

HB5812



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB5812

Introduced 11/16/2022, by Rep. Thomas Morrison

SYNOPSIS AS INTRODUCED:

725 ILCS 120/4

from Ch. 38, par. 1404

Amends the Rights of Crime Victims and Witnesses Act. Provides that crime victims shall have the right to notice if the accused violates a condition of pretrial release.

LRB102 28969 RLC 40868 b

A BILL FOR

1 AN ACT concerning criminal law.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Rights of Crime Victims and Witnesses Act
5 is amended by changing Section 4 as follows:

6 (725 ILCS 120/4) (from Ch. 38, par. 1404)

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

8 Sec. 4. Rights of crime victims.

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

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

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

18 (2) The right to timely notification of all court
19 proceedings.

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

21 (4) The right to be heard at any post-arraignment
22 court proceeding in which a right of the victim is at issue
23 and any court proceeding involving a post-arraignment

1 release decision, plea, or sentencing.

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

4 (6) The right to the timely disposition of the case
5 following the arrest of the accused.

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

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

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

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

22 (10) The right to restitution.

23 (b) Any law enforcement agency that investigates an
24 offense committed in this State shall provide a crime victim
25 with a written statement and explanation of the rights of
26 crime victims under this amendatory Act of the 99th General

1 Assembly within 48 hours of law enforcement's initial contact
2 with a victim. The statement shall include information about
3 crime victim compensation, including how to contact the Office
4 of the Illinois Attorney General to file a claim, and
5 appropriate referrals to local and State programs that provide
6 victim services. The content of the statement shall be
7 provided to law enforcement by the Attorney General. Law
8 enforcement shall also provide a crime victim with a sign-off
9 sheet that the victim shall sign and date as an
10 acknowledgement that he or she has been furnished with
11 information and an explanation of the rights of crime victims
12 and compensation set forth in this Act.

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

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

24 (d) At any point, the victim has the right to retain a
25 victim's attorney who may be present during all stages of any
26 interview, investigation, or other interaction with

1 representatives of the criminal justice system. Treatment of
2 the victim should not be affected or altered in any way as a
3 result of the victim's decision to exercise this right.

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

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

6 Sec. 4. Rights of crime victims.

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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.

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

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

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

25 (6) The right to the timely disposition of the case

1 following the arrest of the accused.

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

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

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

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

17 (10) The right to restitution.

18 (11) The right to notice if the accused violates a
19 condition of pretrial release.

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

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

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

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

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

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

2 Section 95. No acceleration or delay. Where this Act makes
3 changes in a statute that is represented in this Act by text
4 that is not yet or no longer in effect (for example, a Section
5 represented by multiple versions), the use of that text does
6 not accelerate or delay the taking effect of (i) the changes
7 made by this Act or (ii) provisions derived from any other
8 Public Act.