



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB5748

Introduced 11/16/2022, by Rep. Kambium Buckner

SYNOPSIS AS INTRODUCED:

725 ILCS 5/112A-29	from Ch. 38, par. 112A-29
725 ILCS 120/4	from Ch. 38, par. 1404
725 ILCS 203/20	
750 ILCS 60/303	from Ch. 40, par. 2313-3

Amends the Rights of Crime Victims and Witnesses Act. In provisions concerning the rights of crime victims, specifies that timely notification of all court proceedings requires notification at least 7 days prior to any court proceeding. Amends the Sexual Assault Incident Procedure Act. In provisions concerning reports by law enforcement officers, prohibits a law enforcement officer from discouraging or attempting to discourage a victim from filing a police report concerning sexual assault or sexual abuse. Amends the Illinois Domestic Violence Act of 1986 and the Protective Orders Article of the Code of Criminal Procedure of 1963. Prohibits a law enforcement officer from discouraging or attempting to discourage a victim from filing a police report concerning an incident of abuse. Prohibits a law enforcement officer from refusing to complete a required written report on any ground.

LRB102 27244 NLB 38945 b

1 AN ACT concerning victim rights.

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 112A-29 as follows:

6 (725 ILCS 5/112A-29) (from Ch. 38, par. 112A-29)

7 Sec. 112A-29. Reports by law enforcement officers.

8 (a) Every law enforcement officer investigating an alleged
9 incident of abuse between family or household members shall
10 make a written police report of any bona fide allegation and
11 the disposition of such investigation. The police report shall
12 include the victim's statements as to the frequency and
13 severity of prior incidents of abuse by the same family or
14 household member and the number of prior calls for police
15 assistance to prevent such further abuse.

16 (b) Every police report completed pursuant to this Section
17 shall be recorded and compiled as a domestic crime within the
18 meaning of Section 5.1 of the Criminal Identification Act.

19 (c) No law enforcement officer may refuse to complete a
20 written report as required by this Section on any ground. No
21 law enforcement officer shall discourage or attempt to
22 discourage a victim from filing a police report concerning an
23 incident of abuse.

1 (Source: P.A. 87-1186.)

2 Section 10. The Rights of Crime Victims and Witnesses Act
3 is amended by changing Sections 3 and 4 as follows:

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

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

6 Sec. 4. Rights of crime victims.

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

8 (1) The right to be treated with fairness and respect
9 for their dignity and privacy and to be free from
10 harassment, intimidation, and abuse throughout the
11 criminal justice process.

12 (1.5) The right to notice and to a hearing before a
13 court ruling on a request for access to any of the victim's
14 records, information, or communications which are
15 privileged or confidential by law.

16 (2) The right to timely notification of all court
17 proceedings. Timely notification requires notification at
18 least 7 days prior to any court proceeding.

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

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

24 (5) The right to be notified of the conviction, the

1 sentence, the imprisonment and the release of the accused.

2 (6) The right to the timely disposition of the case
3 following the arrest of the accused.

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

6 (7.5) The right to have the safety of the victim and
7 the victim's family considered in denying or fixing the
8 amount of bail, determining whether to release the
9 defendant, and setting conditions of release after arrest
10 and conviction.

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

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

20 (10) The right to restitution.

21 (b) Any law enforcement agency that investigates an
22 offense committed in this State shall provide a crime victim
23 with a written statement and explanation of the rights of
24 crime victims under this amendatory Act of the 99th General
25 Assembly within 48 hours of law enforcement's initial contact
26 with a victim. The statement shall include information about

1 crime victim compensation, including how to contact the Office
2 of the Illinois Attorney General to file a claim, and
3 appropriate referrals to local and State programs that provide
4 victim services. The content of the statement shall be
5 provided to law enforcement by the Attorney General. Law
6 enforcement shall also provide a crime victim with a sign-off
7 sheet that the victim shall sign and date as an
8 acknowledgement that he or she has been furnished with
9 information and an explanation of the rights of crime victims
10 and compensation set forth in this Act.

11 (b-5) Upon the request of the victim, the law enforcement
12 agency having jurisdiction shall provide a free copy of the
13 police report concerning the victim's incident, as soon as
14 practicable, but in no event later than 5 business days from
15 the request.

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

22 (d) At any point, the victim has the right to retain a
23 victim's attorney who may be present during all stages of any
24 interview, investigation, or other interaction with
25 representatives of the criminal justice system. Treatment of
26 the victim should not be affected or altered in any way as a

1 result of the victim's decision to exercise this right.

2 (Source: P.A. 99-413, eff. 8-20-15; 100-1087, eff. 1-1-19.)

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

4 Sec. 4. Rights of crime victims.

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

6 (1) The right to be treated with fairness and respect
7 for their dignity and privacy and to be free from
8 harassment, intimidation, and abuse throughout the
9 criminal justice process.

10 (1.5) The right to notice and to a hearing before a
11 court ruling on a request for access to any of the victim's
12 records, information, or communications which are
13 privileged or confidential by law.

14 (2) The right to timely notification of all court
15 proceedings. Timely notification requires notification at
16 least 7 days prior to any court proceeding.

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

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

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

24 (6) The right to the timely disposition of the case
25 following the arrest of the accused.

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

3 (7.5) The right to have the safety of the victim and
4 the victim's family considered in determining whether to
5 release the defendant and setting conditions of release
6 after arrest and conviction.

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

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

16 (10) The right to restitution.

17 (b) Any law enforcement agency that investigates an
18 offense committed in this State shall provide a crime victim
19 with a written statement and explanation of the rights of
20 crime victims under this amendatory Act of the 99th General
21 Assembly within 48 hours of law enforcement's initial contact
22 with a victim. The statement shall include information about
23 crime victim compensation, including how to contact the Office
24 of the Illinois Attorney General to file a claim, and
25 appropriate referrals to local and State programs that provide
26 victim services. The content of the statement shall be

1 provided to law enforcement by the Attorney General. Law
2 enforcement shall also provide a crime victim with a sign-off
3 sheet that the victim shall sign and date as an
4 acknowledgement that he or she has been furnished with
5 information and an explanation of the rights of crime victims
6 and compensation set forth in this Act.

7 (b-5) Upon the request of the victim, the law enforcement
8 agency having jurisdiction shall provide a free copy of the
9 police report concerning the victim's incident, as soon as
10 practicable, but in no event later than 5 business days from
11 the request.

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

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

24 (Source: P.A. 100-1087, eff. 1-1-19; 101-652, eff. 1-1-23.)

25 Section 15. The Sexual Assault Incident Procedure Act is

1 amended by changing Section 20 as follows:

2 (725 ILCS 203/20)

3 Sec. 20. Reports by law enforcement officers.

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

7 (1) an allegation by a person that the person has been
8 sexually assaulted or sexually abused regardless of
9 jurisdiction;

10 (2) information from hospital or medical personnel
11 provided under Section 3.2 of the Criminal Identification
12 Act; or

13 (3) information from a witness who personally observed
14 what appeared to be a sexual assault or sexual abuse or
15 attempted sexual assault or sexual abuse.

16 (b) The written report shall include the following, if
17 known:

18 (1) the victim's name or other identifier;

19 (2) the victim's contact information;

20 (3) time, date, and location of offense;

21 (4) information provided by the victim;

22 (5) the suspect's description and name, if known;

23 (6) names of persons with information relevant to the
24 time before, during, or after the sexual assault or sexual
25 abuse, and their contact information;

1 (7) names of medical professionals who provided a
2 medical forensic examination of the victim and any
3 information they provided about the sexual assault or
4 sexual abuse;

5 (8) whether an Illinois State Police Sexual Assault
6 Evidence Collection Kit was completed, the name and
7 contact information for the hospital, and whether the
8 victim consented to testing of the Evidence Collection Kit
9 by law enforcement;

10 (9) whether a urine or blood sample was collected and
11 whether the victim consented to testing of a toxicology
12 screen by law enforcement;

13 (10) information the victim related to medical
14 professionals during a medical forensic examination which
15 the victim consented to disclosure to law enforcement; and

16 (11) other relevant information.

17 (c) If the sexual assault or sexual abuse occurred in
18 another jurisdiction, the law enforcement officer taking the
19 report must submit the report to the law enforcement agency
20 having jurisdiction in person or via fax or email within 24
21 hours of receiving information about the sexual assault or
22 sexual abuse.

23 (d) Within 24 hours of receiving a report from a law
24 enforcement agency in another jurisdiction in accordance with
25 subsection (c), the law enforcement agency having jurisdiction
26 shall submit a written confirmation to the law enforcement

1 agency that wrote the report. The written confirmation shall
2 contain the name and identifier of the person and confirming
3 receipt of the report and a name and contact phone number that
4 will be given to the victim. The written confirmation shall be
5 delivered in person or via fax or email.

6 (e) No law enforcement officer shall require a victim of
7 sexual assault or sexual abuse to submit to an interview.

8 (f) No law enforcement agency may refuse to complete a
9 written report as required by this Section on any ground. No
10 law enforcement officer shall discourage or attempt to
11 discourage a victim from filing a police report concerning
12 sexual assault or sexual abuse.

13 (g) All law enforcement agencies shall ensure that all
14 officers responding to or investigating a complaint of sexual
15 assault or sexual abuse have successfully completed training
16 under Section 10.21 of the Illinois Police Training Act and
17 Section 2605-51 of the Illinois State Police Law of the Civil
18 Administrative Code of Illinois.

19 (Source: P.A. 102-538, eff. 8-20-21.)

20 Section 20. The Illinois Domestic Violence Act of 1986 is
21 amended by changing Section 303 as follows:

22 (750 ILCS 60/303) (from Ch. 40, par. 2313-3)

23 Sec. 303. Reports by law enforcement officers.

24 (a) Every law enforcement officer investigating an alleged

1 incident of abuse, neglect, or exploitation between family or
2 household members shall make a written police report of any
3 bona fide allegation and the disposition of such
4 investigation. The police report shall include the victim's
5 statements as to the frequency and severity of prior incidents
6 of abuse, neglect, or exploitation by the same family or
7 household member and the number of prior calls for police
8 assistance to prevent such further abuse, neglect, or
9 exploitation.

10 (b) Every police report completed pursuant to this Section
11 shall be recorded and compiled as a domestic crime within the
12 meaning of Section 5.1 of the Criminal Identification Act.

13 (c) No law enforcement officer may refuse to complete a
14 written report as required by this Section on any ground. No
15 law enforcement officer shall discourage or attempt to
16 discourage a victim from filing a police report concerning an
17 incident of abuse, neglect, or exploitation.

18 (Source: P.A. 86-542; 87-1186.)

19 Section 95. No acceleration or delay. Where this Act makes
20 changes in a statute that is represented in this Act by text
21 that is not yet or no longer in effect (for example, a Section
22 represented by multiple versions), the use of that text does
23 not accelerate or delay the taking effect of (i) the changes
24 made by this Act or (ii) provisions derived from any other
25 Public Act.