

1 AN ACT in relation to 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
5 Act is amended by changing Sections 4 and 9 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
10 respect for their dignity and privacy throughout the
11 criminal justice process.

12 (2) The right to notification of court proceedings.

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

14 (4) The right to make a statement to the court at
15 sentencing.

16 (5) The right to information about the conviction,
17 sentence, imprisonment and release of the accused.

18 (6) The right to the timely disposition of the case
19 following the arrest of the accused.

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

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

27 (9) the right to have present at all court
28 proceedings, subject to the rules of evidence, an
29 advocate or other support person of the victim's choice.

30 (10) The right to restitution.

31 (b) A statement and explanation of the rights of crime

1 victims set forth in paragraph (a) of this Section shall be
2 given to a crime victim at the initial contact with the
3 criminal justice system by the appropriate authorities and
4 shall be conspicuously posted in all court facilities.

5 (c) After receiving a statement and explanation of the
6 rights of crime victims set forth in paragraph (a) of this
7 Section by the appropriate authorities, the victim shall sign
8 an acknowledgement that attests to the victim's receipt of
9 the statement and explanation of those rights. The receipt
10 shall be in substantially the following form:

11 "I acknowledge that I have received a statement and
12 explanation of the rights of crime victims set forth in
13 Article I, Section 8.1 of the Illinois Constitution and
14 in paragraph (a) of Section 4 of the Rights of Crime
15 Victims and Witnesses Act (725 ILCS 120/4(a)) by the
16 appropriate law enforcement agency or other appropriate
17 agency including, but not limited to, the Attorney
18 General, Prisoner Review Board, the Department of
19 Corrections, the Department of Human Services, or other
20 State agency.

21 Signature of victim".

22 The acknowledgement furnished to the crime victim shall
23 be a carbon copy. The authority furnishing the
24 acknowledgement to the crime victim shall retain the original
25 copy for the authority's records.

26 (Source: P.A. 87-224; 88-489.)

27 (725 ILCS 120/9) (from Ch. 38, par. 1408)

28 Sec. 9. This Act does not limit any rights or
29 responsibilities otherwise enjoyed by or imposed upon victims
30 or witnesses of violent crime, ~~nor does it grant any person a~~
31 ~~cause of action for damages or attorneys fees.~~ Any act of
32 omission or commission, including not providing the statement
33 and explanation of rights to crime victims as required in

1 Section 4, by any law enforcement officer, circuit court
2 clerk, or State's Attorney, by the Attorney General,
3 Prisoner Review Board, Department of Corrections, Department
4 of Human Services, or other State agency, or private entity
5 under contract pursuant to Section 8, or by any employee of
6 any State agency or private entity under contract pursuant to
7 Section 8, whether or not acting in good faith in rendering
8 crime victim's assistance or otherwise enforcing this Act,
9 shall not impose civil liability upon the individual or
10 entity or his or her supervisor or employer. Nothing in this
11 Act shall create a basis for vacating a conviction or a
12 ground for appellate relief in any criminal case. Failure of
13 ~~the--crime--victim--to--receive--notice--as--required,--however,~~
14 ~~shall--not--deprive--the--court--of--the--power--to--act--regarding--the~~
15 ~~proceeding--before--it;--nor--shall--any--such--failure--grant--the~~
16 ~~defendant--the--right--to--seek--a--continuance.~~

17 (Source: P.A. 93-258, eff. 1-1-04.)