



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

HB0893

Introduced 2/2/2005, by Rep. John J. Millner

SYNOPSIS AS INTRODUCED:

725 ILCS 120/6

from Ch. 38, par. 1406

Amends the Rights of Crime Victims and Witnesses Act. Provides that if a violent crime has an impact on the community where the incident took place, the State's Attorney for that county may request any one person, association, or other group of persons to prepare a community impact statement in writing in conjunction with the State's Attorney's Office prior to the imposition of the sentence on a defendant or dispositional hearing. Allows only one community impact statement to be admitted in court for consideration at the sentencing or dispositional hearing. Provides that a community impact statement may be presented in addition to a victim impact statement. Defines "community impact statement" and "community".

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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 is
5 amended by changing Section 6 as follows:

6 (725 ILCS 120/6) (from Ch. 38, par. 1406)

7 Sec. 6. Rights to present victim impact statement.

8 (a) In any case where a defendant has been convicted of a
9 violent crime or a juvenile has been adjudicated a delinquent
10 for a violent crime and a victim of the violent crime or the
11 victim's spouse, guardian, parent, grandparent, or other
12 immediate family or household member is present in the
13 courtroom at the time of the sentencing or the disposition
14 hearing, the victim or his or her representative shall have the
15 right and the victim's spouse, guardian, parent, grandparent,
16 and other immediate family or household member upon his, her,
17 or their request may be permitted by the court to address the
18 court regarding the impact that the defendant's criminal
19 conduct or the juvenile's delinquent conduct has had upon them
20 and the victim. The court has discretion to determine the
21 number of oral presentations of victim impact statements. Any
22 impact statement must have been prepared in writing in
23 conjunction with the Office of the State's Attorney prior to
24 the initial hearing or sentencing, before it can be presented
25 orally or in writing at the sentencing hearing. In conjunction
26 with the Office of the State's Attorney, a victim impact
27 statement that is presented orally may be done so by the victim
28 or the victim's spouse, guardian, parent, grandparent, or other
29 immediate family or household member or his, her, or their
30 representative. At the sentencing hearing, the prosecution may
31 introduce that evidence either in its case in chief or in
32 rebuttal. The court shall consider any impact statement

1 admitted along with all other appropriate factors in
2 determining the sentence of the defendant or disposition of
3 such juvenile.

4 (b) The crime victim has the right to prepare a victim
5 impact statement and present it to the Office of the State's
6 Attorney at any time during the proceedings. Any written victim
7 impact statement submitted to the Office of the State's
8 Attorney shall be considered by the court during its
9 consideration of aggravation and mitigation in plea
10 proceedings under Supreme Court Rule 402.

11 (c) This Section shall apply to any victims of a violent
12 crime during any dispositional hearing under Section 5-705 of
13 the Juvenile Court Act of 1987 which takes place pursuant to an
14 adjudication of delinquency for any such offense.

15 (d) If a violent crime has an impact on the community where
16 the incident took place, the State's Attorney for that county
17 may request any one person, association, or other group of
18 persons to prepare a community impact statement in writing in
19 conjunction with the State's Attorney's Office prior to the
20 imposition of the sentence on a defendant or dispositional
21 hearing under Section 5-705 of the Juvenile Court Act of 1987.
22 Only one community impact statement shall be admitted in court
23 for consideration at the sentencing or dispositional hearing. A
24 community impact statement may be presented in addition to a
25 victim impact statement allowed under subsections (a) and (c)
26 of this Section. For purposes of this subsection (d),
27 "community impact statement" means a written statement
28 providing information about the financial, emotional, and
29 physical effects of a crime on a community; and "community"
30 means a social or body of people living or working in the same
31 place or neighborhood sharing common interests arising from
32 social, business, religious, governmental, scholastic or
33 recreational association.

34 (Source: P.A. 92-412, eff. 1-1-02; 93-819, eff. 7-27-04.)