



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB3890

by Rep. Brandon W. Phelps

SYNOPSIS AS INTRODUCED:

725 ILCS 5/115-7.5 new

Amends the Code of Criminal Procedure of 1963. Provides that in a proceeding for the prosecution of an offense of criminal sexual assault, predatory criminal sexual assault of a child, aggravated criminal sexual assault, criminal sexual abuse, or aggravated criminal sexual abuse, the court, on a motion by the prosecuting attorney, may order that the defendant question the victim through a court-appointed attorney when the defendant has waived his or her right to counsel and is representing himself or herself pro se, when the victim's testimony will describe an act or attempted act of sexual conduct, and the court finds that requiring the victim to be questioned directly by the defendant will cause the victim to suffer serious emotional or mental distress. Provides that the defendant shall be allowed to communicate with the court-appointed attorney.

LRB100 05467 SLF 15478 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning 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 adding Section 115-7.5 as follows:

6 (725 ILCS 5/115-7.5 new)

7 Sec. 115-7.5. Court-appointed attorney for pro se
8 defendant in sexual assault and sexual abuse cases.

9 (a) In a proceeding for the prosecution of an offense of
10 criminal sexual assault, predatory criminal sexual assault of a
11 child, aggravated criminal sexual assault, criminal sexual
12 abuse, or aggravated criminal sexual abuse, the court, on a
13 motion by the prosecuting attorney, may order that the
14 defendant question the victim through a court-appointed
15 attorney when:

16 (1) the defendant has waived his or her right to
17 counsel and is representing himself or herself pro se;

18 (2) the victim's testimony will describe an act or
19 attempted act of sexual conduct; and

20 (3) the court finds that requiring the victim to be
21 questioned directly by the defendant will cause the victim
22 to suffer serious emotional or mental distress.

23 (b) The defendant shall be allowed to communicate with the

1 court-appointed attorney. The Supreme Court shall adopt any
2 rules as necessary to implement the provisions of this Section.

3 (c) This Section is not to be interpreted to preclude, for
4 the purposes of the identification of a defendant, the presence
5 of both the victim and the defendant in the courtroom at the
6 same time.