

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 Preventing Sexual Violence in Higher  
5 Education Act is amended by changing Section 10 as follows:

6 (110 ILCS 155/10)

7 Sec. 10. Comprehensive policy. On or before August 1, 2016,  
8 all higher education institutions shall adopt a comprehensive  
9 policy concerning sexual violence, domestic violence, dating  
10 violence, and stalking consistent with governing federal and  
11 State law. The higher education institution's comprehensive  
12 policy shall include, at a minimum, all of the following  
13 components:

14 (1) A definition of consent that, at a minimum,  
15 recognizes that (i) consent is a freely given agreement to  
16 sexual activity, (ii) a person's lack of verbal or physical  
17 resistance or submission resulting from the use or threat  
18 of force does not constitute consent, (iii) a person's  
19 manner of dress does not constitute consent, (iv) a  
20 person's consent to past sexual activity does not  
21 constitute consent to future sexual activity, (v) a  
22 person's consent to engage in sexual activity with one  
23 person does not constitute consent to engage in sexual

1 activity with another, (vi) a person can withdraw consent  
2 at any time, and (vii) a person cannot consent to sexual  
3 activity if that person is unable to understand the nature  
4 of the activity or give knowing consent due to  
5 circumstances, including without limitation the following:

6 (A) the person is incapacitated due to the use or  
7 influence of alcohol or drugs;

8 (B) the person is asleep or unconscious;

9 (C) the person is under age; or

10 (D) the person is incapacitated due to a mental  
11 disability.

12 Nothing in this Section prevents a higher education  
13 institution from defining consent in a more demanding  
14 manner.

15 (2) Procedures that students of the higher education  
16 institution may follow if they choose to report an alleged  
17 violation of the comprehensive policy, regardless of where  
18 the incident of sexual violence, domestic violence, dating  
19 violence, or stalking occurred, including all of the  
20 following:

21 (A) Name and contact information for the Title IX  
22 coordinator, campus law enforcement or security, local  
23 law enforcement, and the community-based sexual  
24 assault crisis center.

25 (B) The name, title, and contact information for  
26 confidential advisors and other confidential resources

1           and a description of what confidential reporting  
2           means.

3           (C) Information regarding the various individuals,  
4           departments, or organizations to whom a student may  
5           report a violation of the comprehensive policy,  
6           specifying for each individual and entity (i) the  
7           extent of the individual's or entity's reporting  
8           obligation, (ii) the extent of the individual's or  
9           entity's ability to protect the student's privacy, and  
10          (iii) the extent of the individual's or entity's  
11          ability to have confidential communications with the  
12          student.

13          (D) An option for students to electronically  
14          report.

15          (E) An option for students to anonymously report.

16          (F) An option for students to confidentially  
17          report.

18          (G) An option for reports by third parties and  
19          bystanders.

20          (3) The higher education institution's procedure for  
21          responding to a report of an alleged incident of sexual  
22          violence, domestic violence, dating violence, or stalking,  
23          including without limitation (i) assisting and  
24          interviewing the survivor, (ii) identifying and locating  
25          witnesses, (iii) contacting and interviewing the  
26          respondent, (iv) contacting and cooperating with law

1 enforcement, when applicable, and (v) providing  
2 information regarding the importance of preserving  
3 physical evidence of the sexual violence and the  
4 availability of a medical forensic examination at no charge  
5 to the survivor.

6 (4) A statement of the higher education institution's  
7 obligation to provide survivors with concise information,  
8 written in plain language, concerning the survivor's  
9 rights and options, upon receiving a report of an alleged  
10 violation of the comprehensive policy, as described in  
11 Section 15 of this Act.

12 (5) The name, address, and telephone number of the  
13 medical facility nearest to each campus of the higher  
14 education institution where a survivor may have a medical  
15 forensic examination completed at no cost to the survivor,  
16 pursuant to the Sexual Assault Survivors Emergency  
17 Treatment Act.

18 (6) The name, telephone number, address, and website  
19 URL, if available, of community-based, State, and national  
20 sexual assault crisis centers.

21 (7) A statement notifying survivors of the interim  
22 protective measures and accommodations reasonably  
23 available from the higher education institution that a  
24 survivor may request in response to an alleged violation of  
25 the comprehensive policy, including without limitation  
26 changes to academic, living, dining, transportation, and

1 working situations, obtaining and enforcing campus no  
2 contact orders, and honoring an order of protection or no  
3 contact order entered by a State civil or criminal court.

4 (8) The higher education institution's complaint  
5 resolution procedures if a student alleges violation of the  
6 comprehensive violence policy, including, at a minimum,  
7 the guidelines set forth in Section 25 of this Act.

8 (9) A statement of the range of sanctions the higher  
9 education institution may impose following the  
10 implementation of its complaint resolution procedures in  
11 response to an alleged violation of the comprehensive  
12 policy. Sanctions may include, but are not limited to,  
13 suspension, expulsion, or removal of the student found,  
14 after complaint resolution procedures, to be in violation  
15 of the comprehensive policy of the higher education  
16 institution.

17 (10) A statement of the higher education institution's  
18 obligation to include an amnesty provision that provides  
19 immunity to any student who reports, in good faith, an  
20 alleged violation of the higher education institution's  
21 comprehensive policy to a responsible employee, as defined  
22 by federal law, so that the reporting student will not  
23 receive a disciplinary sanction by the institution for a  
24 student conduct violation, such as underage drinking or  
25 possession or use of a controlled substance, that is  
26 revealed in the course of such a report, unless the

1 institution determines that the violation was egregious,  
2 including without limitation an action that places the  
3 health or safety of any other person at risk.

4 (11) A statement of the higher education institution's  
5 prohibition on retaliation against those who, in good  
6 faith, report or disclose an alleged violation of the  
7 comprehensive policy, file a complaint, or otherwise  
8 participate in the complaint resolution procedure and  
9 available sanctions for individuals who engage in  
10 retaliatory conduct.

11 (Source: P.A. 99-426, eff. 8-21-15; 99-741, eff. 8-5-16.)

12 Section 10. The Liquor Control Act of 1934 is amended by  
13 changing Section 6-20 as follows:

14 (235 ILCS 5/6-20) (from Ch. 43, par. 134a)

15 Sec. 6-20. Transfer, possession, and consumption of  
16 alcoholic liquor; restrictions.

17 (a) Any person to whom the sale, gift or delivery of any  
18 alcoholic liquor is prohibited because of age shall not  
19 purchase, or accept a gift of such alcoholic liquor or have  
20 such alcoholic liquor in his possession.

21 (b) If a licensee or his or her agents or employees  
22 believes or has reason to believe that a sale or delivery of  
23 any alcoholic liquor is prohibited because of the non-age of  
24 the prospective recipient, he or she shall, before making such

1 sale or delivery demand presentation of some form of positive  
2 identification, containing proof of age, issued by a public  
3 officer in the performance of his or her official duties.

4 (c) No person shall transfer, alter, or deface such an  
5 identification card; use the identification card of another;  
6 carry or use a false or forged identification card; or obtain  
7 an identification card by means of false information.

8 (d) No person shall purchase, accept delivery or have  
9 possession of alcoholic liquor in violation of this Section.

10 (e) The consumption of alcoholic liquor by any person under  
11 21 years of age is forbidden.

12 (f) Whoever violates any provisions of this Section shall  
13 be guilty of a Class A misdemeanor.

14 (g) The possession and dispensing, or consumption by a  
15 person under 21 years of age of alcoholic liquor in the  
16 performance of a religious service or ceremony, or the  
17 consumption by a person under 21 years of age under the direct  
18 supervision and approval of the parents or parent or those  
19 persons standing in loco parentis of such person under 21 years  
20 of age in the privacy of a home, is not prohibited by this Act.

21 (h) The provisions of this Act prohibiting the possession  
22 of alcoholic liquor by a person under 21 years of age and  
23 dispensing of alcoholic liquor to a person under 21 years of  
24 age do not apply in the case of a student under 21 years of age,  
25 but 18 years of age or older, who:

26 (1) tastes, but does not imbibe, alcoholic liquor only

1 during times of a regularly scheduled course while under  
2 the direct supervision of an instructor who is at least 21  
3 years of age and employed by an educational institution  
4 described in subdivision (2);

5 (2) is enrolled as a student in a college, university,  
6 or post-secondary educational institution that is  
7 accredited or certified by an agency recognized by the  
8 United States Department of Education or a nationally  
9 recognized accrediting agency or association, or that has a  
10 permit of approval issued by the Board of Higher Education  
11 pursuant to the Private Business and Vocational Schools Act  
12 of 2012;

13 (3) is participating in a culinary arts, fermentation  
14 science, food service, or restaurant management degree  
15 program of which a portion of the program includes  
16 instruction on responsible alcoholic beverage serving  
17 methods modeled after the Beverage Alcohol Sellers and  
18 Server Education and Training (BASSET) curriculum; and

19 (4) tastes, but does not imbibe, alcoholic liquor for  
20 instructional purposes up to, but not exceeding, 6 times  
21 per class as a part of a required course in which the  
22 student temporarily possesses alcoholic liquor for  
23 tasting, not imbibing, purposes only in a class setting on  
24 the campus and, thereafter, the alcoholic liquor is  
25 possessed and remains under the control of the instructor.

26 (i) A law enforcement officer may not charge or otherwise



1 take a person into custody based solely on the commission of an  
2 offense that involves alcohol and violates subsection (d) or  
3 (e) of this Section if the law enforcement officer, after  
4 making a reasonable determination and considering the facts and  
5 surrounding circumstances, reasonably believes that all of the  
6 following apply:

7 (1) The law enforcement officer has contact with the  
8 person because that person either:

9 (A) requested emergency medical assistance for an  
10 individual who reasonably appeared to be in need of  
11 medical assistance due to alcohol consumption; or

12 (B) acted in concert with another person who  
13 requested emergency medical assistance for an  
14 individual who reasonably appeared to be in need of  
15 medical assistance due to alcohol consumption;  
16 however, the provisions of this subparagraph (B) shall  
17 not apply to more than 3 persons acting in concert for  
18 any one occurrence.

19 (2) The person described in subparagraph (A) or (B) of  
20 paragraph (1) of this subsection (i):

21 (A) provided his or her full name and any other  
22 relevant information requested by the law enforcement  
23 officer;

24 (B) remained at the scene with the individual who  
25 reasonably appeared to be in need of medical assistance  
26 due to alcohol consumption until emergency medical

1 assistance personnel arrived; and

2 (C) cooperated with emergency medical assistance  
3 personnel and law enforcement officers at the scene.

4 (i-5) (1) In this subsection (i-5):

5 "Medical forensic services" has the meaning defined in  
6 Section 1a of the Sexual Assault Survivors Emergency  
7 Treatment Act.

8 "Sexual assault" means an act of sexual conduct or  
9 sexual penetration, defined in Section 11-0.1 of the  
10 Criminal Code of 2012, including, without limitation, acts  
11 prohibited under Sections 11-1.20 through 11-1.60 of the  
12 Criminal Code of 2012.

13 (2) A law enforcement officer may not charge or  
14 otherwise take a person into custody based solely on the  
15 commission of an offense that involves alcohol and violates  
16 subsection (d) or (e) of this Section if the law  
17 enforcement officer, after making a reasonable  
18 determination and considering the facts and surrounding  
19 circumstances, reasonably believes that all of the  
20 following apply:

21 (A) The law enforcement officer has contact with  
22 the person because the person:

23 (i) reported that he or she was sexually  
24 assaulted;

25 (ii) reported a sexual assault of another  
26 person or requested emergency medical assistance

1 or medical forensic services for another person  
2 who had been sexually assaulted; or

3 (iii) acted in concert with another person who  
4 reported a sexual assault of another person or  
5 requested emergency medical assistance or medical  
6 forensic services for another person who had been  
7 sexually assaulted; however, the provisions of  
8 this item (iii) shall not apply to more than 3  
9 persons acting in concert for any one occurrence.

10 The report of a sexual assault may have been made to a  
11 health care provider, to law enforcement, including the campus  
12 police or security department of an institution of higher  
13 education, or to the Title IX coordinator of an institution of  
14 higher education or another employee of the institution  
15 responsible for responding to reports of sexual assault under  
16 State or federal law.

17 (B) The person who reports the sexual assault:

18 (i) provided his or her full name;  
19 (ii) remained at the scene until emergency  
20 medical assistance personnel arrived, if emergency  
21 medical assistance was summoned for the person who  
22 was sexually assaulted and he or she cooperated  
23 with emergency medical assistance personnel; and

24 (iii) cooperated with the agency or person to  
25 whom the sexual assault was reported if he or she  
26 witnessed or reported the sexual assault of

1                   another person.

2           (j) A person who meets the criteria of paragraphs (1) and  
3           (2) of subsection (i) of this Section or a person who meets the  
4           criteria of paragraph (2) of subsection (i-5) of this Section  
5           shall be immune from criminal liability for an offense under  
6           subsection (d) or (e) of this Section.

7           (k) A person may not initiate an action against a law  
8           enforcement officer based on the officer's compliance or  
9           failure to comply with subsection (i) or (i-5) of this Section,  
10          except for willful or wanton misconduct.

11          (Source: P.A. 99-447, eff. 6-1-16; 99-795, eff. 8-12-16.)

12           Section 15. The Sexual Assault Survivors Emergency  
13          Treatment Act is amended by changing Section 5 as follows:

14           (410 ILCS 70/5) (from Ch. 111 1/2, par. 87-5)

15           Sec. 5. Minimum requirements for hospitals providing  
16          hospital emergency services and forensic services to sexual  
17          assault survivors.

18           (a) Every hospital providing hospital emergency services  
19          and forensic services to sexual assault survivors under this  
20          Act shall, as minimum requirements for such services, provide,  
21          with the consent of the sexual assault survivor, and as ordered  
22          by the attending physician, an advanced practice registered  
23          nurse, or a physician assistant, the following:

24           (1) appropriate medical examinations and laboratory

1 tests required to ensure the health, safety, and welfare of  
2 a sexual assault survivor or which may be used as evidence  
3 in a criminal proceeding against a person accused of the  
4 sexual assault, or both; and records of the results of such  
5 examinations and tests shall be maintained by the hospital  
6 and made available to law enforcement officials upon the  
7 request of the sexual assault survivor;

8 (2) appropriate oral and written information  
9 concerning the possibility of infection, sexually  
10 transmitted disease and pregnancy resulting from sexual  
11 assault;

12 (3) appropriate oral and written information  
13 concerning accepted medical procedures, medication, and  
14 possible contraindications of such medication available  
15 for the prevention or treatment of infection or disease  
16 resulting from sexual assault;

17 (3.5) after a medical evidentiary or physical  
18 examination, access to a shower at no cost, unless  
19 showering facilities are unavailable;

20 (4) an amount of medication for treatment at the  
21 hospital and after discharge as is deemed appropriate by  
22 the attending physician, an advanced practice registered  
23 nurse, or a physician assistant and consistent with the  
24 hospital's current approved protocol for sexual assault  
25 survivors;

26 (5) an evaluation of the sexual assault survivor's risk

1 of contracting human immunodeficiency virus (HIV) from the  
2 sexual assault;

3 (6) written and oral instructions indicating the need  
4 for follow-up examinations and laboratory tests after the  
5 sexual assault to determine the presence or absence of  
6 sexually transmitted disease;

7 (7) referral by hospital personnel for appropriate  
8 counseling; and

9 (8) when HIV prophylaxis is deemed appropriate, an  
10 initial dose or doses of HIV prophylaxis, along with  
11 written and oral instructions indicating the importance of  
12 timely follow-up healthcare.

13 (b) Any person who is a sexual assault survivor who seeks  
14 emergency hospital services and forensic services or follow-up  
15 healthcare under this Act shall be provided such services  
16 without the consent of any parent, guardian, custodian,  
17 surrogate, or agent.

18 (b-5) Every treating hospital providing hospital emergency  
19 and forensic services to sexual assault survivors shall issue a  
20 voucher to any sexual assault survivor who is eligible to  
21 receive one. The hospital shall make a copy of the voucher and  
22 place it in the medical record of the sexual assault survivor.  
23 The hospital shall provide a copy of the voucher to the sexual  
24 assault survivor after discharge upon request.

25 (c) Nothing in this Section creates a physician-patient  
26 relationship that extends beyond discharge from the hospital

1 emergency department.

2 (Source: P.A. 99-173, eff. 7-29-15; 99-454, eff. 1-1-16;  
3 99-642, eff. 7-28-16; 100-513, eff. 1-1-18.)

4 Section 20. The Criminal Code of 2012 is amended by  
5 changing Section 3-6 as follows:

6 (720 ILCS 5/3-6) (from Ch. 38, par. 3-6)

7 Sec. 3-6. Extended limitations. The period within which a  
8 prosecution must be commenced under the provisions of Section  
9 3-5 or other applicable statute is extended under the following  
10 conditions:

11 (a) A prosecution for theft involving a breach of a  
12 fiduciary obligation to the aggrieved person may be commenced  
13 as follows:

14 (1) If the aggrieved person is a minor or a person  
15 under legal disability, then during the minority or legal  
16 disability or within one year after the termination  
17 thereof.

18 (2) In any other instance, within one year after the  
19 discovery of the offense by an aggrieved person, or by a  
20 person who has legal capacity to represent an aggrieved  
21 person or has a legal duty to report the offense, and is  
22 not himself or herself a party to the offense; or in the  
23 absence of such discovery, within one year after the proper  
24 prosecuting officer becomes aware of the offense. However,

1 in no such case is the period of limitation so extended  
2 more than 3 years beyond the expiration of the period  
3 otherwise applicable.

4 (b) A prosecution for any offense based upon misconduct in  
5 office by a public officer or employee may be commenced within  
6 one year after discovery of the offense by a person having a  
7 legal duty to report such offense, or in the absence of such  
8 discovery, within one year after the proper prosecuting officer  
9 becomes aware of the offense. However, in no such case is the  
10 period of limitation so extended more than 3 years beyond the  
11 expiration of the period otherwise applicable.

12 (b-5) When the victim is under 18 years of age at the time  
13 of the offense, a prosecution for involuntary servitude,  
14 involuntary sexual servitude of a minor, or trafficking in  
15 persons and related offenses under Section 10-9 of this Code  
16 may be commenced within 25 years of the victim attaining the  
17 age of 18 years.

18 (c) (Blank).

19 (d) A prosecution for child pornography, aggravated child  
20 pornography, indecent solicitation of a child, soliciting for a  
21 juvenile prostitute, juvenile pimping, exploitation of a  
22 child, or promoting juvenile prostitution except for keeping a  
23 place of juvenile prostitution may be commenced within one year  
24 of the victim attaining the age of 18 years. However, in no  
25 such case shall the time period for prosecution expire sooner  
26 than 3 years after the commission of the offense.



1 (e) Except as otherwise provided in subdivision (j), a  
2 prosecution for any offense involving sexual conduct or sexual  
3 penetration, as defined in Section 11-0.1 of this Code, where  
4 the defendant was within a professional or fiduciary  
5 relationship or a purported professional or fiduciary  
6 relationship with the victim at the time of the commission of  
7 the offense may be commenced within one year after the  
8 discovery of the offense by the victim.

9 (f) A prosecution for any offense set forth in Section 44  
10 of the ~~"Environmental Protection Act", approved June 29, 1970,~~  
11 ~~as amended,~~ may be commenced within 5 years after the discovery  
12 of such an offense by a person or agency having the legal duty  
13 to report the offense or in the absence of such discovery,  
14 within 5 years after the proper prosecuting officer becomes  
15 aware of the offense.

16 (f-5) A prosecution for any offense set forth in Section  
17 16-30 of this Code may be commenced within 5 years after the  
18 discovery of the offense by the victim of that offense.

19 (g) (Blank).

20 (h) (Blank).

21 (i) Except as otherwise provided in subdivision (j), a  
22 prosecution for criminal sexual assault, aggravated criminal  
23 sexual assault, or aggravated criminal sexual abuse may be  
24 commenced within 10 years of the commission of the offense if  
25 the victim reported the offense to law enforcement authorities  
26 within 3 years after the commission of the offense. If the

1 victim consented to the collection of evidence using an  
2 Illinois State Police Sexual Assault Evidence Collection Kit  
3 under the Sexual Assault Survivors Emergency Treatment Act, it  
4 shall constitute reporting for purposes of this Section.

5 Nothing in this subdivision (i) shall be construed to  
6 shorten a period within which a prosecution must be commenced  
7 under any other provision of this Section.

8 (i-5) A prosecution for armed robbery, home invasion,  
9 kidnapping, or aggravated kidnaping may be commenced within 10  
10 years of the commission of the offense if it arises out of the  
11 same course of conduct and meets the criteria under one of the  
12 offenses in subsection (i) of this Section.

13 (j) (1) When the victim is under 18 years of age at the  
14 time of the offense, a prosecution for criminal sexual assault,  
15 aggravated criminal sexual assault, predatory criminal sexual  
16 assault of a child, aggravated criminal sexual abuse, or felony  
17 criminal sexual abuse may be commenced at any time.

18 (2) When the victim is under 18 years of age at the time of  
19 the offense, a prosecution for failure of a person who is  
20 required to report an alleged or suspected commission of  
21 criminal sexual assault, aggravated criminal sexual assault,  
22 predatory criminal sexual assault of a child, aggravated  
23 criminal sexual abuse, or felony criminal sexual abuse under  
24 the Abused and Neglected Child Reporting Act may be commenced  
25 within 20 years after the child victim attains 18 years of age.

26 (3) When the victim is under 18 years of age at the time of

1 the offense, a prosecution for misdemeanor criminal sexual  
2 abuse may be commenced within 10 years after the child victim  
3 attains 18 years of age.

4 (4) Nothing in this subdivision (j) shall be construed to  
5 shorten a period within which a prosecution must be commenced  
6 under any other provision of this Section.

7 (j-5) A prosecution for armed robbery, home invasion,  
8 kidnapping, or aggravated kidnaping may be commenced at any  
9 time if it arises out of the same course of conduct and meets  
10 the criteria under one of the offenses in subsection (j) of  
11 this Section.

12 (k) (Blank).

13 (l) A prosecution for any offense set forth in Section 26-4  
14 of this Code may be commenced within one year after the  
15 discovery of the offense by the victim of that offense.

16 (m) The prosecution shall not be required to prove at trial  
17 facts which extend the general limitations in Section 3-5 of  
18 this Code when the facts supporting extension of the period of  
19 general limitations are properly pled in the charging document.  
20 Any challenge relating to the extension of the general  
21 limitations period as defined in this Section shall be  
22 exclusively conducted under Section 114-1 of the Code of  
23 Criminal Procedure of 1963.

24 (Source: P.A. 99-234, eff. 8-3-15; 99-820, eff. 8-15-16;  
25 100-80, eff. 8-11-17; 100-318, eff. 8-24-17; 100-434, eff.  
26 1-1-18; revised 10-5-17.)

1 Section 25. The Illinois Controlled Substances Act is  
2 amended by adding Section 415 as follows:

3 (720 ILCS 570/415 new)

4 Sec. 415. Use, possession, and consumption of a controlled  
5 substance related to sexual assault; limited immunity from  
6 prosecution.

7 (a) In this Section:

8 "Medical forensic services" has the meaning defined in  
9 Section 1a of the Sexual Assault Survivors Emergency  
10 Treatment Act.

11 "Sexual assault" means an act of sexual conduct or  
12 sexual penetration, defined in Section 11-0.1 of the  
13 Criminal Code of 2012, including, without limitation, acts  
14 prohibited under Sections 11-1.20 through 11-1.60 of the  
15 Criminal Code of 2012.

16 (b) A person who is a victim of a sexual assault shall not  
17 be charged or prosecuted for Class 4 felony possession of a  
18 controlled, counterfeit, or look-alike substance or a  
19 controlled substance analog:

20 (1) if evidence for the Class 4 felony possession  
21 charge was acquired as a result of the person reporting the  
22 sexual assault to law enforcement, or seeking or obtaining  
23 emergency medical assistance or medical forensic services;  
24 and

1           (2) provided the amount of substance recovered is  
2           within the amount identified in subsection (d) of this  
3           Section.

4           (c) A person who, in good faith, reports to law enforcement  
5           the commission of a sexual assault against another person or  
6           seeks or obtains emergency medical assistance or medical  
7           forensic services for a victim of sexual assault shall not be  
8           charged or prosecuted for Class 4 felony possession of a  
9           controlled, counterfeit, or look-alike substance or a  
10           controlled substance analog:

11           (1) if evidence for the Class 4 felony possession  
12           charge was acquired as a result of the person seeking or  
13           obtaining emergency medical assistance or medical forensic  
14           services; and

15           (2) provided the amount of substance recovered is  
16           within the amount identified in subsection (d) of this  
17           Section.

18           (d) For the purposes of subsections (b) and (c) of this  
19           Section, the limited immunity shall only apply to a person  
20           possessing the following amount:

21           (1) less than 3 grams of a substance containing heroin;

22           (2) less than 3 grams of a substance containing  
23           cocaine;

24           (3) less than 3 grams of a substance containing  
25           morphine;

26           (4) less than 40 grams of a substance containing

1       peyote;

2           (5) less than 40 grams of a substance containing a  
3       derivative of barbituric acid or any of the salts of a  
4       derivative of barbituric acid;

5           (6) less than 40 grams of a substance containing  
6       amphetamine or any salt of an optical isomer of  
7       amphetamine;

8           (7) less than 3 grams of a substance containing  
9       lysergic acid diethylamide (LSD), or an analog thereof;

10          (8) less than 6 grams of a substance containing  
11       pentazocine or any of the salts, isomers and salts of  
12       isomers of pentazocine, or an analog thereof;

13          (9) less than 6 grams of a substance containing  
14       methaqualone or any of the salts, isomers and salts of  
15       isomers of methaqualone;

16          (10) less than 6 grams of a substance containing  
17       phencyclidine or any of the salts, isomers and salts of  
18       isomers of phencyclidine (PCP);

19          (11) less than 6 grams of a substance containing  
20       ketamine or any of the salts, isomers and salts of isomers  
21       of ketamine; or

22          (12) less than 40 grams of a substance containing a  
23       substance classified as a narcotic drug in Schedules I or  
24       II, or an analog thereof, which is not otherwise included  
25       in this subsection (d).

26       (e) The limited immunity described in subsections (b) and

1 (c) of this Section shall not be extended if law enforcement  
2 has reasonable suspicion or probable cause to detain, arrest,  
3 or search the person described in subsection (b) or (c) of this  
4 Section for criminal activity and the reasonable suspicion or  
5 probable cause is based on information obtained prior to or  
6 independent of the person described in subsection (b) or (c) of  
7 this Section taking action to report a sexual assault to law  
8 enforcement or to seek or obtain emergency medical assistance  
9 or medical forensic services and not obtained as a direct  
10 result of the action of seeking or obtaining emergency medical  
11 assistance or medical forensic services. Nothing in this  
12 Section is intended to interfere with or prevent the  
13 investigation, arrest, or prosecution of any person for the  
14 delivery or distribution of cannabis, methamphetamine, or  
15 other controlled substances, drug-induced homicide, or any  
16 other crime.

17 Section 30. The Rights of Crime Victims and Witnesses Act  
18 is amended by changing Section 4 and by adding Section 4.6 as  
19 follows:

20 (725 ILCS 120/4) (from Ch. 38, par. 1404)

21 Sec. 4. Rights of crime victims.

22 (a) Crime victims shall have the following rights:

23 (1) The right to be treated with fairness and respect  
24 for their dignity and privacy and to be free from

1 harassment, intimidation, and abuse throughout the  
2 criminal justice process.

3 (1.5) The right to notice and to a hearing before a  
4 court ruling on a request for access to any of the victim's  
5 records, information, or communications which are  
6 privileged or confidential by law.

7 (2) The right to timely notification of all court  
8 proceedings.

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

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

14 (5) The right to be notified of the conviction, the  
15 sentence, the imprisonment and the release of the accused.

16 (6) The right to the timely disposition of the case  
17 following the arrest of the accused.

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

20 (7.5) The right to have the safety of the victim and  
21 the victim's family considered in denying or fixing the  
22 amount of bail, determining whether to release the  
23 defendant, and setting conditions of release after arrest  
24 and conviction.

25 (8) The right to be present at the trial and all other  
26 court proceedings on the same basis as the accused, unless



1 the victim is to testify and the court determines that the  
2 victim's testimony would be materially affected if the  
3 victim hears other testimony at the trial.

4 (9) The right to have present at all court proceedings,  
5 including proceedings under the Juvenile Court Act of 1987,  
6 subject to the rules of evidence, an advocate and other  
7 support person of the victim's choice.

8 (10) The right to restitution.

9 (b) Any law enforcement agency that investigates an offense  
10 committed in this State shall provide a crime victim with a  
11 written statement and explanation of the rights of crime  
12 victims under this amendatory Act of the 99th General Assembly  
13 within 48 hours of law enforcement's initial contact with a  
14 victim. The statement shall include information about crime  
15 victim compensation, including how to contact the Office of the  
16 Illinois Attorney General to file a claim, and appropriate  
17 referrals to local and State programs that provide victim  
18 services. The content of the statement shall be provided to law  
19 enforcement by the Attorney General. Law enforcement shall also  
20 provide a crime victim with a sign-off sheet that the victim  
21 shall sign and date as an acknowledgement that he or she has  
22 been furnished with information and an explanation of the  
23 rights of crime victims and compensation set forth in this Act.

24 (b-5) Upon the request of the victim, the law enforcement  
25 agency having jurisdiction shall provide a free copy of the  
26 police report concerning the victim's incident, as soon as

1 practicable, but in no event later than 5 business days from  
2 the request.

3 (c) The Clerk of the Circuit Court shall post the rights of  
4 crime victims set forth in Article I, Section 8.1(a) of the  
5 Illinois Constitution and subsection (a) of this Section within  
6 3 feet of the door to any courtroom where criminal proceedings  
7 are conducted. The clerk may also post the rights in other  
8 locations in the courthouse.

9 (d) At any point, the victim has the right to retain a  
10 victim's attorney who may be present during all stages of any  
11 interview, investigation, or other interaction with  
12 representatives of the criminal justice system. Treatment of  
13 the victim should not be affected or altered in any way as a  
14 result of the victim's decision to exercise this right.

15 (Source: P.A. 99-413, eff. 8-20-15.)

16 (725 ILCS 120/4.6 new)

17 Sec. 4.6. Advocates; support person.

18 (a) A crime victim has a right to have an advocate present  
19 during any medical evidentiary or physical examination, unless  
20 no advocate can be summoned in a reasonably timely manner. The  
21 victim also has the right to have an additional person present  
22 for support during any medical evidentiary or physical  
23 examination.

24 (b) A victim retains the rights prescribed in subsection  
25 (a) of this Section even if the victim has waived these rights

1 in a previous examination.

2 Section 35. The Sexual Assault Incident Procedure Act is  
3 amended by changing Section 25 as follows:

4 (725 ILCS 203/25)

5 Sec. 25. Report; victim notice.

6 (a) At the time of first contact with the victim, law  
7 enforcement shall:

8 (1) Advise the victim about the following by providing  
9 a form, the contents of which shall be prepared by the  
10 Office of the Attorney General and posted on its website,  
11 written in a language appropriate for the victim or in  
12 Braille, or communicating in appropriate sign language  
13 that includes, but is not limited to:

14 (A) information about seeking medical attention  
15 and preserving evidence, including specifically,  
16 collection of evidence during a medical forensic  
17 examination at a hospital and photographs of injury and  
18 clothing;

19 (B) notice that the victim will not be charged for  
20 hospital emergency and medical forensic services;

21 (C) information advising the victim that evidence  
22 can be collected at the hospital up to 7 days after the  
23 sexual assault or sexual abuse but that the longer the  
24 victim waits the likelihood of obtaining evidence

1 decreases;

2 (C-5) notice that the sexual assault forensic  
3 evidence collected will not be used to prosecute the  
4 victim for any offense related to the use of alcohol,  
5 cannabis, or a controlled substance;

6 (D) the location of nearby hospitals that provide  
7 emergency medical and forensic services and, if known,  
8 whether the hospitals employ any sexual assault nurse  
9 examiners;

10 (E) a summary of the procedures and relief  
11 available to victims of sexual assault or sexual abuse  
12 under the Civil No Contact Order Act or the Illinois  
13 Domestic Violence Act of 1986;

14 (F) the law enforcement officer's name and badge  
15 number;

16 (G) at least one referral to an accessible service  
17 agency and information advising the victim that rape  
18 crisis centers can assist with obtaining civil no  
19 contact orders and orders of protection; and

20 (H) if the sexual assault or sexual abuse occurred  
21 in another jurisdiction, provide in writing the  
22 address and phone number of a specific contact at the  
23 law enforcement agency having jurisdiction.

24 (2) Offer to provide or arrange accessible  
25 transportation for the victim to a hospital for emergency  
26 and forensic services, including contacting emergency

1 medical services.

2 (3) Offer to provide or arrange accessible  
3 transportation for the victim to the nearest available  
4 circuit judge or associate judge so the victim may file a  
5 petition for an emergency civil no contact order under the  
6 Civil No Contact Order Act or an order of protection under  
7 the Illinois Domestic Violence Act of 1986 after the close  
8 of court business hours, if a judge is available.

9 (b) At the time of the initial contact with a person making  
10 a third-party report under Section 22 of this Act, a law  
11 enforcement officer shall provide the written information  
12 prescribed under paragraph (1) of subsection (a) of this  
13 Section to the person making the report and request the person  
14 provide the written information to the victim of the sexual  
15 assault or sexual abuse.

16 (c) If the first contact with the victim occurs at a  
17 hospital, a law enforcement officer may request the hospital  
18 provide interpretive services.

19 (Source: P.A. 99-801, eff. 1-1-17.)