

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

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

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

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

24 Section 99. Effective date. This Act takes effect upon  
25 becoming law.