

1 AN ACT concerning corrections.

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  
5 Act is amended by changing Section 4.5 as follows:

6 (725 ILCS 120/4.5)

7 Sec. 4.5. Procedures to implement the rights of crime  
8 victims. To afford crime victims their rights, law  
9 enforcement, prosecutors, judges and corrections will provide  
10 information, as appropriate of the following procedures:

11 (a) At the request of the crime victim, law enforcement  
12 authorities investigating the case shall provide notice of  
13 the status of the investigation, except where the State's  
14 Attorney determines that disclosure of such information would  
15 unreasonably interfere with the investigation, until such  
16 time as the alleged assailant is apprehended or the  
17 investigation is closed.

18 (b) The office of the State's Attorney:

19 (1) shall provide notice of the filing of  
20 information, the return of an indictment by which a  
21 prosecution for any violent crime is commenced, or the  
22 filing of a petition to adjudicate a minor as a  
23 delinquent for a violent crime;

24 (2) shall provide notice of the date, time, and  
25 place of trial;

26 (3) or victim advocate personnel shall provide  
27 information of social services and financial assistance  
28 available for victims of crime, including information of  
29 how to apply for these services and assistance;

30 (4) shall assist in having any stolen or other  
31 personal property held by law enforcement authorities for

1 evidentiary or other purposes returned as expeditiously  
2 as possible, pursuant to the procedures set out in  
3 Section 115-9 of the Code of Criminal Procedure of 1963;

4 (5) or victim advocate personnel shall provide  
5 appropriate employer intercession services to ensure that  
6 employers of victims will cooperate with the criminal  
7 justice system in order to minimize an employee's loss of  
8 pay and other benefits resulting from court appearances;

9 (6) shall provide information whenever possible, of  
10 a secure waiting area during court proceedings that does  
11 not require victims to be in close proximity to defendant  
12 or juveniles accused of a violent crime, and their  
13 families and friends;

14 (7) shall provide notice to the crime victim of the  
15 right to have a translator present at all court  
16 proceedings;

17 (8) in the case of the death of a person, which  
18 death occurred in the same transaction or occurrence in  
19 which acts occurred for which a defendant is charged with  
20 an offense, shall notify the spouse, parent, child or  
21 sibling of the decedent of the date of the trial of the  
22 person or persons allegedly responsible for the death;

23 (9) shall inform the victim of the right to have  
24 present at all court proceedings, subject to the rules of  
25 evidence, an advocate or other support person of the  
26 victim's choice, and the right to retain an attorney, at  
27 the victim's own expense, who, upon written notice filed  
28 with the clerk of the court and State's Attorney, is to  
29 receive copies of all notices, motions and court orders  
30 filed thereafter in the case, in the same manner as if  
31 the victim were a named party in the case; and

32 (10) at the sentencing hearing shall make a good  
33 faith attempt to explain the minimum amount of time  
34 during which the defendant may actually be physically

1 imprisoned. The Office of the State's Attorney shall  
2 further notify the crime victim of the right to request  
3 from the Prisoner Review Board information concerning the  
4 release of the defendant under subparagraph (d)(1) of  
5 this Section; and

6 (11) shall request restitution at sentencing and  
7 shall consider restitution in any plea negotiation, as  
8 provided by law.

9 (c) At the written request of the crime victim, the  
10 office of the State's Attorney shall:

11 (1) provide notice a reasonable time in advance of  
12 the following court proceedings: preliminary hearing, any  
13 hearing the effect of which may be the release of  
14 defendant from custody, or to alter the conditions of  
15 bond and the sentencing hearing. The crime victim shall  
16 also be notified of the cancellation of the court  
17 proceeding in sufficient time, wherever possible, to  
18 prevent an unnecessary appearance in court;

19 (2) provide notice within a reasonable time after  
20 receipt of notice from the custodian, of the release of  
21 the defendant on bail or personal recognizance or the  
22 release from detention of a minor who has been detained  
23 for a violent crime;

24 (3) explain in nontechnical language the details of  
25 any plea or verdict of a defendant, or any adjudication  
26 of a juvenile as a delinquent for a violent crime;

27 (4) where practical, consult with the crime victim  
28 before the Office of the State's Attorney makes an offer  
29 of a plea bargain to the defendant or enters into  
30 negotiations with the defendant concerning a possible  
31 plea agreement, and shall consider the written victim  
32 impact statement, if prepared prior to entering into a  
33 plea agreement;

34 (5) provide notice of the ultimate disposition of

1 the cases arising from an indictment or an information,  
2 or a petition to have a juvenile adjudicated as a  
3 delinquent for a violent crime;

4 (6) provide notice of any appeal taken by the  
5 defendant and information on how to contact the  
6 appropriate agency handling the appeal;

7 (7) provide notice of any request for  
8 post-conviction review filed by the defendant under  
9 Article 122 of the Code of Criminal Procedure of 1963,  
10 and of the date, time and place of any hearing concerning  
11 the petition. Whenever possible, notice of the hearing  
12 shall be given in advance;

13 (8) forward a copy of any statement presented under  
14 Section 6 to the Prisoner Review Board to be considered  
15 by the Board in making its determination under subsection  
16 (b) of Section 3-3-8 of the Unified Code of Corrections.

17 (d) (1) The Prisoner Review Board shall inform a victim  
18 or any other concerned citizen, upon written request, of  
19 the prisoner's release on parole, mandatory supervised  
20 release, electronic detention, work release or by the  
21 custodian of the discharge of any individual who was  
22 adjudicated a delinquent for a violent crime from State  
23 custody and by the sheriff of the appropriate county of  
24 any such person's final discharge from county custody.  
25 The Prisoner Review Board, upon written request, shall  
26 provide to a victim or any other concerned citizen a  
27 recent photograph of any person convicted of a felony,  
28 upon his or her release from custody. The Prisoner Review  
29 Board, upon written request, shall inform a victim or any  
30 other concerned citizen when feasible at least 7 days  
31 prior to the prisoner's release on furlough of the times  
32 and dates of such furlough. Upon written request by the  
33 victim or any other concerned citizen, the State's  
34 Attorney shall notify the person once of the times and

1 dates of release of a prisoner sentenced to periodic  
2 imprisonment. Notification shall be based on the most  
3 recent information as to victim's or other concerned  
4 citizen's residence or other location available to the  
5 notifying authority. For purposes of this paragraph (1)  
6 of subsection (d), "concerned citizen" includes relatives  
7 of the victim, friends of the victim, witnesses to the  
8 crime, or any other person associated with the victim or  
9 prisoner.

10 (2) When the defendant has been committed to the  
11 Department of Human Services pursuant to Section 5-2-4 or  
12 any other provision of the Unified Code of Corrections,  
13 the victim may request to be notified by the releasing  
14 authority of the defendant's discharge from State  
15 custody.

16 (3) In the event of an escape from State custody,  
17 the Department of Corrections immediately shall notify  
18 the Prisoner Review Board of the escape and the Prisoner  
19 Review Board shall notify the victim. The notification  
20 shall be based upon the most recent information as to the  
21 victim's residence or other location available to the  
22 Board. When no such information is available, the Board  
23 shall make all reasonable efforts to obtain the  
24 information and make the notification. When the escapee  
25 is apprehended, the Department of Corrections immediately  
26 shall notify the Prisoner Review Board and the Board  
27 shall notify the victim.

28 (4) The victim of the crime for which the prisoner  
29 has been sentenced shall receive reasonable written  
30 notice not less than 15 days prior to the parole hearing  
31 and may submit, in writing, on film, videotape or other  
32 electronic means or in the form of a recording or in  
33 person at the parole hearing, information for  
34 consideration by the Prisoner Review Board. The victim

1 shall be notified within 7 days after the prisoner has  
2 been granted parole and shall be informed of the right to  
3 inspect the registry of parole decisions, established  
4 under subsection (g) of Section 3-3-5 of the Unified Code  
5 of Corrections. The provisions of this paragraph (4) are  
6 subject to the Open Parole Hearings Act.

7 (5) If a statement is presented under Section 6,  
8 the Prisoner Review Board shall inform the victim of any  
9 order of discharge entered by the Board pursuant to  
10 Section 3-3-8 of the Unified Code of Corrections.

11 (6) At the written request of the victim of the  
12 crime for which the prisoner was sentenced, the Prisoner  
13 Review Board shall notify the victim of the death of the  
14 prisoner if the prisoner died while on parole or  
15 mandatory supervised release.

16 (7) When a defendant who has been committed to the  
17 Department of Corrections or the Department of Human  
18 Services is released or discharged and subsequently  
19 committed to the Department of Human Services as a  
20 sexually violent person and the victim had requested to  
21 be notified by the releasing authority of the defendant's  
22 discharge from State custody, the releasing authority  
23 shall provide to the Department of Human Services such  
24 information that would allow the Department of Human  
25 Services to contact the victim.

26 (d-5) If the prisoner has filed a petition for executive  
27 clemency under Section 3-3-13 of the Unified Code of  
28 Corrections, the Prisoner Review Board shall give written  
29 notice to the victim of the crime for which the prisoner has  
30 been sentenced at least 15 days before the executive clemency  
31 hearing of the date of the hearing.

32 (e) The officials named in this Section may satisfy some  
33 or all of their obligations to provide notices and other  
34 information through participation in a statewide victim and

1 witness notification system established by the Attorney  
2 General under Section 8.5 of this Act.

3 (Source: P.A. 90-14, eff. 7-1-97; 90-793, eff. 8-14-98;  
4 91-237, eff. 1-1-00; 91-693, eff. 4-13-00.)

5 Section 10. The Unified Code of Corrections is amended  
6 by changing Section 3-3-13 as follows:

7 (730 ILCS 5/3-3-13) (from Ch. 38, par. 1003-3-13)

8 Sec. 3-3-13. Procedure for Executive Clemency.

9 (a) Petitions seeking pardon, commutation, or reprieve  
10 shall be addressed to the Governor and filed with the  
11 Prisoner Review Board. The petition shall be in writing and  
12 signed by the person under conviction or by a person on his  
13 behalf. It shall contain a brief history of the case, the  
14 reasons for seeking executive clemency, and other relevant  
15 information the Board may require.

16 (a-5) After a petition has been denied by the Governor,  
17 the Board may not accept a repeat petition for executive  
18 clemency for the same person until one full year has elapsed  
19 from the date of the denial. The Chairman of the Board may  
20 waive the one-year requirement if the petitioner offers in  
21 writing new information that was unavailable to the  
22 petitioner at the time of the filing of the prior petition  
23 and which the Chairman determines to be significant. The  
24 Chairman also may waive the one-year waiting period if the  
25 petitioner can show that a change in circumstances of a  
26 compelling humanitarian nature has arisen since the denial of  
27 the prior petition.

28 (b) Notice of the proposed application shall be given by  
29 the Board to the committing court and the state's attorney of  
30 the county where the conviction was had.

31 (c) The Board shall, if requested and upon due notice,  
32 give a hearing to each application, allowing representation

1 by counsel, if desired, after which it shall confidentially  
2 advise the Governor by a written report of its  
3 recommendations which shall be determined by majority vote.  
4 The written report of the Board shall contain a statement  
5 outlining the sentence that would be in effect if a  
6 commutation is granted for a person sentenced to death. The  
7 Board shall meet to consider such petitions no less than 4  
8 times each year. The hearing shall be sufficiently  
9 comprehensive to ensure that the rights of the victim, the  
10 defendant, and the People of the State of Illinois are  
11 protected.

12 (c-5) In making its recommendations on a petition  
13 seeking a pardon, commutation, or reprieve, the Board shall  
14 consider, but not be limited to:

15 (1) material transmitted to the Department by the  
16 clerk of the committing court under Section 5-4-1 or  
17 Section 5-10 of the Juvenile Court Act or Section 5-750  
18 of the Juvenile Court Act of 1987;

19 (2) the report under Section 3-8-2 or 3-10-2;

20 (3) a report by the Department and any report by  
21 the chief administrative officer of the institution or  
22 facility;

23 (4) a parole progress report;

24 (5) a medical and psychological report, if  
25 requested by the Board;

26 (6) material in writing, or on film, video tape or  
27 other electronic means in the form of a recording  
28 submitted by the person whose petition for executive  
29 clemency is being considered; and

30 (7) material in writing, or on film, video tape or  
31 other electronic means in the form of a recording or  
32 testimony submitted by the State's Attorney and the  
33 victim pursuant to the Rights of Crime Victims and  
34 Witnesses Act.



1       (c-6) The prosecuting State's Attorney's office shall  
2 receive reasonable written notice not less than 15 days prior  
3 to the executive clemency hearing and may submit relevant  
4 information in writing, or on film, video tape or other  
5 electronic means or in the form of a recording to the Board  
6 for its consideration. The State's Attorney may waive the  
7 written notice.

8       (c-7) The victim of the violent crime for which the  
9 prisoner has been sentenced shall receive notice of an  
10 executive clemency hearing as provided in subsection (d-5) of  
11 Section 4.5 of the Rights of Crime Victims and Witnesses Act.

12       Any recording considered under the provisions of clause  
13 (c-5)(6), (c-5)(7), or (c-6) of this Section shall be in the  
14 form designated by the Board. The recording shall be both  
15 visual and aural. Every voice on the recording and person  
16 present shall be identified and the recording shall contain  
17 either a visual or aural statement of the person submitting  
18 the recording, the date of the recording and the name of the  
19 person whose petition for executive clemency is being  
20 considered. The recordings, if retained by the Board shall  
21 be deemed to be submitted at any subsequent hearing on  
22 executive clemency or if the State's Attorney submits in  
23 writing a declaration clearly identifying the recording as  
24 representing the present position of the victim or State's  
25 Attorney regarding the issues to be considered at the  
26 executive clemency hearing.

27       Application for executive clemency under this Section may  
28 not be commenced on behalf of a person who has been sentenced  
29 to death without the written consent of the defendant, unless  
30 the defendant, because of a mental or physical condition, is  
31 incapable of asserting his or her own claim.

32       (d) Following a comprehensive hearing by the Board as  
33 called for in subsection (c), the Governor shall decide each  
34 application and communicate his decision to the Board which

1 shall notify the petitioner.

2 In the event a petitioner who has been convicted of a  
3 Class X felony is granted a release, after the Governor has  
4 communicated such decision to the Board, the Board shall give  
5 written notice to the Sheriff of the county from which the  
6 offender was sentenced if such sheriff has requested that  
7 such notice be given on a continuing basis. In cases where  
8 arrest of the offender or the commission of the offense took  
9 place in any municipality with a population of more than  
10 10,000 persons, the Board shall also give written notice to  
11 the proper law enforcement agency for said municipality which  
12 has requested notice on a continuing basis.

13 (e) Nothing in this Section shall be construed to limit  
14 the power of the Governor under the constitution to grant a  
15 reprieve, commutation of sentence, or pardon. No action may  
16 be taken by the Governor in the absence of a full hearing and  
17 report by the Board.

18 (Source: P.A. 89-112, eff. 7-7-95; 89-684, eff. 6-1-97.)

19 Section 99. Effective date. This Act takes effect upon  
20 becoming law.