

# HB4693



## 95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB4693

by Rep. Daniel V. Beiser

### SYNOPSIS AS INTRODUCED:

725 ILCS 120/4.5

Amends the Rights of Crime Victims and Witnesses Act. Provides that the Office of the State's Attorney shall provide notice to the crime victim about the Victims Notification Unit established by the Prisoner Review Board, the services offered to crime victims by the Unit, and how to register with the Unit.

LRB095 18424 RLC 44510 b

FISCAL NOTE ACT  
MAY APPLY

STATE MANDATES  
ACT MAY REQUIRE  
REIMBURSEMENT

A BILL FOR

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 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 enforcement,  
9 prosecutors, judges and corrections will provide information,  
10 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 the  
13 status of the investigation, except where the State's Attorney  
14 determines that disclosure of such information would  
15 unreasonably interfere with the investigation, until such time  
16 as the alleged assailant is apprehended or the investigation is  
17 closed.

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

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

23 (2) shall provide notice of the date, time, and place

1 of trial;

2 (3) or victim advocate personnel shall provide  
3 information of social services and financial assistance  
4 available for victims of crime, including information of  
5 how to apply for these services and assistance;

6 (4) shall assist in having any stolen or other personal  
7 property held by law enforcement authorities for  
8 evidentiary or other purposes returned as expeditiously as  
9 possible, pursuant to the procedures set out in Section  
10 115-9 of the Code of Criminal Procedure of 1963;

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

16 (6) shall provide information whenever possible, of a  
17 secure waiting area during court proceedings that does not  
18 require victims to be in close proximity to defendant or  
19 juveniles accused of a violent crime, and their families  
20 and friends;

21 (7) shall provide notice to the crime victim of the  
22 right to have a translator present at all court  
23 proceedings;

24 (8) in the case of the death of a person, which death  
25 occurred in the same transaction or occurrence in which  
26 acts occurred for which a defendant is charged with an

1 offense, shall notify the spouse, parent, child or sibling  
2 of the decedent of the date of the trial of the person or  
3 persons allegedly responsible for the death;

4 (9) shall inform the victim of the right to have  
5 present at all court proceedings, subject to the rules of  
6 evidence, an advocate or other support person of the  
7 victim's choice, and the right to retain an attorney, at  
8 the victim's own expense, who, upon written notice filed  
9 with the clerk of the court and State's Attorney, is to  
10 receive copies of all notices, motions and court orders  
11 filed thereafter in the case, in the same manner as if the  
12 victim were a named party in the case; ~~and~~

13 (10) at the sentencing hearing shall make a good faith  
14 attempt to explain the minimum amount of time during which  
15 the defendant may actually be physically imprisoned. The  
16 Office of the State's Attorney shall further notify the  
17 crime victim of the right to request from the Prisoner  
18 Review Board information concerning the release of the  
19 defendant under subparagraph (d) (1) of this Section; ~~and~~

20 (11) shall request restitution at sentencing and shall  
21 consider restitution in any plea negotiation, as provided  
22 by law; ~~and-~~

23 (12) shall provide notice to the crime victim about the  
24 Victims Notification Unit established by the Prisoner  
25 Review Board, the services offered to crime victims by the  
26 Unit, and how to register with the Unit.

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

3 (1) provide notice a reasonable time in advance of the  
4 following court proceedings: preliminary hearing, any  
5 hearing the effect of which may be the release of defendant  
6 from custody, or to alter the conditions of bond and the  
7 sentencing hearing. The crime victim shall also be notified  
8 of the cancellation of the court proceeding in sufficient  
9 time, wherever possible, to prevent an unnecessary  
10 appearance in court;

11 (2) provide notice within a reasonable time after  
12 receipt of notice from the custodian, of the release of the  
13 defendant on bail or personal recognizance or the release  
14 from detention of a minor who has been detained for a  
15 violent crime;

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

19 (4) where practical, consult with the crime victim  
20 before the Office of the State's Attorney makes an offer of  
21 a plea bargain to the defendant or enters into negotiations  
22 with the defendant concerning a possible plea agreement,  
23 and shall consider the written victim impact statement, if  
24 prepared prior to entering into a plea agreement;

25 (5) provide notice of the ultimate disposition of the  
26 cases arising from an indictment or an information, or a

1 petition to have a juvenile adjudicated as a delinquent for  
2 a violent crime;

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

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

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

15 (d) (1) The Prisoner Review Board shall inform a victim or  
16 any other concerned citizen, upon written request, of the  
17 prisoner's release on parole, mandatory supervised release,  
18 electronic detention, work release, international transfer or  
19 exchange, or by the custodian of the discharge of any  
20 individual who was adjudicated a delinquent for a violent crime  
21 from State custody and by the sheriff of the appropriate county  
22 of any such person's final discharge from county custody. The  
23 Prisoner Review Board, upon written request, shall provide to a  
24 victim or any other concerned citizen a recent photograph of  
25 any person convicted of a felony, upon his or her release from  
26 custody. The Prisoner Review Board, upon written request, shall

1 inform a victim or any other concerned citizen when feasible at  
2 least 7 days prior to the prisoner's release on furlough of the  
3 times and dates of such furlough. Upon written request by the  
4 victim or any other concerned citizen, the State's Attorney  
5 shall notify the person once of the times and dates of release  
6 of a prisoner sentenced to periodic imprisonment. Notification  
7 shall be based on the most recent information as to victim's or  
8 other concerned citizen's residence or other location  
9 available to the notifying authority. For purposes of this  
10 paragraph (1) of subsection (d), "concerned citizen" includes  
11 relatives of the victim, friends of the victim, witnesses to  
12 the crime, or any other person associated with the victim or  
13 prisoner.

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

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

1 to obtain the information and make the notification. When  
2 the escapee is apprehended, the Department of Corrections  
3 or the Department of Juvenile Justice immediately shall  
4 notify the Prisoner Review Board and the Board shall notify  
5 the victim.

6 (4) The victim of the crime for which the prisoner has  
7 been sentenced shall receive reasonable written notice not  
8 less than 15 days prior to the parole hearing and may  
9 submit, in writing, on film, videotape or other electronic  
10 means or in the form of a recording or in person at the  
11 parole hearing or if a victim of a violent crime, by  
12 calling the toll-free number established in subsection (f)  
13 of this Section, information for consideration by the  
14 Prisoner Review Board. The victim shall be notified within  
15 7 days after the prisoner has been granted parole and shall  
16 be informed of the right to inspect the registry of parole  
17 decisions, established under subsection (g) of Section  
18 3-3-5 of the Unified Code of Corrections. The provisions of  
19 this paragraph (4) are subject to the Open Parole Hearings  
20 Act.

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

25 (6) At the written request of the victim of the crime  
26 for which the prisoner was sentenced, the Prisoner Review



1 Board shall notify the victim of the death of the prisoner  
2 if the prisoner died while on parole or mandatory  
3 supervised release.

4 (7) When a defendant who has been committed to the  
5 Department of Corrections, the Department of Juvenile  
6 Justice, or the Department of Human Services is released or  
7 discharged and subsequently committed to the Department of  
8 Human Services as a sexually violent person and the victim  
9 had requested to be notified by the releasing authority of  
10 the defendant's discharge from State custody, the  
11 releasing authority shall provide to the Department of  
12 Human Services such information that would allow the  
13 Department of Human Services to contact the victim.

14 (e) The officials named in this Section may satisfy some or  
15 all of their obligations to provide notices and other  
16 information through participation in a statewide victim and  
17 witness notification system established by the Attorney  
18 General under Section 8.5 of this Act.

19 (f) To permit a victim of a violent crime to provide  
20 information to the Prisoner Review Board for consideration by  
21 the Board at a parole hearing of a person who committed the  
22 crime against the victim in accordance with clause (d)(4) of  
23 this Section or at a proceeding to determine the conditions of  
24 mandatory supervised release of a person sentenced to a  
25 determinate sentence or at a hearing on revocation of mandatory  
26 supervised release of a person sentenced to a determinate

1 sentence, the Board shall establish a toll-free number that may  
2 be accessed by the victim of a violent crime to present that  
3 information to the Board.

4 (Source: P.A. 94-696, eff. 6-1-06; 95-317, eff. 8-21-07.)