



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB4283

Introduced 1/5/2022, by Rep. Anne Stava-Murray

SYNOPSIS AS INTRODUCED:

725 ILCS 120/4.5

Amends the Rights of Crime Victims and Witnesses Act. Provides that a law enforcement officer shall complete a written police report upon receiving the following, regardless of where the incident occurred: (1) an allegation by a person that the person has been a victim of domestic battery, aggravated domestic battery, or an attempt to commit any of those offenses, regardless of jurisdiction; (2) information from hospital or medical personnel about injuries inflicted upon the victim of domestic battery, aggravated domestic battery, or an attempt to commit any of those offenses; or (3) information from a witness who personally observed what appeared to be a domestic battery or aggravated domestic battery or attempted domestic battery or aggravated domestic battery. Establishes procedures that a law enforcement officer must follow if the domestic battery, aggravated domestic battery, or attempt to commit any of those offenses occurred in another jurisdiction. Provides that no law enforcement officer shall require a victim of domestic battery, aggravated domestic battery, or the attempt to commit any of those offenses to submit to an interview. Provides that no law enforcement agency may refuse to complete a written report as required by this provision on any ground. Provides that all law enforcement agencies shall ensure that all officers responding to or investigating a complaint of domestic battery, aggravated domestic battery, or the attempt to commit any of those offenses have experience and training in investigating those cases.

LRB102 21419 RLC 30535 b

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 Rights of Crime Victims and Witnesses Act
5 is amended by changing Section 4.5 as follows:

6 (725 ILCS 120/4.5)

7 (Text of Section before amendment by P.A. 101-652)

8 Sec. 4.5. Procedures to implement the rights of crime
9 victims. To afford crime victims their rights, law
10 enforcement, prosecutors, judges, and corrections will provide
11 information, as appropriate, of the following procedures:

12 (a) 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
18 is closed.

19 (a-5) When law enforcement authorities reopen a closed
20 case to resume investigating, they shall provide notice of the
21 reopening of the case, except where the State's Attorney
22 determines that disclosure of such information would
23 unreasonably interfere with the investigation.

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

2 (1) shall provide notice of the filing of an
3 information, the return of an indictment, or the filing of
4 a petition to adjudicate a minor as a delinquent for a
5 violent crime;

6 (2) shall provide timely notice of the date, time, and
7 place of court proceedings; of any change in the date,
8 time, and place of court proceedings; and of any
9 cancellation of court proceedings. Notice shall be
10 provided in sufficient time, wherever possible, for the
11 victim to make arrangements to attend or to prevent an
12 unnecessary appearance at court proceedings;

13 (3) or victim advocate personnel shall provide
14 information of social services and financial assistance
15 available for victims of crime, including information of
16 how to apply for these services and assistance;

17 (3.5) or victim advocate personnel shall provide
18 information about available victim services, including
19 referrals to programs, counselors, and agencies that
20 assist a victim to deal with trauma, loss, and grief;

21 (4) shall assist in having any stolen or other
22 personal property held by law enforcement authorities for
23 evidentiary or other purposes returned as expeditiously as
24 possible, pursuant to the procedures set out in Section
25 115-9 of the Code of Criminal Procedure of 1963;

26 (5) or victim advocate personnel shall provide

1 appropriate employer intercession services to ensure that
2 employers of victims will cooperate with the criminal
3 justice system in order to minimize an employee's loss of
4 pay and other benefits resulting from court appearances;

5 (6) shall provide, whenever possible, a secure waiting
6 area during court proceedings that does not require
7 victims to be in close proximity to defendants or
8 juveniles accused of a violent crime, and their families
9 and friends;

10 (7) shall provide notice to the crime victim of the
11 right to have a translator present at all court
12 proceedings and, in compliance with the federal Americans
13 with Disabilities Act of 1990, the right to communications
14 access through a sign language interpreter or by other
15 means;

16 (8) (blank);

17 (8.5) shall inform the victim of the right to be
18 present at all court proceedings, unless the victim is to
19 testify and the court determines that the victim's
20 testimony would be materially affected if the victim hears
21 other testimony at trial;

22 (9) shall inform the victim of the right to have
23 present at all court proceedings, subject to the rules of
24 evidence and confidentiality, an advocate and other
25 support person of the victim's choice;

26 (9.3) shall inform the victim of the right to retain

1 an attorney, at the victim's own expense, who, upon
2 written notice filed with the clerk of the court and
3 State's Attorney, is to receive copies of all notices,
4 motions, and court orders filed thereafter in the case, in
5 the same manner as if the victim were a named party in the
6 case;

7 (9.5) shall inform the victim of (A) the victim's
8 right under Section 6 of this Act to make a statement at
9 the sentencing hearing; (B) the right of the victim's
10 spouse, guardian, parent, grandparent, and other immediate
11 family and household members under Section 6 of this Act
12 to present a statement at sentencing; and (C) if a
13 presentence report is to be prepared, the right of the
14 victim's spouse, guardian, parent, grandparent, and other
15 immediate family and household members to submit
16 information to the preparer of the presentence report
17 about the effect the offense has had on the victim and the
18 person;

19 (10) at the sentencing shall make a good faith attempt
20 to explain the minimum amount of time during which the
21 defendant may actually be physically imprisoned. The
22 Office of the State's Attorney shall further notify the
23 crime victim of the right to request from the Prisoner
24 Review Board or Department of Juvenile Justice information
25 concerning the release of the defendant;

26 (11) shall request restitution at sentencing and as

1 part of a plea agreement if the victim requests
2 restitution;

3 (12) shall, upon the court entering a verdict of not
4 guilty by reason of insanity, inform the victim of the
5 notification services available from the Department of
6 Human Services, including the statewide telephone number,
7 under subparagraph (d) (2) of this Section;

8 (13) shall provide notice within a reasonable time
9 after receipt of notice from the custodian, of the release
10 of the defendant on bail or personal recognizance or the
11 release from detention of a minor who has been detained;

12 (14) shall explain in nontechnical language the
13 details of any plea or verdict of a defendant, or any
14 adjudication of a juvenile as a delinquent;

15 (15) shall make all reasonable efforts to consult with
16 the crime victim before the Office of the State's Attorney
17 makes an offer of a plea bargain to the defendant or enters
18 into negotiations with the defendant concerning a possible
19 plea agreement, and shall consider the written statement,
20 if prepared prior to entering into a plea agreement. The
21 right to consult with the prosecutor does not include the
22 right to veto a plea agreement or to insist the case go to
23 trial. If the State's Attorney has not consulted with the
24 victim prior to making an offer or entering into plea
25 negotiations with the defendant, the Office of the State's
26 Attorney shall notify the victim of the offer or the

1 negotiations within 2 business days and confer with the
2 victim;

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

7 (17) shall provide notice of any appeal taken by the
8 defendant and information on how to contact the
9 appropriate agency handling the appeal, and how to request
10 notice of any hearing, oral argument, or decision of an
11 appellate court;

12 (18) shall provide timely notice of any request for
13 post-conviction review filed by the defendant under
14 Article 122 of the Code of Criminal Procedure of 1963, and
15 of the date, time and place of any hearing concerning the
16 petition. Whenever possible, notice of the hearing shall
17 be given within 48 hours of the court's scheduling of the
18 hearing; and

19 (19) shall forward a copy of any statement presented
20 under Section 6 to the Prisoner Review Board or Department
21 of Juvenile Justice to be considered in making a
22 determination under Section 3-2.5-85 or subsection (b) of
23 Section 3-3-8 of the Unified Code of Corrections.

24 (c) The court shall ensure that the rights of the victim
25 are afforded.

26 (c-5) The following procedures shall be followed to afford

1 victims the rights guaranteed by Article I, Section 8.1 of the
2 Illinois Constitution:

3 (1) Written notice. A victim may complete a written
4 notice of intent to assert rights on a form prepared by the
5 Office of the Attorney General and provided to the victim
6 by the State's Attorney. The victim may at any time
7 provide a revised written notice to the State's Attorney.
8 The State's Attorney shall file the written notice with
9 the court. At the beginning of any court proceeding in
10 which the right of a victim may be at issue, the court and
11 prosecutor shall review the written notice to determine
12 whether the victim has asserted the right that may be at
13 issue.

14 (2) Victim's retained attorney. A victim's attorney
15 shall file an entry of appearance limited to assertion of
16 the victim's rights. Upon the filing of the entry of
17 appearance and service on the State's Attorney and the
18 defendant, the attorney is to receive copies of all
19 notices, motions and court orders filed thereafter in the
20 case.

21 (3) Standing. The victim has standing to assert the
22 rights enumerated in subsection (a) of Article I, Section
23 8.1 of the Illinois Constitution and the statutory rights
24 under Section 4 of this Act in any court exercising
25 jurisdiction over the criminal case. The prosecuting
26 attorney, a victim, or the victim's retained attorney may

1 assert the victim's rights. The defendant in the criminal
2 case has no standing to assert a right of the victim in any
3 court proceeding, including on appeal.

4 (4) Assertion of and enforcement of rights.

5 (A) The prosecuting attorney shall assert a
6 victim's right or request enforcement of a right by
7 filing a motion or by orally asserting the right or
8 requesting enforcement in open court in the criminal
9 case outside the presence of the jury. The prosecuting
10 attorney shall consult with the victim and the
11 victim's attorney regarding the assertion or
12 enforcement of a right. If the prosecuting attorney
13 decides not to assert or enforce a victim's right, the
14 prosecuting attorney shall notify the victim or the
15 victim's attorney in sufficient time to allow the
16 victim or the victim's attorney to assert the right or
17 to seek enforcement of a right.

18 (B) If the prosecuting attorney elects not to
19 assert a victim's right or to seek enforcement of a
20 right, the victim or the victim's attorney may assert
21 the victim's right or request enforcement of a right
22 by filing a motion or by orally asserting the right or
23 requesting enforcement in open court in the criminal
24 case outside the presence of the jury.

25 (C) If the prosecuting attorney asserts a victim's
26 right or seeks enforcement of a right, and the court

1 denies the assertion of the right or denies the
2 request for enforcement of a right, the victim or
3 victim's attorney may file a motion to assert the
4 victim's right or to request enforcement of the right
5 within 10 days of the court's ruling. The motion need
6 not demonstrate the grounds for a motion for
7 reconsideration. The court shall rule on the merits of
8 the motion.

9 (D) The court shall take up and decide any motion
10 or request asserting or seeking enforcement of a
11 victim's right without delay, unless a specific time
12 period is specified by law or court rule. The reasons
13 for any decision denying the motion or request shall
14 be clearly stated on the record.

15 (5) Violation of rights and remedies.

16 (A) If the court determines that a victim's right
17 has been violated, the court shall determine the
18 appropriate remedy for the violation of the victim's
19 right by hearing from the victim and the parties,
20 considering all factors relevant to the issue, and
21 then awarding appropriate relief to the victim.

22 (A-5) Consideration of an issue of a substantive
23 nature or an issue that implicates the constitutional
24 or statutory right of a victim at a court proceeding
25 labeled as a status hearing shall constitute a per se
26 violation of a victim's right.

1 (B) The appropriate remedy shall include only
2 actions necessary to provide the victim the right to
3 which the victim was entitled and may include
4 reopening previously held proceedings; however, in no
5 event shall the court vacate a conviction. Any remedy
6 shall be tailored to provide the victim an appropriate
7 remedy without violating any constitutional right of
8 the defendant. In no event shall the appropriate
9 remedy be a new trial, damages, or costs.

10 (6) Right to be heard. Whenever a victim has the right
11 to be heard, the court shall allow the victim to exercise
12 the right in any reasonable manner the victim chooses.

13 (7) Right to attend trial. A party must file a written
14 motion to exclude a victim from trial at least 60 days
15 prior to the date set for trial. The motion must state with
16 specificity the reason exclusion is necessary to protect a
17 constitutional right of the party, and must contain an
18 offer of proof. The court shall rule on the motion within
19 30 days. If the motion is granted, the court shall set
20 forth on the record the facts that support its finding
21 that the victim's testimony will be materially affected if
22 the victim hears other testimony at trial.

23 (8) Right to have advocate and support person present
24 at court proceedings.

25 (A) A party who intends to call an advocate as a
26 witness at trial must seek permission of the court

1 before the subpoena is issued. The party must file a
2 written motion at least 90 days before trial that sets
3 forth specifically the issues on which the advocate's
4 testimony is sought and an offer of proof regarding
5 (i) the content of the anticipated testimony of the
6 advocate; and (ii) the relevance, admissibility, and
7 materiality of the anticipated testimony. The court
8 shall consider the motion and make findings within 30
9 days of the filing of the motion. If the court finds by
10 a preponderance of the evidence that: (i) the
11 anticipated testimony is not protected by an absolute
12 privilege; and (ii) the anticipated testimony contains
13 relevant, admissible, and material evidence that is
14 not available through other witnesses or evidence, the
15 court shall issue a subpoena requiring the advocate to
16 appear to testify at an in camera hearing. The
17 prosecuting attorney and the victim shall have 15 days
18 to seek appellate review before the advocate is
19 required to testify at an ex parte in camera
20 proceeding.

21 The prosecuting attorney, the victim, and the
22 advocate's attorney shall be allowed to be present at
23 the ex parte in camera proceeding. If, after
24 conducting the ex parte in camera hearing, the court
25 determines that due process requires any testimony
26 regarding confidential or privileged information or

1 communications, the court shall provide to the
2 prosecuting attorney, the victim, and the advocate's
3 attorney a written memorandum on the substance of the
4 advocate's testimony. The prosecuting attorney, the
5 victim, and the advocate's attorney shall have 15 days
6 to seek appellate review before a subpoena may be
7 issued for the advocate to testify at trial. The
8 presence of the prosecuting attorney at the ex parte
9 in camera proceeding does not make the substance of
10 the advocate's testimony that the court has ruled
11 inadmissible subject to discovery.

12 (B) If a victim has asserted the right to have a
13 support person present at the court proceedings, the
14 victim shall provide the name of the person the victim
15 has chosen to be the victim's support person to the
16 prosecuting attorney, within 60 days of trial. The
17 prosecuting attorney shall provide the name to the
18 defendant. If the defendant intends to call the
19 support person as a witness at trial, the defendant
20 must seek permission of the court before a subpoena is
21 issued. The defendant must file a written motion at
22 least 45 days prior to trial that sets forth
23 specifically the issues on which the support person
24 will testify and an offer of proof regarding: (i) the
25 content of the anticipated testimony of the support
26 person; and (ii) the relevance, admissibility, and

1 materiality of the anticipated testimony.

2 If the prosecuting attorney intends to call the
3 support person as a witness during the State's
4 case-in-chief, the prosecuting attorney shall inform
5 the court of this intent in the response to the
6 defendant's written motion. The victim may choose a
7 different person to be the victim's support person.
8 The court may allow the defendant to inquire about
9 matters outside the scope of the direct examination
10 during cross-examination. If the court allows the
11 defendant to do so, the support person shall be
12 allowed to remain in the courtroom after the support
13 person has testified. A defendant who fails to
14 question the support person about matters outside the
15 scope of direct examination during the State's
16 case-in-chief waives the right to challenge the
17 presence of the support person on appeal. The court
18 shall allow the support person to testify if called as
19 a witness in the defendant's case-in-chief or the
20 State's rebuttal.

21 If the court does not allow the defendant to
22 inquire about matters outside the scope of the direct
23 examination, the support person shall be allowed to
24 remain in the courtroom after the support person has
25 been called by the defendant or the defendant has
26 rested. The court shall allow the support person to

1 testify in the State's rebuttal.

2 If the prosecuting attorney does not intend to
3 call the support person in the State's case-in-chief,
4 the court shall verify with the support person whether
5 the support person, if called as a witness, would
6 testify as set forth in the offer of proof. If the
7 court finds that the support person would testify as
8 set forth in the offer of proof, the court shall rule
9 on the relevance, materiality, and admissibility of
10 the anticipated testimony. If the court rules the
11 anticipated testimony is admissible, the court shall
12 issue the subpoena. The support person may remain in
13 the courtroom after the support person testifies and
14 shall be allowed to testify in rebuttal.

15 If the court excludes the victim's support person
16 during the State's case-in-chief, the victim shall be
17 allowed to choose another support person to be present
18 in court.

19 If the victim fails to designate a support person
20 within 60 days of trial and the defendant has
21 subpoenaed the support person to testify at trial, the
22 court may exclude the support person from the trial
23 until the support person testifies. If the court
24 excludes the support person the victim may choose
25 another person as a support person.

26 (9) Right to notice and hearing before disclosure of

1 confidential or privileged information or records. A
2 defendant who seeks to subpoena records of or concerning
3 the victim that are confidential or privileged by law must
4 seek permission of the court before the subpoena is
5 issued. The defendant must file a written motion and an
6 offer of proof regarding the relevance, admissibility and
7 materiality of the records. If the court finds by a
8 preponderance of the evidence that: (A) the records are
9 not protected by an absolute privilege and (B) the records
10 contain relevant, admissible, and material evidence that
11 is not available through other witnesses or evidence, the
12 court shall issue a subpoena requiring a sealed copy of
13 the records be delivered to the court to be reviewed in
14 camera. If, after conducting an in camera review of the
15 records, the court determines that due process requires
16 disclosure of any portion of the records, the court shall
17 provide copies of what it intends to disclose to the
18 prosecuting attorney and the victim. The prosecuting
19 attorney and the victim shall have 30 days to seek
20 appellate review before the records are disclosed to the
21 defendant. The disclosure of copies of any portion of the
22 records to the prosecuting attorney does not make the
23 records subject to discovery.

24 (10) Right to notice of court proceedings. If the
25 victim is not present at a court proceeding in which a
26 right of the victim is at issue, the court shall ask the

1 prosecuting attorney whether the victim was notified of
2 the time, place, and purpose of the court proceeding and
3 that the victim had a right to be heard at the court
4 proceeding. If the court determines that timely notice was
5 not given or that the victim was not adequately informed
6 of the nature of the court proceeding, the court shall not
7 rule on any substantive issues, accept a plea, or impose a
8 sentence and shall continue the hearing for the time
9 necessary to notify the victim of the time, place and
10 nature of the court proceeding. The time between court
11 proceedings shall not be attributable to the State under
12 Section 103-5 of the Code of Criminal Procedure of 1963.

13 (11) Right to timely disposition of the case. A victim
14 has the right to timely disposition of the case so as to
15 minimize the stress, cost, and inconvenience resulting
16 from the victim's involvement in the case. Before ruling
17 on a motion to continue trial or other court proceeding,
18 the court shall inquire into the circumstances for the
19 request for the delay and, if the victim has provided
20 written notice of the assertion of the right to a timely
21 disposition, and whether the victim objects to the delay.
22 If the victim objects, the prosecutor shall inform the
23 court of the victim's objections. If the prosecutor has
24 not conferred with the victim about the continuance, the
25 prosecutor shall inform the court of the attempts to
26 confer. If the court finds the attempts of the prosecutor

1 to confer with the victim were inadequate to protect the
2 victim's right to be heard, the court shall give the
3 prosecutor at least 3 but not more than 5 business days to
4 confer with the victim. In ruling on a motion to continue,
5 the court shall consider the reasons for the requested
6 continuance, the number and length of continuances that
7 have been granted, the victim's objections and procedures
8 to avoid further delays. If a continuance is granted over
9 the victim's objection, the court shall specify on the
10 record the reasons for the continuance and the procedures
11 that have been or will be taken to avoid further delays.

12 (12) Right to Restitution.

13 (A) If the victim has asserted the right to
14 restitution and the amount of restitution is known at
15 the time of sentencing, the court shall enter the
16 judgment of restitution at the time of sentencing.

17 (B) If the victim has asserted the right to
18 restitution and the amount of restitution is not known
19 at the time of sentencing, the prosecutor shall,
20 within 5 days after sentencing, notify the victim what
21 information and documentation related to restitution
22 is needed and that the information and documentation
23 must be provided to the prosecutor within 45 days
24 after sentencing. Failure to timely provide
25 information and documentation related to restitution
26 shall be deemed a waiver of the right to restitution.

1 The prosecutor shall file and serve within 60 days
2 after sentencing a proposed judgment for restitution
3 and a notice that includes information concerning the
4 identity of any victims or other persons seeking
5 restitution, whether any victim or other person
6 expressly declines restitution, the nature and amount
7 of any damages together with any supporting
8 documentation, a restitution amount recommendation,
9 and the names of any co-defendants and their case
10 numbers. Within 30 days after receipt of the proposed
11 judgment for restitution, the defendant shall file any
12 objection to the proposed judgment, a statement of
13 grounds for the objection, and a financial statement.
14 If the defendant does not file an objection, the court
15 may enter the judgment for restitution without further
16 proceedings. If the defendant files an objection and
17 either party requests a hearing, the court shall
18 schedule a hearing.

19 (13) Access to presentence reports.

20 (A) The victim may request a copy of the
21 presentence report prepared under the Unified Code of
22 Corrections from the State's Attorney. The State's
23 Attorney shall redact the following information before
24 providing a copy of the report:

25 (i) the defendant's mental history and
26 condition;

1 (ii) any evaluation prepared under subsection
2 (b) or (b-5) of Section 5-3-2; and

3 (iii) the name, address, phone number, and
4 other personal information about any other victim.

5 (B) The State's Attorney or the defendant may
6 request the court redact other information in the
7 report that may endanger the safety of any person.

8 (C) The State's Attorney may orally disclose to
9 the victim any of the information that has been
10 redacted if there is a reasonable likelihood that the
11 information will be stated in court at the sentencing.

12 (D) The State's Attorney must advise the victim
13 that the victim must maintain the confidentiality of
14 the report and other information. Any dissemination of
15 the report or information that was not stated at a
16 court proceeding constitutes indirect criminal
17 contempt of court.

18 (14) Appellate relief. If the trial court denies the
19 relief requested, the victim, the victim's attorney, or
20 the prosecuting attorney may file an appeal within 30 days
21 of the trial court's ruling. The trial or appellate court
22 may stay the court proceedings if the court finds that a
23 stay would not violate a constitutional right of the
24 defendant. If the appellate court denies the relief
25 sought, the reasons for the denial shall be clearly stated
26 in a written opinion. In any appeal in a criminal case, the

1 State may assert as error the court's denial of any crime
2 victim's right in the proceeding to which the appeal
3 relates.

4 (15) Limitation on appellate relief. In no case shall
5 an appellate court provide a new trial to remedy the
6 violation of a victim's right.

7 (16) The right to be reasonably protected from the
8 accused throughout the criminal justice process and the
9 right to have the safety of the victim and the victim's
10 family considered in denying or fixing the amount of bail,
11 determining whether to release the defendant, and setting
12 conditions of release after arrest and conviction. A
13 victim of domestic violence, a sexual offense, or stalking
14 may request the entry of a protective order under Article
15 112A of the Code of Criminal Procedure of 1963.

16 (d) Procedures after the imposition of sentence.

17 (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
20 release, electronic detention, work release, international
21 transfer or exchange, or by the custodian, other than the
22 Department of Juvenile Justice, of the discharge of any
23 individual who was adjudicated a delinquent for a crime
24 from State custody and by the sheriff of the appropriate
25 county of any such person's final discharge from county
26 custody. The Prisoner Review Board, upon written request,

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

15 (2) When the defendant has been committed to the
16 Department of Human Services pursuant to Section 5-2-4 or
17 any other provision of the Unified Code of Corrections,
18 the victim may request to be notified by the releasing
19 authority of the approval by the court of an on-grounds
20 pass, a supervised off-grounds pass, an unsupervised
21 off-grounds pass, or conditional release; the release on
22 an off-grounds pass; the return from an off-grounds pass;
23 transfer to another facility; conditional release; escape;
24 death; or final discharge from State custody. The
25 Department of Human Services shall establish and maintain
26 a statewide telephone number to be used by victims to make

1 notification requests under these provisions and shall
2 publicize this telephone number on its website and to the
3 State's Attorney of each county.

4 (3) In the event of an escape from State custody, the
5 Department of Corrections or the Department of Juvenile
6 Justice immediately shall notify the Prisoner Review Board
7 of the escape and the Prisoner Review Board shall notify
8 the victim. The notification shall be based upon the most
9 recent information as to the victim's residence or other
10 location available to the Board. When no such information
11 is available, the Board shall make all reasonable efforts
12 to obtain the information and make the notification. When
13 the escapee is apprehended, the Department of Corrections
14 or the Department of Juvenile Justice immediately shall
15 notify the Prisoner Review Board and the Board shall
16 notify the victim.

17 (4) The victim of the crime for which the prisoner has
18 been sentenced has the right to register with the Prisoner
19 Review Board's victim registry. Victims registered with
20 the Board shall receive reasonable written notice not less
21 than 30 days prior to the parole hearing or target
22 aftercare release date. The victim has the right to submit
23 a victim statement for consideration by the Prisoner
24 Review Board or the Department of Juvenile Justice in
25 writing, on film, videotape, or other electronic means, or
26 in the form of a recording prior to the parole hearing or

1 target aftercare release date, or in person at the parole
2 hearing or aftercare release protest hearing, or by
3 calling the toll-free number established in subsection (f)
4 of this Section. The victim shall be notified within 7
5 days after the prisoner has been granted parole or
6 aftercare release and shall be informed of the right to
7 inspect the registry of parole decisions, established
8 under subsection (g) of Section 3-3-5 of the Unified Code
9 of Corrections. The provisions of this paragraph (4) are
10 subject to the Open Parole Hearings Act. Victim statements
11 provided to the Board shall be confidential and
12 privileged, including any statements received prior to
13 January 1, 2020 (the effective date of Public Act
14 101-288), except if the statement was an oral statement
15 made by the victim at a hearing open to the public.

16 (4-1) The crime victim has the right to submit a
17 victim statement for consideration by the Prisoner Review
18 Board or the Department of Juvenile Justice prior to or at
19 a hearing to determine the conditions of mandatory
20 supervised release of a person sentenced to a determinate
21 sentence or at a hearing on revocation of mandatory
22 supervised release of a person sentenced to a determinate
23 sentence. A victim statement may be submitted in writing,
24 on film, videotape, or other electronic means, or in the
25 form of a recording, or orally at a hearing, or by calling
26 the toll-free number established in subsection (f) of this

1 Section. Victim statements provided to the Board shall be
2 confidential and privileged, including any statements
3 received prior to January 1, 2020 (the effective date of
4 Public Act 101-288), except if the statement was an oral
5 statement made by the victim at a hearing open to the
6 public.

7 (4-2) The crime victim has the right to submit a
8 victim statement to the Prisoner Review Board for
9 consideration at an executive clemency hearing as provided
10 in Section 3-3-13 of the Unified Code of Corrections. A
11 victim statement may be submitted in writing, on film,
12 videotape, or other electronic means, or in the form of a
13 recording prior to a hearing, or orally at a hearing, or by
14 calling the toll-free number established in subsection (f)
15 of this Section. Victim statements provided to the Board
16 shall be confidential and privileged, including any
17 statements received prior to January 1, 2020 (the
18 effective date of Public Act 101-288), except if the
19 statement was an oral statement made by the victim at a
20 hearing open to the public.

21 (5) If a statement is presented under Section 6, the
22 Prisoner Review Board or Department of Juvenile Justice
23 shall inform the victim of any order of discharge pursuant
24 to Section 3-2.5-85 or 3-3-8 of the Unified Code of
25 Corrections.

26 (6) At the written or oral request of the victim of the

1 crime for which the prisoner was sentenced or the State's
2 Attorney of the county where the person seeking parole or
3 aftercare release was prosecuted, the Prisoner Review
4 Board or Department of Juvenile Justice shall notify the
5 victim and the State's Attorney of the county where the
6 person seeking parole or aftercare release was prosecuted
7 of the death of the prisoner if the prisoner died while on
8 parole or aftercare release or mandatory supervised
9 release.

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

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

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

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

16 (f) The Prisoner Review Board shall establish a toll-free
17 number that may be accessed by the crime victim to present a
18 victim statement to the Board in accordance with paragraphs
19 (4), (4-1), and (4-2) of subsection (d).

20 (Source: P.A. 101-81, eff. 7-12-19; 101-288, eff. 1-1-20;
21 102-22, eff. 6-25-21; 102-558, eff. 8-20-21.)

22 (Text of Section after amendment by P.A. 101-652)

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

1 information, as appropriate, of the following procedures:

2 (a) At the request of the crime victim, law enforcement
3 authorities investigating the case shall provide notice of the
4 status of the investigation, except where the State's Attorney
5 determines that disclosure of such information would
6 unreasonably interfere with the investigation, until such time
7 as the alleged assailant is apprehended or the investigation
8 is closed.

9 (a-5) When law enforcement authorities reopen a closed
10 case to resume investigating, they shall provide notice of the
11 reopening of the case, except where the State's Attorney
12 determines that disclosure of such information would
13 unreasonably interfere with the investigation.

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

15 (1) shall provide notice of the filing of an
16 information, the return of an indictment, or the filing of
17 a petition to adjudicate a minor as a delinquent for a
18 violent crime;

19 (2) shall provide timely notice of the date, time, and
20 place of court proceedings; of any change in the date,
21 time, and place of court proceedings; and of any
22 cancellation of court proceedings. Notice shall be
23 provided in sufficient time, wherever possible, for the
24 victim to make arrangements to attend or to prevent an
25 unnecessary appearance at court proceedings;

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 (3.5) or victim advocate personnel shall provide
5 information about available victim services, including
6 referrals to programs, counselors, and agencies that
7 assist a victim to deal with trauma, loss, and grief;

8 (4) shall assist in having any stolen or other
9 personal property held by law enforcement authorities for
10 evidentiary or other purposes returned as expeditiously as
11 possible, pursuant to the procedures set out in Section
12 115-9 of the Code of Criminal Procedure of 1963;

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

18 (6) shall provide, whenever possible, a secure waiting
19 area during court proceedings that does not require
20 victims to be in close proximity to defendants or
21 juveniles accused of a violent crime, and their families
22 and friends;

23 (7) shall provide notice to the crime victim of the
24 right to have a translator present at all court
25 proceedings and, in compliance with the federal Americans
26 with Disabilities Act of 1990, the right to communications

1 access through a sign language interpreter or by other
2 means;

3 (8) (blank);

4 (8.5) shall inform the victim of the right to be
5 present at all court proceedings, unless the victim is to
6 testify and the court determines that the victim's
7 testimony would be materially affected if the victim hears
8 other testimony at trial;

9 (9) shall inform the victim of the right to have
10 present at all court proceedings, subject to the rules of
11 evidence and confidentiality, an advocate and other
12 support person of the victim's choice;

13 (9.3) shall inform the victim of the right to retain
14 an attorney, at the victim's own expense, who, upon
15 written notice filed with the clerk of the court and
16 State's Attorney, is to receive copies of all notices,
17 motions, and court orders filed thereafter in the case, in
18 the same manner as if the victim were a named party in the
19 case;

20 (9.5) shall inform the victim of (A) the victim's
21 right under Section 6 of this Act to make a statement at
22 the sentencing hearing; (B) the right of the victim's
23 spouse, guardian, parent, grandparent, and other immediate
24 family and household members under Section 6 of this Act
25 to present a statement at sentencing; and (C) if a
26 presentence report is to be prepared, the right of the

1 victim's spouse, guardian, parent, grandparent, and other
2 immediate family and household members to submit
3 information to the preparer of the presentence report
4 about the effect the offense has had on the victim and the
5 person;

6 (10) at the sentencing shall make a good faith attempt
7 to explain the minimum amount of time during which the
8 defendant may actually be physically imprisoned. The
9 Office of the State's Attorney shall further notify the
10 crime victim of the right to request from the Prisoner
11 Review Board or Department of Juvenile Justice information
12 concerning the release of the defendant;

13 (11) shall request restitution at sentencing and as
14 part of a plea agreement if the victim requests
15 restitution;

16 (12) shall, upon the court entering a verdict of not
17 guilty by reason of insanity, inform the victim of the
18 notification services available from the Department of
19 Human Services, including the statewide telephone number,
20 under subparagraph (d) (2) of this Section;

21 (13) shall provide notice within a reasonable time
22 after receipt of notice from the custodian, of the release
23 of the defendant on pretrial release or personal
24 recognizance or the release from detention of a minor who
25 has been detained;

26 (14) shall explain in nontechnical language the

1 details of any plea or verdict of a defendant, or any
2 adjudication of a juvenile as a delinquent;

3 (15) shall make all reasonable efforts to consult with
4 the crime victim before the Office of the State's Attorney
5 makes an offer of a plea bargain to the defendant or enters
6 into negotiations with the defendant concerning a possible
7 plea agreement, and shall consider the written statement,
8 if prepared prior to entering into a plea agreement. The
9 right to consult with the prosecutor does not include the
10 right to veto a plea agreement or to insist the case go to
11 trial. If the State's Attorney has not consulted with the
12 victim prior to making an offer or entering into plea
13 negotiations with the defendant, the Office of the State's
14 Attorney shall notify the victim of the offer or the
15 negotiations within 2 business days and confer with the
16 victim;

17 (16) shall provide notice of the ultimate disposition
18 of the cases arising from an indictment or an information,
19 or a petition to have a juvenile adjudicated as a
20 delinquent for a violent crime;

21 (17) shall provide notice of any appeal taken by the
22 defendant and information on how to contact the
23 appropriate agency handling the appeal, and how to request
24 notice of any hearing, oral argument, or decision of an
25 appellate court;

26 (18) shall provide timely notice of any request for

1 post-conviction review filed by the defendant under
2 Article 122 of the Code of Criminal Procedure of 1963, and
3 of the date, time and place of any hearing concerning the
4 petition. Whenever possible, notice of the hearing shall
5 be given within 48 hours of the court's scheduling of the
6 hearing;

7 (19) shall forward a copy of any statement presented
8 under Section 6 to the Prisoner Review Board or Department
9 of Juvenile Justice to be considered in making a
10 determination under Section 3-2.5-85 or subsection (b) of
11 Section 3-3-8 of the Unified Code of Corrections;

12 (20) shall, within a reasonable time, offer to meet
13 with the crime victim regarding the decision of the
14 State's Attorney not to charge an offense, and shall meet
15 with the victim, if the victim agrees. The victim has a
16 right to have an attorney, advocate, and other support
17 person of the victim's choice attend this meeting with the
18 victim; and

19 (21) shall give the crime victim timely notice of any
20 decision not to pursue charges and consider the safety of
21 the victim when deciding how to give such notice.

22 (c) The court shall ensure that the rights of the victim
23 are afforded.

24 (c-5) The following procedures shall be followed to afford
25 victims the rights guaranteed by Article I, Section 8.1 of the
26 Illinois Constitution:

1 (1) Written notice. A victim may complete a written
2 notice of intent to assert rights on a form prepared by the
3 Office of the Attorney General and provided to the victim
4 by the State's Attorney. The victim may at any time
5 provide a revised written notice to the State's Attorney.
6 The State's Attorney shall file the written notice with
7 the court. At the beginning of any court proceeding in
8 which the right of a victim may be at issue, the court and
9 prosecutor shall review the written notice to determine
10 whether the victim has asserted the right that may be at
11 issue.

12 (2) Victim's retained attorney. A victim's attorney
13 shall file an entry of appearance limited to assertion of
14 the victim's rights. Upon the filing of the entry of
15 appearance and service on the State's Attorney and the
16 defendant, the attorney is to receive copies of all
17 notices, motions and court orders filed thereafter in the
18 case.

19 (3) Standing. The victim has standing to assert the
20 rights enumerated in subsection (a) of Article I, Section
21 8.1 of the Illinois Constitution and the statutory rights
22 under Section 4 of this Act in any court exercising
23 jurisdiction over the criminal case. The prosecuting
24 attorney, a victim, or the victim's retained attorney may
25 assert the victim's rights. The defendant in the criminal
26 case has no standing to assert a right of the victim in any

1 court proceeding, including on appeal.

2 (4) Assertion of and enforcement of rights.

3 (A) The prosecuting attorney shall assert a
4 victim's right or request enforcement of a right by
5 filing a motion or by orally asserting the right or
6 requesting enforcement in open court in the criminal
7 case outside the presence of the jury. The prosecuting
8 attorney shall consult with the victim and the
9 victim's attorney regarding the assertion or
10 enforcement of a right. If the prosecuting attorney
11 decides not to assert or enforce a victim's right, the
12 prosecuting attorney shall notify the victim or the
13 victim's attorney in sufficient time to allow the
14 victim or the victim's attorney to assert the right or
15 to seek enforcement of a right.

16 (B) If the prosecuting attorney elects not to
17 assert a victim's right or to seek enforcement of a
18 right, the victim or the victim's attorney may assert
19 the victim's right or request enforcement of a right
20 by filing a motion or by orally asserting the right or
21 requesting enforcement in open court in the criminal
22 case outside the presence of the jury.

23 (C) If the prosecuting attorney asserts a victim's
24 right or seeks enforcement of a right, unless the
25 prosecuting attorney objects or the trial court does
26 not allow it, the victim or the victim's attorney may

1 be heard regarding the prosecuting attorney's motion
2 or may file a simultaneous motion to assert or request
3 enforcement of the victim's right. If the victim or
4 the victim's attorney was not allowed to be heard at
5 the hearing regarding the prosecuting attorney's
6 motion, and the court denies the prosecuting
7 attorney's assertion of the right or denies the
8 request for enforcement of a right, the victim or
9 victim's attorney may file a motion to assert the
10 victim's right or to request enforcement of the right
11 within 10 days of the court's ruling. The motion need
12 not demonstrate the grounds for a motion for
13 reconsideration. The court shall rule on the merits of
14 the motion.

15 (D) The court shall take up and decide any motion
16 or request asserting or seeking enforcement of a
17 victim's right without delay, unless a specific time
18 period is specified by law or court rule. The reasons
19 for any decision denying the motion or request shall
20 be clearly stated on the record.

21 (E) No later than January 1, 2023, the Office of
22 the Attorney General shall:

23 (i) designate an administrative authority
24 within the Office of the Attorney General to
25 receive and investigate complaints relating to the
26 provision or violation of the rights of a crime

1 victim as described in Article I, Section 8.1 of
2 the Illinois Constitution and in this Act;

3 (ii) create and administer a course of
4 training for employees and offices of the State of
5 Illinois that fail to comply with provisions of
6 Illinois law pertaining to the treatment of crime
7 victims as described in Article I, Section 8.1 of
8 the Illinois Constitution and in this Act as
9 required by the court under Section 5 of this Act;
10 and

11 (iii) have the authority to make
12 recommendations to employees and offices of the
13 State of Illinois to respond more effectively to
14 the needs of crime victims, including regarding
15 the violation of the rights of a crime victim.

16 (F) Crime victims' rights may also be asserted by
17 filing a complaint for mandamus, injunctive, or
18 declaratory relief in the jurisdiction in which the
19 victim's right is being violated or where the crime is
20 being prosecuted. For complaints or motions filed by
21 or on behalf of the victim, the clerk of court shall
22 waive filing fees that would otherwise be owed by the
23 victim for any court filing with the purpose of
24 enforcing crime victims' rights. If the court denies
25 the relief sought by the victim, the reasons for the
26 denial shall be clearly stated on the record in the

1 transcript of the proceedings, in a written opinion,
2 or in the docket entry, and the victim may appeal the
3 circuit court's decision to the appellate court. The
4 court shall issue prompt rulings regarding victims'
5 rights. Proceedings seeking to enforce victims' rights
6 shall not be stayed or subject to unreasonable delay
7 via continuances.

8 (5) Violation of rights and remedies.

9 (A) If the court determines that a victim's right
10 has been violated, the court shall determine the
11 appropriate remedy for the violation of the victim's
12 right by hearing from the victim and the parties,
13 considering all factors relevant to the issue, and
14 then awarding appropriate relief to the victim.

15 (A-5) Consideration of an issue of a substantive
16 nature or an issue that implicates the constitutional
17 or statutory right of a victim at a court proceeding
18 labeled as a status hearing shall constitute a per se
19 violation of a victim's right.

20 (B) The appropriate remedy shall include only
21 actions necessary to provide the victim the right to
22 which the victim was entitled. Remedies may include,
23 but are not limited to: injunctive relief requiring
24 the victim's right to be afforded; declaratory
25 judgment recognizing or clarifying the victim's
26 rights; a writ of mandamus; and may include reopening

1 previously held proceedings; however, in no event
2 shall the court vacate a conviction. Any remedy shall
3 be tailored to provide the victim an appropriate
4 remedy without violating any constitutional right of
5 the defendant. In no event shall the appropriate
6 remedy to the victim be a new trial or damages.

7 The court shall impose a mandatory training course
8 provided by the Attorney General for the employee under
9 item (ii) of subparagraph (E) of paragraph (4), which must
10 be successfully completed within 6 months of the entry of
11 the court order.

12 This paragraph (5) takes effect January 2, 2023.

13 (6) Right to be heard. Whenever a victim has the right
14 to be heard, the court shall allow the victim to exercise
15 the right in any reasonable manner the victim chooses.

16 (7) Right to attend trial. A party must file a written
17 motion to exclude a victim from trial at least 60 days
18 prior to the date set for trial. The motion must state with
19 specificity the reason exclusion is necessary to protect a
20 constitutional right of the party, and must contain an
21 offer of proof. The court shall rule on the motion within
22 30 days. If the motion is granted, the court shall set
23 forth on the record the facts that support its finding
24 that the victim's testimony will be materially affected if
25 the victim hears other testimony at trial.

26 (8) Right to have advocate and support person present

1 at court proceedings.

2 (A) A party who intends to call an advocate as a
3 witness at trial must seek permission of the court
4 before the subpoena is issued. The party must file a
5 written motion at least 90 days before trial that sets
6 forth specifically the issues on which the advocate's
7 testimony is sought and an offer of proof regarding
8 (i) the content of the anticipated testimony of the
9 advocate; and (ii) the relevance, admissibility, and
10 materiality of the anticipated testimony. The court
11 shall consider the motion and make findings within 30
12 days of the filing of the motion. If the court finds by
13 a preponderance of the evidence that: (i) the
14 anticipated testimony is not protected by an absolute
15 privilege; and (ii) the anticipated testimony contains
16 relevant, admissible, and material evidence that is
17 not available through other witnesses or evidence, the
18 court shall issue a subpoena requiring the advocate to
19 appear to testify at an in camera hearing. The
20 prosecuting attorney and the victim shall have 15 days
21 to seek appellate review before the advocate is
22 required to testify at an ex parte in camera
23 proceeding.

24 The prosecuting attorney, the victim, and the
25 advocate's attorney shall be allowed to be present at
26 the ex parte in camera proceeding. If, after

1 conducting the ex parte in camera hearing, the court
2 determines that due process requires any testimony
3 regarding confidential or privileged information or
4 communications, the court shall provide to the
5 prosecuting attorney, the victim, and the advocate's
6 attorney a written memorandum on the substance of the
7 advocate's testimony. The prosecuting attorney, the
8 victim, and the advocate's attorney shall have 15 days
9 to seek appellate review before a subpoena may be
10 issued for the advocate to testify at trial. The
11 presence of the prosecuting attorney at the ex parte
12 in camera proceeding does not make the substance of
13 the advocate's testimony that the court has ruled
14 inadmissible subject to discovery.

15 (B) If a victim has asserted the right to have a
16 support person present at the court proceedings, the
17 victim shall provide the name of the person the victim
18 has chosen to be the victim's support person to the
19 prosecuting attorney, within 60 days of trial. The
20 prosecuting attorney shall provide the name to the
21 defendant. If the defendant intends to call the
22 support person as a witness at trial, the defendant
23 must seek permission of the court before a subpoena is
24 issued. The defendant must file a written motion at
25 least 45 days prior to trial that sets forth
26 specifically the issues on which the support person

1 will testify and an offer of proof regarding: (i) the
2 content of the anticipated testimony of the support
3 person; and (ii) the relevance, admissibility, and
4 materiality of the anticipated testimony.

5 If the prosecuting attorney intends to call the
6 support person as a witness during the State's
7 case-in-chief, the prosecuting attorney shall inform
8 the court of this intent in the response to the
9 defendant's written motion. The victim may choose a
10 different person to be the victim's support person.
11 The court may allow the defendant to inquire about
12 matters outside the scope of the direct examination
13 during cross-examination. If the court allows the
14 defendant to do so, the support person shall be
15 allowed to remain in the courtroom after the support
16 person has testified. A defendant who fails to
17 question the support person about matters outside the
18 scope of direct examination during the State's
19 case-in-chief waives the right to challenge the
20 presence of the support person on appeal. The court
21 shall allow the support person to testify if called as
22 a witness in the defendant's case-in-chief or the
23 State's rebuttal.

24 If the court does not allow the defendant to
25 inquire about matters outside the scope of the direct
26 examination, the support person shall be allowed to

1 remain in the courtroom after the support person has
2 been called by the defendant or the defendant has
3 rested. The court shall allow the support person to
4 testify in the State's rebuttal.

5 If the prosecuting attorney does not intend to
6 call the support person in the State's case-in-chief,
7 the court shall verify with the support person whether
8 the support person, if called as a witness, would
9 testify as set forth in the offer of proof. If the
10 court finds that the support person would testify as
11 set forth in the offer of proof, the court shall rule
12 on the relevance, materiality, and admissibility of
13 the anticipated testimony. If the court rules the
14 anticipated testimony is admissible, the court shall
15 issue the subpoena. The support person may remain in
16 the courtroom after the support person testifies and
17 shall be allowed to testify in rebuttal.

18 If the court excludes the victim's support person
19 during the State's case-in-chief, the victim shall be
20 allowed to choose another support person to be present
21 in court.

22 If the victim fails to designate a support person
23 within 60 days of trial and the defendant has
24 subpoenaed the support person to testify at trial, the
25 court may exclude the support person from the trial
26 until the support person testifies. If the court

1 excludes the support person the victim may choose
2 another person as a support person.

3 (9) Right to notice and hearing before disclosure of
4 confidential or privileged information or records.

5 (A) A defendant who seeks to subpoena testimony or
6 records of or concerning the victim that are
7 confidential or privileged by law must seek permission
8 of the court before the subpoena is issued. The
9 defendant must file a written motion and an offer of
10 proof regarding the relevance, admissibility and
11 materiality of the testimony or records. If the court
12 finds by a preponderance of the evidence that:

13 (i) the testimony or records are not protected
14 by an absolute privilege and

15 (ii) the testimony or records contain
16 relevant, admissible, and material evidence that
17 is not available through other witnesses or
18 evidence, the court shall issue a subpoena
19 requiring the witness to appear in camera or a
20 sealed copy of the records be delivered to the
21 court to be reviewed in camera. If, after
22 conducting an in camera review of the witness
23 statement or records, the court determines that
24 due process requires disclosure of any potential
25 testimony or any portion of the records, the court
26 shall provide copies of the records that it

1 intends to disclose to the prosecuting attorney
2 and the victim. The prosecuting attorney and the
3 victim shall have 30 days to seek appellate review
4 before the records are disclosed to the defendant,
5 used in any court proceeding, or disclosed to
6 anyone or in any way that would subject the
7 testimony or records to public review. The
8 disclosure of copies of any portion of the
9 testimony or records to the prosecuting attorney
10 under this Section does not make the records
11 subject to discovery or required to be provided to
12 the defendant.

13 (B) A prosecuting attorney who seeks to subpoena
14 information or records concerning the victim that are
15 confidential or privileged by law must first request
16 the written consent of the crime victim. If the victim
17 does not provide such written consent, including where
18 necessary the appropriate signed document required for
19 waiving privilege, the prosecuting attorney must serve
20 the subpoena at least 21 days prior to the date a
21 response or appearance is required to allow the
22 subject of the subpoena time to file a motion to quash
23 or request a hearing. The prosecuting attorney must
24 also send a written notice to the victim at least 21
25 days prior to the response date to allow the victim to
26 file a motion or request a hearing. The notice to the

1 victim shall inform the victim (i) that a subpoena has
2 been issued for confidential information or records
3 concerning the victim, (ii) that the victim has the
4 right to request a hearing prior to the response date
5 of the subpoena, and (iii) how to request the hearing.
6 The notice to the victim shall also include a copy of
7 the subpoena. If requested, a hearing regarding the
8 subpoena shall occur before information or records are
9 provided to the prosecuting attorney.

10 (10) Right to notice of court proceedings. If the
11 victim is not present at a court proceeding in which a
12 right of the victim is at issue, the court shall ask the
13 prosecuting attorney whether the victim was notified of
14 the time, place, and purpose of the court proceeding and
15 that the victim had a right to be heard at the court
16 proceeding. If the court determines that timely notice was
17 not given or that the victim was not adequately informed
18 of the nature of the court proceeding, the court shall not
19 rule on any substantive issues, accept a plea, or impose a
20 sentence and shall continue the hearing for the time
21 necessary to notify the victim of the time, place and
22 nature of the court proceeding. The time between court
23 proceedings shall not be attributable to the State under
24 Section 103-5 of the Code of Criminal Procedure of 1963.

25 (11) Right to timely disposition of the case. A victim
26 has the right to timely disposition of the case so as to

1 minimize the stress, cost, and inconvenience resulting
2 from the victim's involvement in the case. Before ruling
3 on a motion to continue trial or other court proceeding,
4 the court shall inquire into the circumstances for the
5 request for the delay and, if the victim has provided
6 written notice of the assertion of the right to a timely
7 disposition, and whether the victim objects to the delay.
8 If the victim objects, the prosecutor shall inform the
9 court of the victim's objections. If the prosecutor has
10 not conferred with the victim about the continuance, the
11 prosecutor shall inform the court of the attempts to
12 confer. If the court finds the attempts of the prosecutor
13 to confer with the victim were inadequate to protect the
14 victim's right to be heard, the court shall give the
15 prosecutor at least 3 but not more than 5 business days to
16 confer with the victim. In ruling on a motion to continue,
17 the court shall consider the reasons for the requested
18 continuance, the number and length of continuances that
19 have been granted, the victim's objections and procedures
20 to avoid further delays. If a continuance is granted over
21 the victim's objection, the court shall specify on the
22 record the reasons for the continuance and the procedures
23 that have been or will be taken to avoid further delays.

24 (12) Right to Restitution.

25 (A) If the victim has asserted the right to
26 restitution and the amount of restitution is known at

1 the time of sentencing, the court shall enter the
2 judgment of restitution at the time of sentencing.

3 (B) If the victim has asserted the right to
4 restitution and the amount of restitution is not known
5 at the time of sentencing, the prosecutor shall,
6 within 5 days after sentencing, notify the victim what
7 information and documentation related to restitution
8 is needed and that the information and documentation
9 must be provided to the prosecutor within 45 days
10 after sentencing. Failure to timely provide
11 information and documentation related to restitution
12 shall be deemed a waiver of the right to restitution.
13 The prosecutor shall file and serve within 60 days
14 after sentencing a proposed judgment for restitution
15 and a notice that includes information concerning the
16 identity of any victims or other persons seeking
17 restitution, whether any victim or other person
18 expressly declines restitution, the nature and amount
19 of any damages together with any supporting
20 documentation, a restitution amount recommendation,
21 and the names of any co-defendants and their case
22 numbers. Within 30 days after receipt of the proposed
23 judgment for restitution, the defendant shall file any
24 objection to the proposed judgment, a statement of
25 grounds for the objection, and a financial statement.
26 If the defendant does not file an objection, the court

1 may enter the judgment for restitution without further
2 proceedings. If the defendant files an objection and
3 either party requests a hearing, the court shall
4 schedule a hearing.

5 (13) Access to presentence reports.

6 (A) The victim may request a copy of the
7 presentence report prepared under the Unified Code of
8 Corrections from the State's Attorney. The State's
9 Attorney shall redact the following information before
10 providing a copy of the report:

11 (i) the defendant's mental history and
12 condition;

13 (ii) any evaluation prepared under subsection
14 (b) or (b-5) of Section 5-3-2; and

15 (iii) the name, address, phone number, and
16 other personal information about any other victim.

17 (B) The State's Attorney or the defendant may
18 request the court redact other information in the
19 report that may endanger the safety of any person.

20 (C) The State's Attorney may orally disclose to
21 the victim any of the information that has been
22 redacted if there is a reasonable likelihood that the
23 information will be stated in court at the sentencing.

24 (D) The State's Attorney must advise the victim
25 that the victim must maintain the confidentiality of
26 the report and other information. Any dissemination of

1 the report or information that was not stated at a
2 court proceeding constitutes indirect criminal
3 contempt of court.

4 (14) Appellate relief. If the trial court denies the
5 relief requested, the victim, the victim's attorney, or
6 the prosecuting attorney may file an appeal within 30 days
7 of the trial court's ruling. The trial or appellate court
8 may stay the court proceedings if the court finds that a
9 stay would not violate a constitutional right of the
10 defendant. If the appellate court denies the relief
11 sought, the reasons for the denial shall be clearly stated
12 in a written opinion. In any appeal in a criminal case, the
13 State may assert as error the court's denial of any crime
14 victim's right in the proceeding to which the appeal
15 relates.

16 (15) Limitation on appellate relief. In no case shall
17 an appellate court provide a new trial to remedy the
18 violation of a victim's right.

19 (16) The right to be reasonably protected from the
20 accused throughout the criminal justice process and the
21 right to have the safety of the victim and the victim's
22 family considered in determining whether to release the
23 defendant, and setting conditions of release after arrest
24 and conviction. A victim of domestic violence, a sexual
25 offense, or stalking may request the entry of a protective
26 order under Article 112A of the Code of Criminal Procedure

1 of 1963.

2 (c-6) Reports by law enforcement officers.

3 (1) A law enforcement officer shall complete a written
4 police report upon receiving the following, regardless of
5 where the incident occurred:

6 (A) an allegation by a person that the person has
7 been a victim of domestic battery or aggravated
8 domestic battery as defined in Section 12-3.2 or
9 12-3.3 of the Criminal Code of 2012 or an attempt to
10 commit any of those offenses, regardless of
11 jurisdiction;

12 (B) information from hospital or medical personnel
13 provided under Section 3.2 of the Criminal
14 Identification Act; or

15 (C) information from a witness who personally
16 observed what appeared to be a domestic battery or
17 aggravated domestic battery or attempted domestic
18 battery or aggravated domestic battery.

19 (2) The written report shall include the following, if
20 known:

21 (A) the victim's name or other identifier;

22 (B) the victim's contact information;

23 (C) time, date, and location of the offense;

24 (D) information provided by the victim;

25 (E) the suspect's description and name, if known;

26 (F) names of persons with information relevant to

1 the time before, during, or after the domestic
2 battery, aggravated domestic battery, or the attempt
3 to commit any of those offenses and their contact
4 information;

5 (G) names of medical professionals who provided a
6 medical forensic examination of the victim and any
7 information they provided about the domestic battery
8 or aggravated domestic battery;

9 (H) information the victim related to medical
10 professionals during a medical forensic examination
11 which the victim consented to disclosure to law
12 enforcement; and

13 (I) other relevant information.

14 (3) If the domestic battery, aggravated domestic
15 battery, or attempt to commit any of those offenses
16 occurred in another jurisdiction, the law enforcement
17 officer taking the report must submit the report to the
18 law enforcement agency in the jurisdiction where an
19 alleged domestic battery, aggravated domestic battery, or
20 an attempt to commit domestic battery or aggravated
21 domestic battery occurred in person or via fax or email
22 within 24 hours of receiving information about the
23 domestic battery, aggravated domestic battery, or the
24 attempt to commit a domestic battery or aggravated
25 domestic battery.

26 (4) Within 24 hours of receiving a report from a law

1 enforcement agency in another jurisdiction in accordance
2 with paragraph (3), the law enforcement agency in the
3 jurisdiction where an alleged domestic battery, aggravated
4 domestic battery, or the attempt to commit any of those
5 offenses occurred shall submit a written confirmation to
6 the law enforcement agency that wrote the report and shall
7 arrange a meeting in the jurisdiction where the report was
8 taken with the law enforcement officer who wrote the
9 report and the victim or witness of the domestic battery,
10 aggravated domestic battery, or the attempt to commit
11 domestic battery or aggravated domestic battery. The
12 written confirmation shall contain the name and identifier
13 of the person and confirming receipt of the report and a
14 name and contact phone number that will be given to the
15 victim. The written confirmation shall be delivered in
16 person or via fax or email.

17 (5) No law enforcement officer shall require a victim
18 of domestic battery, aggravated domestic battery, or the
19 attempt to commit any of those offenses to submit to an
20 interview.

21 (6) No law enforcement agency may refuse to complete a
22 written report as required by this Section on any ground.

23 (7) All law enforcement agencies shall ensure that all
24 officers responding to or investigating a complaint of
25 domestic battery, aggravated domestic battery, or the
26 attempt to commit any of those offenses have experience

1 and training in investigating those cases.

2 (d) Procedures after the imposition of sentence.

3 (1) The Prisoner Review Board shall inform a victim or
4 any other concerned citizen, upon written request, of the
5 prisoner's release on parole, mandatory supervised
6 release, electronic detention, work release, international
7 transfer or exchange, or by the custodian, other than the
8 Department of Juvenile Justice, of the discharge of any
9 individual who was adjudicated a delinquent for a crime
10 from State custody and by the sheriff of the appropriate
11 county of any such person's final discharge from county
12 custody. The Prisoner Review Board, upon written request,
13 shall provide to a victim or any other concerned citizen a
14 recent photograph of any person convicted of a felony,
15 upon his or her release from custody. The Prisoner Review
16 Board, upon written request, shall inform a victim or any
17 other concerned citizen when feasible at least 7 days
18 prior to the prisoner's release on furlough of the times
19 and dates of such furlough. Upon written request by the
20 victim or any other concerned citizen, the State's
21 Attorney shall notify the person once of the times and
22 dates of release of a prisoner sentenced to periodic
23 imprisonment. Notification shall be based on the most
24 recent information as to victim's or other concerned
25 citizen's residence or other location available to the
26 notifying authority.

1 (2) When the defendant has been committed to the
2 Department of Human Services pursuant to Section 5-2-4 or
3 any other provision of the Unified Code of Corrections,
4 the victim may request to be notified by the releasing
5 authority of the approval by the court of an on-grounds
6 pass, a supervised off-grounds pass, an unsupervised
7 off-grounds pass, or conditional release; the release on
8 an off-grounds pass; the return from an off-grounds pass;
9 transfer to another facility; conditional release; escape;
10 death; or final discharge from State custody. The
11 Department of Human Services shall establish and maintain
12 a statewide telephone number to be used by victims to make
13 notification requests under these provisions and shall
14 publicize this telephone number on its website and to the
15 State's Attorney of each county.

16 (3) In the event of an escape from State custody, the
17 Department of Corrections or the Department of Juvenile
18 Justice immediately shall notify the Prisoner Review Board
19 of the escape and the Prisoner Review Board shall notify
20 the victim. The notification shall be based upon the most
21 recent information as to the victim's residence or other
22 location available to the Board. When no such information
23 is available, the Board shall make all reasonable efforts
24 to obtain the information and make the notification. When
25 the escapee is apprehended, the Department of Corrections
26 or the Department of Juvenile Justice immediately shall

1 notify the Prisoner Review Board and the Board shall
2 notify the victim.

3 (4) The victim of the crime for which the prisoner has
4 been sentenced has the right to register with the Prisoner
5 Review Board's victim registry. Victims registered with
6 the Board shall receive reasonable written notice not less
7 than 30 days prior to the parole hearing or target
8 aftercare release date. The victim has the right to submit
9 a victim statement for consideration by the Prisoner
10 Review Board or the Department of Juvenile Justice in
11 writing, on film, videotape, or other electronic means, or
12 in the form of a recording prior to the parole hearing or
13 target aftercare release date, or in person at the parole
14 hearing or aftercare release protest hearing, or by
15 calling the toll-free number established in subsection (f)
16 of this Section. The victim shall be notified within 7
17 days after the prisoner has been granted parole or
18 aftercare release and shall be informed of the right to
19 inspect the registry of parole decisions, established
20 under subsection (g) of Section 3-3-5 of the Unified Code
21 of Corrections. The provisions of this paragraph (4) are
22 subject to the Open Parole Hearings Act. Victim statements
23 provided to the Board shall be confidential and
24 privileged, including any statements received prior to
25 January 1, 2020 (the effective date of Public Act
26 101-288), except if the statement was an oral statement

1 made by the victim at a hearing open to the public.

2 (4-1) The crime victim has the right to submit a
3 victim statement for consideration by the Prisoner Review
4 Board or the Department of Juvenile Justice prior to or at
5 a hearing to determine the conditions of mandatory
6 supervised release of a person sentenced to a determinate
7 sentence or at a hearing on revocation of mandatory
8 supervised release of a person sentenced to a determinate
9 sentence. A victim statement may be submitted in writing,
10 on film, videotape, or other electronic means, or in the
11 form of a recording, or orally at a hearing, or by calling
12 the toll-free number established in subsection (f) of this
13 Section. Victim statements provided to the Board shall be
14 confidential and privileged, including any statements
15 received prior to January 1, 2020 (the effective date of
16 Public Act 101-288), except if the statement was an oral
17 statement made by the victim at a hearing open to the
18 public.

19 (4-2) The crime victim has the right to submit a
20 victim statement to the Prisoner Review Board for
21 consideration at an executive clemency hearing as provided
22 in Section 3-3-13 of the Unified Code of Corrections. A
23 victim statement may be submitted in writing, on film,
24 videotape, or other electronic means, or in the form of a
25 recording prior to a hearing, or orally at a hearing, or by
26 calling the toll-free number established in subsection (f)

1 of this Section. Victim statements provided to the Board
2 shall be confidential and privileged, including any
3 statements received prior to January 1, 2020 (the
4 effective date of Public Act 101-288), except if the
5 statement was an oral statement made by the victim at a
6 hearing open to the public.

7 (5) If a statement is presented under Section 6, the
8 Prisoner Review Board or Department of Juvenile Justice
9 shall inform the victim of any order of discharge pursuant
10 to Section 3-2.5-85 or 3-3-8 of the Unified Code of
11 Corrections.

12 (6) At the written or oral request of the victim of the
13 crime for which the prisoner was sentenced or the State's
14 Attorney of the county where the person seeking parole or
15 aftercare release was prosecuted, the Prisoner Review
16 Board or Department of Juvenile Justice shall notify the
17 victim and the State's Attorney of the county where the
18 person seeking parole or aftercare release was prosecuted
19 of the death of the prisoner if the prisoner died while on
20 parole or aftercare release or mandatory supervised
21 release.

22 (7) When a defendant who has been committed to the
23 Department of Corrections, the Department of Juvenile
24 Justice, or the Department of Human Services is released
25 or discharged and subsequently committed to the Department
26 of Human Services as a sexually violent person and the

1 victim had requested to be notified by the releasing
2 authority of the defendant's discharge, conditional
3 release, death, or escape from State custody, the
4 releasing authority shall provide to the Department of
5 Human Services such information that would allow the
6 Department of Human Services to contact the victim.

7 (8) When a defendant has been convicted of a sex
8 offense as defined in Section 2 of the Sex Offender
9 Registration Act and has been sentenced to the Department
10 of Corrections or the Department of Juvenile Justice, the
11 Prisoner Review Board or the Department of Juvenile
12 Justice shall notify the victim of the sex offense of the
13 prisoner's eligibility for release on parole, aftercare
14 release, mandatory supervised release, electronic
15 detention, work release, international transfer or
16 exchange, or by the custodian of the discharge of any
17 individual who was adjudicated a delinquent for a sex
18 offense from State custody and by the sheriff of the
19 appropriate county of any such person's final discharge
20 from county custody. The notification shall be made to the
21 victim at least 30 days, whenever possible, before release
22 of the sex offender.

23 (e) The officials named in this Section may satisfy some
24 or all of their obligations to provide notices and other
25 information through participation in a statewide victim and
26 witness notification system established by the Attorney

1 General under Section 8.5 of this Act.

2 (f) The Prisoner Review Board shall establish a toll-free
3 number that may be accessed by the crime victim to present a
4 victim statement to the Board in accordance with paragraphs
5 (4), (4-1), and (4-2) of subsection (d).

6 (Source: P.A. 101-81, eff. 7-12-19; 101-288, eff. 1-1-20;
7 101-652, eff. 1-1-23; 102-22, eff. 6-25-21; 102-558, eff.
8 8-20-21.)

9 Section 95. No acceleration or delay. Where this Act makes
10 changes in a statute that is represented in this Act by text
11 that is not yet or no longer in effect (for example, a Section
12 represented by multiple versions), the use of that text does
13 not accelerate or delay the taking effect of (i) the changes
14 made by this Act or (ii) provisions derived from any other
15 Public Act.