



SENATE JOURNAL

STATE OF ILLINOIS

NINETY-SEVENTH GENERAL ASSEMBLY

103RD LEGISLATIVE DAY

WEDNESDAY, APRIL 18, 2012

12:05 O'CLOCK P.M.

SENATE
Daily Journal Index
103rd Legislative Day

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The Senate met pursuant to adjournment.
Senator M. Maggie Crotty, Oak Forest, Illinois, presiding.
Prayer by Pastor Michael Dye, Knox Knolls Free Methodist Church, Springfield, Illinois.
Senator Jacobs led the Senate in the Pledge of Allegiance.

Senator Maloney moved that reading and approval of the Journal of Tuesday, April 17, 2012, be postponed, pending arrival of the printed Journal.
The motion prevailed.

REPORT RECEIVED

The Secretary placed before the Senate the following report:

Flood Damage Reduction Study, Alexander County, Flood of 2011, submitted by the Department of Natural Resources.

The foregoing report was ordered received and placed on file in the Secretary's Office.

LEGISLATIVE MEASURES FILED

The following Floor amendments to the Senate Bills listed below have been filed with the Secretary and referred to the Committee on Assignments:

Senate Floor Amendment No. 3 to Senate Bill 275
Senate Floor Amendment No. 2 to Senate Bill 679

The following Committee amendments to the House Bills listed below have been filed with the Secretary and referred to the Committee on Assignments:

Senate Committee Amendment No. 1 to House Bill 3935
Senate Committee Amendment No. 1 to House Bill 4177
Senate Committee Amendment No. 1 to House Bill 4636
Senate Committee Amendment No. 1 to House Bill 4674
Senate Committee Amendment No. 1 to House Bill 5021
Senate Committee Amendment No. 1 to House Bill 5099
Senate Committee Amendment No. 1 to House Bill 5201
Senate Committee Amendment No. 1 to House Bill 5233
Senate Committee Amendment No. 1 to House Bill 5278
Senate Committee Amendment No. 1 to House Bill 5359

The following Floor amendment to the House Bill listed below has been filed with the Secretary and referred to the Committee on Assignments:

Senate Floor Amendment No. 2 to House Bill 1084

PRESENTATION OF RESOLUTIONS

SENATE RESOLUTION NO. 707

Offered by Senator Koehler and all Senators:
Mourns the death of Carl Frederick Helfers of Pekin.

SENATE RESOLUTION NO. 708

Offered by Senator Bomke and all Senators:
Mourns the death of Evelyn Logan of Lincoln.

SENATE RESOLUTION NO. 709

Offered by Senator Haine and all Senators:
Mourns the death of James E. Kulp of Alton.

SENATE RESOLUTION NO. 710

Offered by Senator Schmidt and all Senators:
Mourns the death of Milton C. "Milt" Jensen, Mayor of Beach Park.

SENATE RESOLUTION NO. 711

Offered by Senator Althoff and all Senators:
Mourns the death of Margaret M. Kiple of Roselle.

SENATE RESOLUTION NO. 712

Offered by Senator Koehler and all Senators:
Mourns the death of Mark H. Ayers of Alexandria, Virginia, formerly of Peoria.

SENATE RESOLUTION NO. 713

Offered by Senator Hunter and all Senators:
Mourns the death of Teresa Lynn Bourn.

By unanimous consent, the foregoing resolutions were referred to the Resolutions Consent Calendar.

Senator Raoul offered the following Senate Resolution, which was referred to the Committee on Assignments:

SENATE RESOLUTION NO. 714

WHEREAS, Chronic obstructive pulmonary disease (COPD) is an umbrella term used to describe airflow obstruction that is associated mainly with emphysema and chronic bronchitis; and

WHEREAS, COPD affects an estimated 24 million individuals in the United States, and kills more than 120,000 Americans a year; on average, one person dies from COPD every 4 minutes; and

WHEREAS, In 2010, the National Center for Health Statistics releases a report stating that, in 2008, COPD became the third leading cause of death in the United States; and

WHEREAS, COPD currently accounts for 1.5 million emergency room visits, 726,000 hospitalizations, and 8 million physician office and hospital outpatient visits, all of which are detrimental to the United States economy; COPD costs the nation an estimated \$42.6 billion in direct and indirect medical costs annually; and

WHEREAS, The 2010 Illinois Behavioral Risk Factor Surveillance Survey revealed that over 440,000 Illinoisans have been diagnosed with COPD; it is estimated that another 440,000 have yet to be diagnosed; and

WHEREAS, The Illinois COPD Coalition, convened by the Respiratory Health Association, continues to implement the State Plan for Addressing COPD, a plan that outlines sustainable solutions to improve care and treatment and to prevent and reduce the prevalence of the disease in Illinois; and

WHEREAS, Research has identified a hereditary protein deficiency called Alpha-1 Antitrypsin; people with this deficiency tend to develop COPD, despite the lack of exposure to smoking and environmental triggers; and

WHEREAS, Recently, the death rate for women with COPD has surpassed the death rate of men with COPD; women over the age of 40 are the fastest growing segment of the population to develop this irreversible disease, due in large part to the equalization of opportunity for men and women to smoke

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over the past several generations; and

WHEREAS, There is currently no cure for COPD; spirometry testing and medical treatments, such as pulmonary rehabilitation, exist to address symptom relief and possibly slow progression of the disease; and

WHEREAS, Until there is a cure, the best approaches to preventing COPD and its considerable health, societal, and mortality impacts lie in education, awareness, and expanded delivery of detection and management protocols; therefore, be it

RESOLVED, BY THE SENATE OF THE NINETY-SEVENTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we designate the month of November as COPD Awareness Month in the State of Illinois and urge the citizens of this State to become more aware of COPD and its effects.

REPORTS FROM STANDING COMMITTEES

Senator Frerichs, Chairperson of the Committee on Agriculture and Conservation, to which was referred **House Bills Numbered 3888, 4447, 4697, 5145, 5353, 5539, 5540 and 5893**, reported the same back with the recommendation that the bills do pass.

Under the rules, the bills were ordered to a second reading.

Senator Frerichs, Chairperson of the Committee on Agriculture and Conservation, to which was referred **House Bill No. 404**, reported the same back with amendments having been adopted thereto, with the recommendation that the bill, as amended, do pass.

Under the rules, the bill was ordered to a second reading.

Senator Frerichs, Chairperson of the Committee on Agriculture and Conservation, to which was referred **Senate Resolution No. 659**, reported the same back with the recommendation that the resolution be adopted.

Under the rules, **Senate Resolution No. 659** was placed on the Secretary's Desk.

Senator Silverstein, Chairperson of the Committee on Judiciary, to which was referred **House Bills Numbered 3887, 3950, 3960, 4663, 4749, 5062, 5190, 5314 and 5922**, reported the same back with the recommendation that the bills do pass.

Under the rules, the bills were ordered to a second reading.

Senator Lightford, Vice-Chairperson of the Committee on Education, to which was referred **House Bills Numbered 3819, 4043 and 4993**, reported the same back with the recommendation that the bills do pass.

Under the rules, the bills were ordered to a second reading.

Senator Lightford, Vice-Chairperson of the Committee on Education, to which was referred **House Bill No. 4029**, reported the same back with amendments having been adopted thereto, with the recommendation that the bill, as amended, do pass.

Under the rules, the bill was ordered to a second reading.

Senator Sandoval, Chairperson of the Committee on Transportation, to which was referred **House Bills Numbered 4022, 4078, 4440, 4444, 4468, 4691, 4862, 5056 and 5101**, reported the same back with the recommendation that the bills do pass.

Under the rules, the bills were ordered to a second reading.

Senator Sandoval, Chairperson of the Committee on Transportation, to which was referred **House Bill No. 4598**, reported the same back with amendments having been adopted thereto, with the recommendation that the bill, as amended, do pass.

Under the rules, the bill was ordered to a second reading.

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Senator Sandoval, Chairperson of the Committee on Transportation, to which was referred **Senate Joint Resolution No. 63**, reported the same back with the recommendation that the resolution be adopted.

Under the rules, **Senate Joint Resolution No. 63** was placed on the Secretary's Desk.

Senator Noland, Chairperson of the Committee on Criminal Law, to which was referred **House Bills Numbered 4013, 4063, 4523, 4926, 4937, 5098, 5121, 5122, 5187, 5441 and 5749**, reported the same back with the recommendation that the bills do pass.

Under the rules, the bills were ordered to a second reading.

Senator Noland, Chairperson of the Committee on Criminal Law, to which was referred **House Bill No. 5330**, reported the same back with amendments having been adopted thereto, with the recommendation that the bill, as amended, do pass.

Under the rules, the bill was ordered to a second reading.

Senator Garrett, Chairperson of the Committee on Environment, to which was referred **House Bill No. 5642**, reported the same back with the recommendation that the bill do pass.

Under the rules, the bill was ordered to a second reading.

Senator Koehler, Chairperson of the Committee on Local Government, to which was referred **House Bills Numbered 4514, 4562, 5236, 5319, 5635 and 5899**, reported the same back with the recommendation that the bills do pass.

Under the rules, the bills were ordered to a second reading.

READING BILLS FROM THE HOUSE OF REPRESENTATIVES A FIRST TIME

House Bill No. 3779, sponsored by Senator Clayborne, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 4995, sponsored by Senator Holmes, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 5505, sponsored by Senator Martinez, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 5586, sponsored by Senator Raoul, was taken up, read by title a first time and referred to the Committee on Assignments.

ANNOUNCEMENT ON ATTENDANCE

Senator Pankau announced for the record that Senator Schmidt was absent due to personal business.

COMMITTEE REPORT CORRECTION

The following correction was made on the report from the Senate Committee on Transportation, which reported House Bill 4468 Do Pass and should have reported House Bill 4468 as having been held in committee.

At the hour of 1:06 o'clock p.m., the Chair announced that the Senate stand at ease.

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AT EASE

At the hour of 1:15 o'clock p.m. the Senate resumed consideration of business.
 Senator Crotty, presiding.

REPORT FROM COMMITTEE ON ASSIGNMENTS

Senator Clayborne, Chairperson of the Committee on Assignments, during its April 18, 2012 meeting, reported the following Legislative Measures have been assigned to the indicated Standing Committees of the Senate:

Agriculture and Conservation: **HOUSE BILL 3611.**

Criminal Law: **HOUSE BILLS 2582 and 3366.**

Executive: **HOUSE BILL 3779; Senate Floor Amendment No. 3 to Senate Bill 275; Senate Floor Amendment No. 2 to House Bill 1084; Senate Committee Amendment No. 1 to House Bill 4674.**

Financial Institutions: **Senate Committee Amendment No. 1 to House Bill 3935.**

Human Services: **HOUSE BILL 4609.**

Insurance: **Senate Floor Amendment No. 2 to Senate Bill 679.**

Judiciary: **HOUSE BILL 5016.**

Licensed Activities: **Senate Committee Amendment No. 1 to House Bill 5359.**

Local Government: **HOUSE BILL 3892.**

Senator Clayborne, Chairperson of the Committee on Assignments, during its April 18, 2012 meeting, reported that the Committee recommends that **Senate Floor Amendment No. 4 to Senate Bill No. 3280** be re-referred from the Committee on Executive to the Committee on Environment.

Senator Clayborne, Chairperson of the Committee on Assignments, during its April 18, 2012 meeting, reported that the Committee recommends that **House Bill No. 4479** be re-referred from the Committee on Licensed Activities to the Committee on Assignments.

Senator Clayborne, Chairperson of the Committee on Assignments, during its April 18, 2012 meeting, reported that the Committee recommends that **House Bills numbered 4545 and 4715** be re-referred from the Committee on Local Government to the Committee on Assignments.

Senator Clayborne, Chairperson of the Committee on Assignments, during its April 18, 2012 meeting, reported that the Committee recommends that **House Bill No. 5283** be re-referred from the Committee on Revenue to the Committee on Assignments.

Senator Clayborne, Chairperson of the Committee on Assignments, during its April 18, 2012 meeting, reported that the Committee recommends that **House Bill No. 4468** be re-referred from the Committee on Transportation to the Committee on Assignments.

MESSAGE FROM THE HOUSE

A message from the House by
 Mr. Mapes, Clerk:

[April 18, 2012]

Mr. President -- I am directed to inform the Senate that the House of Representatives has passed a House Joint Resolution Constitutional Amendment of the following title, in the passage of which I am instructed to ask the concurrence of the Senate, to-wit:

**HOUSE JOINT RESOLUTION
CONSTITUTIONAL AMENDMENT 49**

HC0049

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-SEVENTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, that there shall be submitted to the electors of the State for adoption or rejection at the general election next occurring at least 6 months after the adoption of this resolution a proposition to amend Article XIII of the Illinois Constitution by adding Section 5.1 as follows:

ARTICLE XIII
GENERAL PROVISIONS

SECTION 5.1. PENSION AND RETIREMENT BENEFIT INCREASES

(a) No bill, except a bill for appropriations, that provides a benefit increase under any pension or retirement system of the State, any unit of local government or school district, or any agency or instrumentality thereof, shall become law without the concurrence of three-fifths of the members elected to each house of the General Assembly. If the Governor vetoes such a bill by returning it with objections to the house in which it originated, the provisions of Article IV, Section 9 shall govern the passage of that bill except that such bill shall not become law unless, upon its return, it is passed by a record vote of two-thirds of the members elected to each house of the General Assembly. If the Governor returns such a bill with specific recommendations for change to the house in which it originated, the provisions of Article IV, Section 9 shall govern the acceptance of those specific recommendations except that such recommendations may be accepted only by a record vote of two-thirds of the members elected to each house of the General Assembly, regardless of the bill's date of passage or effective date.

For purposes of this subsection, the term "benefit increase" means a change to any pension or other law that results in a member of a pension or retirement system receiving a new benefit or an enhancement to a benefit, including, but not limited to, any changes that (i) increase the amount of the pension or annuity that a member could receive upon retirement, or (ii) reduce or eliminate the eligibility requirements or other terms or conditions a member must meet to receive a pension or annuity upon retirement. The term "benefit increase" also means a change to any pension or other law that expands the class of persons who may become a member of any pension or retirement system or who may receive a pension or annuity from a pension or retirement system. An increase in salary or wage level, by itself, shall not constitute a "benefit increase" unless that increase exceeds limitations provided by law.

(b) No ordinance, resolution, rule, or other action of the governing body, or an appointee or employee of the governing body, of any unit of local government or school district that provides an emolument increase to an official or employee that has the effect of increasing the amount of the pension or annuity that an official or employee could receive as a member of a pension or retirement system shall be valid without the concurrence of three-fifths of the members of that governing body. For purposes of this subsection, the term "emolument increase" means the creation of a new or enhancement of an existing advantage, profit or gain that an official or employee receives by virtue of holding office or employment, including, but not limited to, compensated time off, bonuses, incentives, or other forms of compensation. An increase in salary or wage level, by itself, shall not constitute an "emolument increase" unless that increase exceeds limitations provided by law.

(c) No action of the governing body, or an appointee or employee of the governing body, of any pension or retirement system created or maintained for the benefit of officers or employees of the State, any unit of local government or school district, or any agency or instrumentality thereof that results in a beneficial determination shall be valid without the concurrence of three-fifths of the members of that governing body. For the purposes of this subsection, the term "beneficial determination" means an interpretation or application of pension or other law by the governing body, or an appointee or employee of the governing body, that reverses or supersedes a previous interpretation or application and either (i) results in an increase in the amount of the pension or annuity received by a member of the pension or retirement system or (ii) results in a person becoming eligible to receive a pension or annuity from the pension or retirement system. The term "beneficial determination" shall not include a beneficial determination mandated by a final decision of a court of competent jurisdiction.

(d) Nothing in this Section shall prevent the passage or adoption of any law, ordinance, resolution,

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rule, policy, or practice that further restricts the ability to provide a "benefit increase", "emolument increase", or "beneficial determination" as those terms are used under this Section.

SCHEDULE

This Constitutional Amendment takes effect on January 9, 2013.

Passed the House, April 18, 2012.

TIMOTHY D. MAPES, Clerk of the House

The foregoing message from the House of Representatives reporting House Joint Resolution Constitutional Amendment No. 49 was referred to the Committee on Assignments.

COMMITTEE MEETING ANNOUNCEMENTS FOR APRIL 18, 2012

The Chair announced the following committee to meet at 2:22 o'clock p.m.:

Executive in Room 212

The Chair announced the following committee to meet at 4:02 o'clock p.m.:

Insurance in Room 400

COMMITTEE MEETING ANNOUNCEMENT FOR APRIL 19, 2012

The Chair announced the following committee to meet at 9:00 o'clock a.m.:

Environment in Room 400

MESSAGES FROM THE PRESIDENT

**OFFICE OF THE SENATE PRESIDENT
STATE OF ILLINOIS**

JOHN J. CULLERTON
SENATE PRESIDENT

327 STATE CAPITOL
SPRINGFIELD, IL 62706
217-782-2728

April 18, 2012

Mr. Tim Anderson
Secretary of the Senate
Room 401 State House
Springfield, IL 62706

Dear Mr. Secretary:

Pursuant to Rule 3-2(c), I hereby appoint Senator Emil Jones, III to temporarily replace Senator Terry Link as a member of the Senate State Government and Veterans Affairs Committee. This appointment will automatically expire, upon adjournment of the Senate State Government and Veterans Affairs Committee.

Sincerely,
s/John J. Cullerton
John J. Cullerton
Senate President

[April 18, 2012]

cc: Senate Minority Leader Christine Radogno

**OFFICE OF THE SENATE PRESIDENT
STATE OF ILLINOIS**

JOHN J. CULLERTON
SENATE PRESIDENT

327 STATE CAPITOL
SPRINGFIELD, IL 62706
217-782-2728

April 18, 2012

Mr. Tim Anderson
Secretary of the Senate
Room 401 State House
Springfield, IL 62706

Dear Mr. Secretary:

Pursuant to Rule 3-2(c), I hereby appoint Senator Pat McGuire to temporarily replace Senator James Meeks as a member of the Senate Revenue Committee. This appointment will automatically expire, upon adjournment of the Senate Revenue Committee.

Sincerely,
s/John J. Cullerton
John J. Cullerton
Senate President

cc: Senate Minority Leader Christine Radogno

At the hour of 1:24 o'clock p.m., the Chair announced that the Senate stand at recess subject to the call of the Chair.

AFTER RECESS

At the hour of 5:54 o'clock p.m., the Senate resumed consideration of business.
Senator Crotty, presiding.

REPORTS FROM STANDING COMMITTEES

Senator Forby, Chairperson of the Committee on Labor, to which was referred **House Bills Numbered 411, 5212 and 5336**, reported the same back with the recommendation that the bills do pass. Under the rules, the bills were ordered to a second reading.

Senator Jones, E. III, Chairperson of the Committee on Commerce, to which was referred **House Bill No. 4689**, reported the same back with the recommendation that the bill do pass. Under the rules, the bill was ordered to a second reading.

Senator Jones, E. III, Chairperson of the Committee on Commerce, to which was referred **House Bill No. 5211**, reported the same back with amendments having been adopted thereto, with the recommendation that the bill, as amended, do pass. Under the rules, the bill was ordered to a second reading.

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Senator Raoul, Chairperson of the Committee on Pensions and Investments, to which was referred **House Bills Numbered 4622, 5210 and 5791**, reported the same back with the recommendation that the bills do pass.

Under the rules, the bills were ordered to a second reading.

Senator Harmon, Chairperson of the Committee on Executive, to which was referred **House Bills Numbered 3923, 4568, 4570, 4966, 4991 and 5877**, reported the same back with the recommendation that the bills do pass.

Under the rules, the bills were ordered to a second reading.

Senator Harmon, Chairperson of the Committee on Executive, to which was referred **House Bills Numbered 4674 and 5288**, reported the same back with amendments having been adopted thereto, with the recommendation that the bill, as amended, do pass.

Under the rules, the bill was ordered to a second reading.

Senator Harmon, Chairperson of the Committee on Executive, to which was referred **Senate Resolution No. 664**, reported the same back with the recommendation that the resolution be adopted.

Under the rules, **Senate Resolution No. 664** was placed on the Secretary's Desk.

Senator Harmon, Chairperson of the Committee on Executive, to which was referred **Senate Joint Resolution Constitutional Amendment No. 66**, reported the same back with the recommendation that the resolution be adopted.

Under the rules, **Senate Joint Resolution Constitutional Amendment No. 66** was placed on the Secretary's Desk.

Senator Harmon, Chairperson of the Committee on Executive, to which was referred **House Joint Resolution Constitutional Amendment No. 29**, reported the same back with amendments having been adopted thereto, with the recommendation that the resolution, as amended, be adopted.

Under the rules, **House Joint Resolution Constitutional Amendment No. 29** was placed on the Secretary's Desk.

Senator Harmon, Chairperson of the Committee on Executive, to which was referred the following Senate floor amendments, reported that the Committee recommends do adopt:

Senate Amendment No. 3 to Senate Bill 275

Senate Amendment No. 1 to House Bill 735

Senate Amendment No. 2 to House Bill 1084

Under the rules, the foregoing floor amendments are eligible for consideration on second reading.

Senator Martinez, Chairperson of the Committee on Licensed Activities, to which was referred **House Bills Numbered 4126, 4496, 4520, 4665, 5548 and 5752**, reported the same back with the recommendation that the bills do pass.

Under the rules, the bills were ordered to a second reading.

Senator Martinez, of the Committee on Licensed Activities, to which was referred **House Bill No. 5359**, reported the same back with amendments having been adopted thereto, with the recommendation that the bill, as amended, do pass.

Under the rules, the bill was ordered to a second reading.

Senator Martinez, Chairperson of the Committee on Licensed Activities, to which was referred **Senate Resolution No. 610**, reported the same back with the recommendation that the resolution be adopted.

Under the rules, **Senate Resolution No. 610** was placed on the Secretary's Desk.

Senator Hutchinson, Chairperson of the Committee on Revenue, to which was referred **House Bills Numbered 3934 and 5342**, reported the same back with the recommendation that the bills do pass. Under the rules, the bills were ordered to a second reading.

Senator Haine, Chairperson of the Committee on Insurance, to which was referred **House Bills Numbered 5047 and 5109**, reported the same back with the recommendation that the bills do pass. Under the rules, the bills were ordered to a second reading.

Senator Haine, Chairperson of the Committee on Insurance, to which was referred the following Senate floor amendment, reported that the Committee recommends do adopt:

Senate Amendment No. 3 to Senate Bill 2885

Under the rules, the foregoing floor amendment is eligible for consideration on second reading.

READING BILLS FROM THE HOUSE OF REPRESENTATIVES A FIRST TIME

House Bill No. 4096, sponsored by Senator Martinez, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 4819, sponsored by Senator Forby, was taken up, read by title a first time and referred to the Committee on Assignments.

READING CONSTITUTIONAL AMENDMENT A FIRST TIME

On motion of Senator Steans, **House Joint Resolution Constitutional Amendment No. 29**, having been printed, was taken up.

The following amendment was offered in the Committee on Executive, adopted and ordered printed.

AMENDMENT NO. 1 TO HOUSE JOINT RESOLUTION CONSTITUTIONAL AMENDMENT 29

AMENDMENT NO. 1. Amend House Joint Resolution Constitutional Amendment 29 by replacing lines 3 through 23 on page 1 and all of pages 2, 3, and 4 with the following:

"RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-SEVENTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, that there shall be submitted to the electors of the State for adoption or rejection at the general election next occurring at least 6 months after the adoption of this resolution a proposition to amend Section 8.1 of Article I of the Illinois Constitution as follows:

ARTICLE I BILL OF RIGHTS

SECTION 8.1. CRIME VICTIM'S RIGHTS.

(a) Crime victims, as defined by law, shall have the following rights ~~as provided by law:~~

(1) The right to be treated with fairness and respect for their dignity and privacy ~~and to be free from harassment, intimidation, and abuse~~

throughout the criminal justice process.

(2) ~~The right to refuse to disclose to the defendant information that is privileged or confidential by law, as determined by a court of law with jurisdiction over the case.~~

(3) ~~(2)~~ The right to timely notification of all court proceedings.

(4) ~~(3)~~ The right to confer ~~communicate~~ with the prosecution.

(5) ~~(4)~~ The right to be heard at any post-arraignment court proceeding in which a right of the victim is at issue and any court proceeding involving a post-arraignment release decision, plea, or sentencing make a statement to the court at sentencing.

(6) The right to have access to information in a report related to any aspect of a defendant's sentence

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when available to the defendant, as the General Assembly may provide by law.

(7) ~~(5)~~ The right to be notified of information about the conviction, the sentence, the imprisonment, and the release of the accused.

(8) ~~(6)~~ The right to timely disposition of the case following the arrest of the accused.

(9) ~~(7)~~ The right to be reasonably protected from the accused throughout the criminal justice process.

(10) The right to have the safety of the victim and the victim's family considered in denying or fixing the amount of bail, determining whether to release the defendant, and setting conditions of release after arrest and conviction.

(11) ~~(8)~~ The right to be present at the trial and all other court proceedings on the same basis as the accused, unless the victim is to testify and the court determines that the victim's testimony would be materially affected if the victim hears other testimony at the trial.

(12) ~~(9)~~ The right to have present at all court proceedings, subject to the rules of evidence, an advocate and ~~or~~ other support person of the victim's choice.

(13) ~~(10)~~ The right to restitution.

(b) A victim, the victim's lawyer, or the prosecuting attorney may assert the rights enumerated in subsection (a) in any court with jurisdiction over the case as a matter of right. The court shall act promptly on the request. The General Assembly may provide by law for the enforcement of this Section.

(c) The General Assembly may provide for an assessment against convicted defendants to pay for crime victims' rights.

(d) Nothing in this Section or any law enacted under this Section creates a cause of action in equity or at law for compensation, attorney's fees, or damages against the State, a political subdivision of the State, an officer, employee, or agent of the State or of any political subdivision of the State, or an officer or employee of the court, or in any law enacted under

(e) Nothing in this Section or any law enacted under this Section shall be construed as creating (1) a basis for vacating a conviction or (2) a ground for any relief requested by the defendant appellate relief in any criminal case.

(Source: Amendment adopted at general election November 3, 1992.)

SCHEDULE

This Constitutional Amendment takes effect upon being declared adopted in accordance with Section 7 of the Illinois Constitutional Amendment Act."

There being no further amendments, **House Joint Resolution Constitutional Amendment No. 29**, as amended, was read in full a first time and ordered to a second reading.

At the hour of 6:09 o'clock p.m., the Chair announced the Senate stand adjourned until Thursday, April 19, 2012, at 12:30 o'clock p.m.