



Rep. Daniel Didech

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10300HB1168ham002

LRB103 04746 RLC 58085 a

1 AMENDMENT TO HOUSE BILL 1168

2 AMENDMENT NO. _____. Amend House Bill 1168 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Rights of Crime Victims and Witnesses Act
5 is amended by changing Sections 3 and 4 as follows:

6 (725 ILCS 120/3) (from Ch. 38, par. 1403)

7 (Text of Section before amendment by P.A. 102-982)

8 Sec. 3. The terms used in this Act shall have the following
9 meanings:

10 (a) "Crime victim" or "victim" means: (1) any natural
11 person determined by the prosecutor or the court to have
12 suffered direct physical or psychological harm as a result of
13 a violent crime perpetrated or attempted against that person
14 or direct physical or psychological harm as a result of (i) a
15 violation of Section 11-501 of the Illinois Vehicle Code or
16 similar provision of a local ordinance or (ii) a violation of

1 Section 9-3 of the Criminal Code of 1961 or the Criminal Code
2 of 2012; (2) in the case of a crime victim who is under 18
3 years of age or an adult victim who is incompetent or
4 incapacitated, both parents, legal guardians, foster parents,
5 or a single adult representative; (3) in the case of an adult
6 deceased victim, 2 representatives who may be the spouse,
7 parent, child or sibling of the victim, or the representative
8 of the victim's estate; and (4) an immediate family member of a
9 victim under clause (1) of this paragraph (a) chosen by the
10 victim. If the victim is 18 years of age or over, the victim
11 may choose any person to be the victim's representative. In no
12 event shall the defendant or any person who aided and abetted
13 in the commission of the crime be considered a victim, a crime
14 victim, or a representative of the victim.

15 A board, agency, or other governmental entity making
16 decisions regarding an offender's release, sentence reduction,
17 or clemency can determine additional persons are victims for
18 the purpose of its proceedings.

19 (a-3) "Advocate" means a person whose communications with
20 the victim are privileged under Section 8-802.1 or 8-802.2 of
21 the Code of Civil Procedure, or Section 227 of the Illinois
22 Domestic Violence Act of 1986.

23 (a-5) "Confer" means to consult together, share
24 information, compare opinions and carry on a discussion or
25 deliberation.

26 (a-7) "Sentence" includes, but is not limited to, the

1 imposition of sentence, a request for a reduction in sentence,
2 parole, mandatory supervised release, aftercare release, early
3 release, inpatient treatment, outpatient treatment,
4 conditional release after a finding that the defendant is not
5 guilty by reason of insanity, clemency, or a proposal that
6 would reduce the defendant's sentence or result in the
7 defendant's release. "Early release" refers to a discretionary
8 release.

9 (a-9) "Sentencing" includes, but is not limited to, the
10 imposition of sentence and a request for a reduction in
11 sentence, parole, mandatory supervised release, aftercare
12 release, early release, consideration of inpatient treatment
13 or outpatient treatment, or conditional release after a
14 finding that the defendant is not guilty by reason of
15 insanity.

16 (a-10) "Status hearing" means a hearing designed to
17 provide information to the court, at which no motion of a
18 substantive nature and no constitutional or statutory right of
19 a crime victim is implicated or at issue.

20 (b) "Witness" means: any person who personally observed
21 the commission of a crime and who will testify on behalf of the
22 State of Illinois; or a person who will be called by the
23 prosecution to give testimony establishing a necessary nexus
24 between the offender and the violent crime.

25 (c) "Violent crime" means: (1) any felony in which force
26 or threat of force was used against the victim; (2) any offense

1 involving sexual exploitation, sexual conduct, or sexual
2 penetration; (3) a violation of Section 11-20.1, 11-20.1B,
3 11-20.3, 11-23, or 11-23.5 of the Criminal Code of 1961 or the
4 Criminal Code of 2012; (4) domestic battery or stalking; (5)
5 violation of an order of protection, a civil no contact order,
6 or a stalking no contact order; (6) any misdemeanor which
7 results in death or great bodily harm to the victim; or (7) any
8 violation of Section 9-3 of the Criminal Code of 1961 or the
9 Criminal Code of 2012, or Section 11-501 of the Illinois
10 Vehicle Code, or a similar provision of a local ordinance, if
11 the violation resulted in personal injury or death. "Violent
12 crime" includes any action committed by a juvenile that would
13 be a violent crime if committed by an adult. For the purposes
14 of this paragraph, "personal injury" shall include any Type A
15 injury as indicated on the traffic accident report completed
16 by a law enforcement officer that requires immediate
17 professional attention in either a doctor's office or medical
18 facility. A type A injury shall include severely bleeding
19 wounds, distorted extremities, and injuries that require the
20 injured party to be carried from the scene.

21 (d) (Blank).

22 (e) "Court proceedings" includes, but is not limited to,
23 the preliminary hearing, any post-arraignment hearing the
24 effect of which may be the release of the defendant from
25 custody or to alter the conditions of bond, change of plea
26 hearing, the trial, any pretrial or post-trial hearing,

1 sentencing, any oral argument or hearing before an Illinois
2 appellate court, any hearing under the Mental Health and
3 Developmental Disabilities Code or Section 5-2-4 of the
4 Unified Code of Corrections after a finding that the defendant
5 is not guilty by reason of insanity, including a hearing for
6 conditional release, any hearing related to a modification of
7 sentence, probation revocation hearing, aftercare release or
8 parole hearings, post-conviction relief proceedings, habeas
9 corpus proceedings and clemency proceedings related to the
10 defendant's conviction or sentence. For purposes of the
11 victim's right to be present, "court proceedings" does not
12 include (1) hearings under Section 109-1 of the Code of
13 Criminal Procedure of 1963, (2) grand jury proceedings, (3)
14 status hearings, or (4) the issuance of an order or decision of
15 an Illinois court that dismisses a charge, reverses a
16 conviction, reduces a sentence, or releases an offender under
17 a court rule.

18 (f) "Concerned citizen" includes relatives of the victim,
19 friends of the victim, witnesses to the crime, or any other
20 person associated with the victim or prisoner.

21 (g) "Victim's attorney" means an attorney retained by the
22 victim for the purposes of asserting the victim's
23 constitutional and statutory rights. An attorney retained by
24 the victim means an attorney who is hired to represent the
25 victim at the victim's expense or an attorney who has agreed to
26 provide pro bono representation. Nothing in this statute

1 creates a right to counsel at public expense for a victim.

2 (h) "Support person" means a person chosen by a victim to
3 be present at court proceedings.

4 (Source: P.A. 102-1104, eff. 1-1-23.)

5 (Text of Section after amendment by P.A. 102-982)

6 Sec. 3. The terms used in this Act shall have the following
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15 Section 9-3 of the Criminal Code of 1961 or the Criminal Code
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17 years of age or an adult victim who is incompetent or
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23 victim under clause (1) of this paragraph (a) chosen by the
24 victim. If the victim is 18 years of age or over, the victim
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8 (a-3) "Advocate" means a person whose communications with
9 the victim are privileged under Section 8-802.1 or 8-802.2 of
10 the Code of Civil Procedure, or Section 227 of the Illinois
11 Domestic Violence Act of 1986.

12 (a-5) "Confer" means to consult together, share
13 information, compare opinions and carry on a discussion or
14 deliberation.

15 (a-6) "DNA database" means a collection of DNA profiles
16 from forensic casework or specimens from anonymous,
17 identified, and unidentified sources that is created to search
18 DNA records against each other to develop investigative leads
19 among forensic cases.

20 (a-7) "Sentence" includes, but is not limited to, the
21 imposition of sentence, a request for a reduction in sentence,
22 parole, mandatory supervised release, aftercare release, early
23 release, inpatient treatment, outpatient treatment,
24 conditional release after a finding that the defendant is not
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15 the commission of a crime and who will testify on behalf of the
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20 or threat of force was used against the victim; (2) any offense
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24 Criminal Code of 2012; (4) domestic battery or stalking; (5)
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26 or a stalking no contact order; (6) any misdemeanor which

1 results in death or great bodily harm to the victim; or (7) any
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9 injury as indicated on the traffic crash report completed by a
10 law enforcement officer that requires immediate professional
11 attention in either a doctor's office or medical facility. A
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14 party to be carried from the scene.

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17 the preliminary hearing, any post-arraignment hearing the
18 effect of which may be the release of the defendant from
19 custody or to alter the conditions of bond, change of plea
20 hearing, the trial, any pretrial or post-trial hearing,
21 sentencing, any oral argument or hearing before an Illinois
22 appellate court, any hearing under the Mental Health and
23 Developmental Disabilities Code or Section 5-2-4 of the
24 Unified Code of Corrections after a finding that the defendant
25 is not guilty by reason of insanity, including a hearing for
26 conditional release, any hearing related to a modification of

1 sentence, probation revocation hearing, aftercare release or
2 parole hearings, post-conviction relief proceedings, habeas
3 corpus proceedings and clemency proceedings related to the
4 defendant's conviction or sentence. For purposes of the
5 victim's right to be present, "court proceedings" does not
6 include (1) grand jury proceedings, (2) status hearings, or
7 (3) the issuance of an order or decision of an Illinois court
8 that dismisses a charge, reverses a conviction, reduces a
9 sentence, or releases an offender under a court rule.

10 (f) "Concerned citizen" includes relatives of the victim,
11 friends of the victim, witnesses to the crime, or any other
12 person associated with the victim or prisoner.

13 (g) "Victim's attorney" means an attorney retained by the
14 victim for the purposes of asserting the victim's
15 constitutional and statutory rights. An attorney retained by
16 the victim means an attorney who is hired to represent the
17 victim at the victim's expense or an attorney who has agreed to
18 provide pro bono representation. Nothing in this statute
19 creates a right to counsel at public expense for a victim.

20 (h) "Support person" means a person chosen by a victim to
21 be present at court proceedings.

22 (Source: P.A. 102-982, eff. 7-1-23; 102-1104, eff. 1-1-23.)

23 (725 ILCS 120/4) (from Ch. 38, par. 1404)

24 Sec. 4. Rights of crime victims.

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

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

5 (1.5) The right to notice and to a hearing before a
6 court ruling on a request for access to any of the victim's
7 records, information, or communications which are
8 privileged or confidential by law.

9 (1.6) Except as otherwise provided in Section 9.5 of
10 the Criminal Identification Act or Section 3-3013 of the
11 Counties Code, whenever a person's DNA profile is
12 collected due to the person being a victim of a crime, as
13 identified by law enforcement, that specific profile
14 collected in conjunction with that criminal investigation
15 shall not be entered into any DNA database. Nothing in
16 this paragraph (1.6) shall be interpreted to contradict
17 rules and regulations developed by the Federal Bureau of
18 Investigation relating to the National DNA Index System or
19 Combined DNA Index System.

20 (2) The right to timely notification of all court
21 proceedings.

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

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

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

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

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

7 (7.5) The right to have the safety of the victim and
8 the victim's family considered in determining whether to
9 release the defendant and setting conditions of release
10 after arrest 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. 100-1087, eff. 1-1-19; 101-652, eff. 1-1-23.)

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