



94TH GENERAL ASSEMBLY
State of Illinois
2005 and 2006
HB0215

Introduced 1/13/2005, by Rep. William Delgado

SYNOPSIS AS INTRODUCED:

725 ILCS 5/114-8

from Ch. 38, par. 114-8

Amends the Code of Criminal Procedure of 1963. Provides that in the case of a prosecution of multiple defendants for criminal sexual assault, aggravated criminal sexual assault, predatory criminal sexual assault of a child, criminal sexual abuse, or aggravated criminal sexual abuse arising out of the same course of conduct, the court, in deciding a motion to sever the charges and try the defendants separately, must consider the impact upon the alleged victim of multiple trials requiring the victim's testimony.

LRB094 05294 RLC 35337 b

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 changing Section 114-8 as follows:

6 (725 ILCS 5/114-8) (from Ch. 38, par. 114-8)

7 Sec. 114-8. Motion for severance.

8 (a) If it appears that a defendant or the State is
9 prejudiced by a joinder of related prosecutions or defendants
10 in a single charge or by joinder of separate charges or
11 defendants for trial the court may order separate trials, grant
12 a severance of defendants, or provide any other relief as
13 justice may require.

14 (b) In the case of a prosecution of multiple defendants for
15 criminal sexual assault, aggravated criminal sexual assault,
16 predatory criminal sexual assault of a child, criminal sexual
17 abuse, or aggravated criminal sexual abuse arising out of the
18 same course of conduct, the court, in deciding a motion to
19 sever the charges and try the defendants separately, must
20 consider the impact upon the alleged victim of multiple trials
21 requiring the victim's testimony.

22 (Source: Laws 1963, p. 2836.)