

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 Criminal Code of 1961 is amended by
5 changing Section 2-10.1 as follows:

6 (720 ILCS 5/2-10.1) (from Ch. 38, par. 2-10.1)

7 Sec. 2-10.1. "Severely or profoundly mentally retarded
8 person" means a person (i) whose intelligence quotient does
9 not exceed 40 or (ii) whose intelligence quotient does not
10 exceed 55 and who suffers from significant mental illness to
11 the extent that the person's ability to exercise rational
12 judgment is impaired. In any proceeding in which the
13 defendant is charged with committing a violation of Section
14 10-2, 10-5, 11-15.1, 11-19.1, 11-19.2, 11-20.1, 12-4.3,
15 12-14, or 12-16 of this Code against a victim who is alleged
16 to be a severely or profoundly mentally retarded person, any
17 findings concerning the victim's status as a severely or
18 profoundly mentally retarded person, made by a court after a
19 judicial admission hearing concerning the victim under
20 Articles V and VI of Chapter 4 of the Mental Health and
21 Developmental Disabilities Code is ~~shall~~-be admissible.

22 (Source: P.A. 92-434, eff. 1-1-02.)