

SB3121



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB3121

Introduced 2/2/2024, by Sen. Donald P. DeWitte

SYNOPSIS AS INTRODUCED:

725 ILCS 120/4

from Ch. 38, par. 1404

Amends the Rights of Crime Victims and Witnesses Act. Provides that the sign-off sheet provided to the crime victim shall include information of the crime victim's ability to file a complaint against an individual who is licensed by the Illinois Department of Financial and Professional Regulation.

LRB103 37995 RLC 68127 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 Sec. 4. Rights of crime victims.

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

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

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

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

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.

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, including the ability
11 to file a complaint against an individual who is licensed by
12 the Illinois Department of Financial and Professional
13 Regulation.

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

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

25 (d) At any point, the victim has the right to retain a
26 victim's attorney who may be present during all stages of any

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

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