



Rep. Rita Mayfield

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1 AMENDMENT TO HOUSE BILL 1237

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 1237 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Police Training Act is amended by  
5 changing Section 7 as follows:

6 (50 ILCS 705/7) (from Ch. 85, par. 507)

7 Sec. 7. Rules and standards for schools. The Board shall  
8 adopt rules and minimum standards for such schools which shall  
9 include but not be limited to the following:

10 a. The curriculum for probationary police officers which  
11 shall be offered by all certified schools shall include but not  
12 be limited to courses of arrest, search and seizure, civil  
13 rights, human relations, cultural diversity, including racial  
14 and ethnic sensitivity, criminal law, law of criminal  
15 procedure, vehicle and traffic law including uniform and  
16 non-discriminatory enforcement of the Illinois Vehicle Code,

1 traffic control and accident investigation, techniques of  
2 obtaining physical evidence, court testimonies, statements,  
3 reports, firearms training, first-aid (including  
4 cardiopulmonary resuscitation), handling of juvenile  
5 offenders, recognition of mental conditions which require  
6 immediate assistance and methods to safeguard and provide  
7 assistance to a person in need of mental treatment, law of  
8 evidence, the hazards of high-speed police vehicle chases with  
9 an emphasis on alternatives to the high-speed chase, and  
10 physical training. The curriculum shall include specific  
11 training in techniques for immediate response to and  
12 investigation of cases of domestic violence and of sexual  
13 assault of adults and children. The curriculum shall include  
14 training in techniques designed to promote effective  
15 communication at the initial contact with crime victims and  
16 ways to comprehensively explain to victims and witnesses their  
17 rights under the Rights of Crime Victims and Witnesses Act and  
18 the Crime Victims Compensation Act. The curriculum shall also  
19 include a block of instruction aimed at identifying and  
20 interacting with persons with autism and other developmental  
21 disabilities, reducing barriers to reporting crimes against  
22 persons with autism, and addressing the unique challenges  
23 presented by cases involving victims or witnesses with autism  
24 and other developmental disabilities. The curriculum for  
25 permanent police officers shall include but not be limited to  
26 (1) refresher and in-service training in any of the courses

1 listed above in this subparagraph, (2) advanced courses in any  
2 of the subjects listed above in this subparagraph, (3) training  
3 for supervisory personnel, and (4) specialized training in  
4 subjects and fields to be selected by the board.

5 b. Minimum courses of study, attendance requirements and  
6 equipment requirements.

7 c. Minimum requirements for instructors.

8 d. Minimum basic training requirements, which a  
9 probationary police officer must satisfactorily complete  
10 before being eligible for permanent employment as a local law  
11 enforcement officer for a participating local governmental  
12 agency. Those requirements shall include training in first aid  
13 (including cardiopulmonary resuscitation).

14 e. Minimum basic training requirements, which a  
15 probationary county corrections officer must satisfactorily  
16 complete before being eligible for permanent employment as a  
17 county corrections officer for a participating local  
18 governmental agency.

19 f. Minimum basic training requirements which a  
20 probationary court security officer must satisfactorily  
21 complete before being eligible for permanent employment as a  
22 court security officer for a participating local governmental  
23 agency. The Board shall establish those training requirements  
24 which it considers appropriate for court security officers and  
25 shall certify schools to conduct that training.

26 A person hired to serve as a court security officer must

1 obtain from the Board a certificate (i) attesting to his or her  
2 successful completion of the training course; (ii) attesting to  
3 his or her satisfactory completion of a training program of  
4 similar content and number of hours that has been found  
5 acceptable by the Board under the provisions of this Act; or  
6 (iii) attesting to the Board's determination that the training  
7 course is unnecessary because of the person's extensive prior  
8 law enforcement experience.

9 Individuals who currently serve as court security officers  
10 shall be deemed qualified to continue to serve in that capacity  
11 so long as they are certified as provided by this Act within 24  
12 months of the effective date of this amendatory Act of 1996.  
13 Failure to be so certified, absent a waiver from the Board,  
14 shall cause the officer to forfeit his or her position.

15 All individuals hired as court security officers on or  
16 after the effective date of this amendatory Act of 1996 shall  
17 be certified within 12 months of the date of their hire, unless  
18 a waiver has been obtained by the Board, or they shall forfeit  
19 their positions.

20 The Sheriff's Merit Commission, if one exists, or the  
21 Sheriff's Office if there is no Sheriff's Merit Commission,  
22 shall maintain a list of all individuals who have filed  
23 applications to become court security officers and who meet the  
24 eligibility requirements established under this Act. Either  
25 the Sheriff's Merit Commission, or the Sheriff's Office if no  
26 Sheriff's Merit Commission exists, shall establish a schedule

1 of reasonable intervals for verification of the applicants'  
2 qualifications under this Act and as established by the Board.  
3 (Source: P.A. 95-171, eff. 1-1-08.)

4 Section 10. The Rights of Crime Victims and Witnesses Act  
5 is amended by changing Sections 4, 4.5, and 9 as follows:

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 throughout the criminal  
11 justice process.

12 (2) The right to notification of court proceedings.

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

14 (4) The right to make a statement to the court at  
15 sentencing.

16 (5) The right to information about the conviction,  
17 sentence, imprisonment and release of the accused.

18 (6) The right to the timely disposition of the case  
19 following the arrest of the accused.

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

22 (8) The right to be present at the trial and all other  
23 court proceedings on the same basis as the accused, ~~unless~~  
24 ~~the victim is to testify and the court determines that the~~

1 ~~victim's testimony would be materially affected if the~~  
2 ~~victim hears other testimony at the trial.~~

3 (9) the right to have present at all court proceedings,  
4 including proceedings under the Juvenile Court Act of 1987,  
5 subject to the admonition of the rules of confidentiality  
6 and subject to the rules of evidence, a victim-witness  
7 specialist, an advocate or other support person of the  
8 victim's choice and an attorney at the victim's expense.

9 (10) The right to restitution.

10 (b) Any law enforcement agency that investigates an offense  
11 committed in this State shall provide a crime victim with a  
12 written statement and explanation of the rights of crime  
13 victims within 24 hours of law enforcement's initial contact  
14 with a victim. The statement shall include information about  
15 crime victim compensation, including how to contact the Office  
16 of the Illinois Attorney General to file a claim. The content  
17 of the statement shall be provided to law enforcement by the  
18 Attorney General. Law enforcement shall also provide a crime  
19 victim with a sign-off sheet that the victim shall sign and  
20 date as an acknowledgement that he or she has been furnished  
21 with information and an explanation of the rights of crime  
22 victims and compensation set forth in this Act.

23 (c) The Clerk of the Circuit Court shall post the rights of  
24 crime victims set forth in Article I, Section 8.1(a) of the  
25 Illinois Constitution and subsection (a) of this Section within  
26 3 feet of the door to any courtroom where criminal proceedings

1 are conducted. The clerk may also post the rights in other  
2 locations in the courthouse.

3 (d) The victim, the State's Attorney, an attorney hired at  
4 the victim's expense, or an attorney representing the victim  
5 may assert the victim's rights in the circuit court in which a  
6 defendant is being prosecuted for the crime or, if no  
7 prosecution is underway, in the circuit court in the circuit in  
8 which the crime occurred. The court shall take up and decide  
9 any written or oral motion asserting a victim's right  
10 forthwith. A motion to re-open a plea or sentence shall be  
11 granted if:

12 (1) the victim asserted the right to be heard before or  
13 during the proceeding at issue and such right was denied;

14 (2) in the case of a plea, the accused has not pleaded  
15 to the highest offense charged ~~A statement and explanation~~  
16 ~~of the rights of crime victims set forth in paragraph (a)~~  
17 ~~of this Section shall be given to a crime victim at the~~  
18 ~~initial contact with the criminal justice system by the~~  
19 ~~appropriate authorities and shall be conspicuously posted~~  
20 ~~in all court facilities.~~

21 (Source: P.A. 95-591, eff. 6-1-08.)

22 (725 ILCS 120/4.5)

23 Sec. 4.5. Procedures to implement the rights of crime  
24 victims. To afford crime victims their rights, law enforcement,  
25 prosecutors, judges and corrections will provide information,

1 as appropriate of the following procedures:

2 (a) Law enforcement authorities shall notify the victim of  
3 the apprehension of an offender and closure of the  
4 investigation within 24 hours of the event. While the case is  
5 under investigation, the victim may submit a written request  
6 for information relating to the status of the investigation  
7 every 30 days. Law enforcement shall respond to a victim's  
8 request within 10 days, unless the State's Attorney determines  
9 in writing that disclosure of such information would  
10 unreasonably interfere with the investigation. A copy of the  
11 State's Attorney's written determination shall be provided to  
12 the victim ~~At the request of the crime victim, law enforcement~~  
13 ~~authorities investigating the case shall provide notice of the~~  
14 ~~status of the investigation, except where the State's Attorney~~  
15 ~~determines that disclosure of such information would~~  
16 ~~unreasonably interfere with the investigation, until such time~~  
17 ~~as the alleged assailant is apprehended or the investigation is~~  
18 ~~closed.~~

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

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

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

26 (3) or victim advocate personnel shall provide



1 information of social services and financial assistance  
2 available for victims of crime, including information of  
3 how to apply for these services and assistance;

4 (4) shall assist in having any stolen or other personal  
5 property held by law enforcement authorities for  
6 evidentiary or other purposes returned as expeditiously as  
7 possible, pursuant to the procedures set out in Section  
8 115-9 of the Code of Criminal Procedure of 1963;

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

14 (6) shall provide information whenever possible, of a  
15 secure waiting area during court proceedings that does not  
16 require victims to be in close proximity to defendant or  
17 juveniles accused of a violent crime, and their families  
18 and friends;

19 (7) shall provide notice to the crime victim of the  
20 right to have a translator present at all court proceedings  
21 and, in compliance with the federal Americans with  
22 Disabilities Act of 1990, the right to communications  
23 access through a sign language interpreter or by other  
24 means;

25 (8) in the case of the death of a person, which death  
26 occurred in the same transaction or occurrence in which

1 acts occurred for which a defendant is charged with an  
2 offense, shall notify the spouse, parent, child or sibling  
3 of the decedent of the date of the trial of the person or  
4 persons allegedly responsible for the death;

5 (9) shall inform the victim of the right to have  
6 present at all court proceedings, subject to the rules of  
7 evidence, an advocate or other support person of the  
8 victim's choice, and the right to ~~retain~~ an attorney, ~~at~~  
9 ~~the victim's own expense,~~ who, upon written notice filed  
10 with the clerk of the court and State's Attorney, is to  
11 receive copies of all notices, motions and court orders  
12 filed thereafter in the case, in the same manner as if the  
13 victim were a named party in the case;

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 shall  
22 consider restitution in any plea negotiation, as provided  
23 by law; and

24 (12) shall, upon the court entering a verdict of not  
25 guilty by reason of insanity, inform the victim of the  
26 notification services available from the Department of

1 Human Services, including the statewide telephone number,  
2 under subparagraph (d) (2) of this Section.

3 (c) ~~The~~ ~~At the written request of the crime victim, the~~  
4 office of the State's Attorney shall:

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

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

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

21 (4) where practical, consult with the crime victim  
22 before the Office of the State's Attorney makes an offer of  
23 a plea bargain to the defendant or enters into negotiations  
24 with the defendant concerning a possible plea agreement,  
25 and shall consider the written victim impact statement, if  
26 prepared prior to entering into a plea agreement;

1           (5) provide notice of the ultimate disposition of the  
2 cases arising from an indictment or an information, or a  
3 petition to have a juvenile adjudicated as a delinquent for  
4 a violent crime;

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

8           (7) provide notice of any request for post-conviction  
9 review filed by the defendant under Article 122 of the Code  
10 of Criminal Procedure of 1963, and of the date, time and  
11 place of any hearing concerning the petition. Whenever  
12 possible, notice of the hearing 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 by  
15 the Board in making its determination under subsection (b)  
16 of Section 3-3-8 of the Unified Code of Corrections.

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

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

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

26 (3) In the event of an escape from State custody, the

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

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

26 (5) If a statement is presented under Section 6, the

1 Prisoner Review Board shall inform the victim of any order of  
2 discharge entered by the Board pursuant to Section 3-3-8 of the  
3 Unified Code of Corrections.

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

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

21 (8) When a defendant has been convicted of a sex offense as  
22 defined in Section 2 of the Sex Offender Registration Act and  
23 has been sentenced to the Department of Corrections or the  
24 Department of Juvenile Justice, the Prisoner Review Board shall  
25 notify the victim of the sex offense of the prisoner's  
26 eligibility for release on parole, mandatory supervised

1 release, electronic detention, work release, international  
2 transfer or exchange, or by the custodian of the discharge of  
3 any individual who was adjudicated a delinquent for a sex  
4 offense from State custody and by the sheriff of the  
5 appropriate county of any such person's final discharge from  
6 county custody. The notification shall be made to the victim at  
7 least 30 days, whenever possible, before release of the sex  
8 offender.

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

14 (f) To permit a victim of a violent crime to provide  
15 information to the Prisoner Review Board for consideration by  
16 the Board at a parole hearing of a person who committed the  
17 crime against the victim in accordance with clause (d)(4) of  
18 this Section or at a proceeding to determine the conditions of  
19 mandatory supervised release of a person sentenced to a  
20 determinate sentence or at a hearing on revocation of mandatory  
21 supervised release of a person sentenced to a determinate  
22 sentence, the Board shall establish a toll-free number that may  
23 be accessed by the victim of a violent crime to present that  
24 information to the Board.

25 (Source: P.A. 95-317, eff. 8-21-07; 95-896, eff. 1-1-09;  
26 95-897, eff. 1-1-09; 95-904, eff. 1-1-09; 96-328, eff. 8-11-09;



1 96-875, eff. 1-22-10.)

2 (725 ILCS 120/9) (from Ch. 38, par. 1408)

3 Sec. 9. This Act does not limit any rights or  
4 responsibilities otherwise enjoyed by or imposed upon victims  
5 or witnesses of violent crime, ~~nor does it grant any person a~~  
6 ~~cause of action for damages or attorneys fees.~~ Any act of  
7 omission or commission by any ~~law enforcement officer, circuit~~  
8 ~~court clerk, or~~ State's Attorney, ~~by~~ the Attorney General, any  
9 law enforcement officer, circuit court clerk, Prisoner Review  
10 Board, Department of Corrections, the Department of Juvenile  
11 Justice, Department of Human Services, or other State agency,  
12 or private entity under contract pursuant to Section 8, or by  
13 any employee of any State agency or private entity under  
14 contract pursuant to Section 8 acting in good faith in  
15 rendering crime victim's assistance or otherwise enforcing  
16 this Act shall not impose civil liability upon the individual  
17 or entity or his or her supervisor or employer. Nothing in this  
18 Act shall create a basis for vacating a conviction ~~or a ground~~  
19 ~~for appellate relief~~ in any criminal case. Failure of the crime  
20 victim to receive notice as required, ~~however,~~ shall not  
21 ~~deprive the court of the power to act regarding the proceeding~~  
22 ~~before it; nor shall any such failure~~ grant the defendant the  
23 right to seek a continuance.

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