

HB1133



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB1133

Introduced 2/17/2021, by Rep. Emanuel Chris Welch

SYNOPSIS AS INTRODUCED:

725 ILCS 5/115-10.3

Amends the Code of Criminal Procedure of 1963. Makes a technical change in a Section concerning the admissibility of hearsay evidence in a prosecution for elder abuse, neglect, or financial exploitation.

LRB102 03148 RLC 13161 b

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 changing Section 115-10.3 as follows:

6 (725 ILCS 5/115-10.3)

7 Sec. 115-10.3. Hearsay exception regarding elder adults.

8 (a) In a prosecution for a physical act, abuse, neglect,
9 or financial exploitation perpetrated upon or against an
10 eligible adult, as defined in the ~~the~~ Adult Protective
11 Services Act, who has been diagnosed by a physician to suffer
12 from (i) any form of dementia, developmental disability, or
13 other form of mental incapacity or (ii) any physical
14 infirmity, including but not limited to prosecutions for
15 violations of Sections 10-1, 10-2, 10-3, 10-3.1, 10-4,
16 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-11, 12-1,
17 12-2, 12-3, 12-3.05, 12-3.2, 12-3.3, 12-4, 12-4.1, 12-4.2,
18 12-4.5, 12-4.6, 12-4.7, 12-5, 12-6, 12-7.3, 12-7.4, 12-11,
19 12-11.1, 12-13, 12-14, 12-15, 12-16, 12-21, 16-1, 16-1.3,
20 17-1, 17-3, 17-56, 18-1, 18-2, 18-3, 18-4, 18-5, 18-6, 19-6,
21 20-1.1, 24-1.2, and 33A-2, or subsection (b) of Section
22 12-4.4a of the Criminal Code of 2012, the following evidence
23 shall be admitted as an exception to the hearsay rule:

1 (1) testimony by an eligible adult, of an out of court
2 statement made by the eligible adult, that he or she
3 complained of such act to another; and

4 (2) testimony of an out of court statement made by the
5 eligible adult, describing any complaint of such act or
6 matter or detail pertaining to any act which is an element
7 of an offense which is the subject of a prosecution for a
8 physical act, abuse, neglect, or financial exploitation
9 perpetrated upon or against the eligible adult.

10 (b) Such testimony shall only be admitted if:

11 (1) The court finds in a hearing conducted outside the
12 presence of the jury that the time, content, and
13 circumstances of the statement provide sufficient
14 safeguards of reliability; and

15 (2) The eligible adult either:

16 (A) testifies at the proceeding; or

17 (B) is unavailable as a witness and there is
18 corroborative evidence of the act which is the subject
19 of the statement.

20 (c) If a statement is admitted pursuant to this Section,
21 the court shall instruct the jury that it is for the jury to
22 determine the weight and credibility to be given the statement
23 and that, in making the determination, it shall consider the
24 condition of the eligible adult, the nature of the statement,
25 the circumstances under which the statement was made, and any
26 other relevant factor.

1 (d) The proponent of the statement shall give the adverse
2 party reasonable notice of his or her intention to offer the
3 statement and the particulars of the statement.

4 (Source: P.A. 97-1108, eff. 1-1-13; 97-1109, eff. 1-1-13;
5 97-1150, eff. 1-25-13; 98-49, eff. 7-1-13.)