



94TH GENERAL ASSEMBLY
State of Illinois
2005 and 2006
HB5463

Introduced 1/27/2006, by Rep. Tom Cross

SYNOPSIS AS INTRODUCED:

720 ILCS 5/2-10.1

from Ch. 38, par. 2-10.1

Amends the Criminal Code of 1961. Makes a technical change in a Section concerning the definition of "severely or profoundly mentally retarded person".

LRB094 15166 RLC 50350 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 Criminal Code of 1961 is amended by changing
5 Section 2-10.1 as follows:

6 (720 ILCS 5/2-10.1) (from Ch. 38, par. 2-10.1)

7 Sec. 2-10.1. "Severely or profoundly mentally retarded
8 person" means a person (i) whose intelligence quotient does not
9 exceed 40 or (ii) whose intelligence quotient does not exceed
10 55 and ~~and~~ who suffers from significant mental illness to the
11 extent that the person's ability to exercise rational judgment
12 is impaired. In any proceeding in which the defendant is
13 charged with committing a violation of Section 10-2, 10-5,
14 11-15.1, 11-19.1, 11-19.2, 11-20.1, 12-4.3, 12-14, or 12-16 of
15 this Code against a victim who is alleged to be a severely or
16 profoundly mentally retarded person, any findings concerning
17 the victim's status as a severely or profoundly mentally
18 retarded person, made by a court after a judicial admission
19 hearing concerning the victim under Articles V and VI of
20 Chapter 4 of the Mental Health and Developmental Disabilities
21 Code shall be admissible.

22 (Source: P.A. 92-434, eff. 1-1-02.)