

SB2223



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

SB2223

Introduced 2/26/2021, by Sen. Meg Loughran Cappel

SYNOPSIS AS INTRODUCED:

725 ILCS 5/115-7.5 new

Amends the Code of Criminal Procedure of 1963. Provides that in a proceeding for the prosecution of an offense of criminal sexual assault, predatory criminal sexual assault of a child, aggravated criminal sexual assault, criminal sexual abuse, or aggravated criminal sexual abuse the court on a motion by the prosecuting attorney, may order that the defendant question the victim through a court-appointed attorney if the defendant has waived his or her right to counsel and is representing himself or herself pro se, when the victim's testimony will describe an act or attempted act of sexual conduct, and the court finds that requiring the victim to be questioned directly by the defendant will cause the victim to suffer serious emotional or mental distress. Provides that the defendant shall be allowed to communicate with the court-appointed attorney.

LRB102 15293 KMF 20648 b

A BILL FOR

1 AN ACT concerning criminal law.

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

4 Section 5. The Code of Criminal Procedure of 1963 is
5 amended by adding Section 115-7.5 as follows:

6 (725 ILCS 5/115-7.5 new)

7 Sec. 115-7.5. Court-appointed attorney for pro se
8 defendant in sexual assault and sexual abuse cases.

9 (a) In a proceeding for the prosecution of an offense of
10 criminal sexual assault, predatory criminal sexual assault of
11 a child, aggravated criminal sexual assault, criminal sexual
12 abuse, or aggravated criminal sexual abuse the court on a
13 motion by the prosecuting attorney, may order that the
14 defendant question the victim through a court-appointed
15 attorney if:

16 (1) the defendant has waived his or her right to
17 counsel and is representing himself or herself pro se;

18 (2) the victim's testimony will describe an act or
19 attempted act of sexual conduct; and

20 (3) the court finds that requiring the victim to be
21 questioned directly by the defendant will cause the victim
22 to suffer serious emotional or mental distress.

23 (b) The defendant shall be allowed to communicate with the

1 court-appointed attorney. The Supreme Court shall adopt any
2 rules as necessary.

3 (c) This Section is not to be interpreted to preclude, for
4 purposes of identification of a defendant, the presence of
5 both the victim and the defendant in the courtroom at the same
6 time.