



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

SB2785

Introduced 2/15/2008, by Sen. Don Harmon

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, upon the court entering a verdict of not guilty by reason of insanity, inform the victim of the notification services available from the Department of Human Services, including the statewide telephone number. Provides that when the defendant has been committed to the Department of Human Services after being found not guilty by reason of insanity or other provision of the Unified Code of Corrections, the victim may request to be notified by the releasing authority of the defendant's furloughs, temporary release or final discharge from State custody. Provides that the Department of Human Services shall establish and maintain a statewide telephone number to be used by victims to make notification requests under these provisions, and shall publicize this telephone number on its website and to the State's Attorney of each county.

LRB095 19895 RLC 46309 b

FISCAL NOTE ACT
MAY APPLY

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, upon the court entering a verdict of not
24 guilty by reason of insanity, inform the victim of the
25 notification services available from the Department of
26 Human Services, including the statewide telephone number,

1 under subparagraph (d) (2) of this Section.

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

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

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

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

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

26 (5) provide notice of the ultimate disposition of the

1 cases arising from an indictment or an information, or a
2 petition to have a juvenile adjudicated as a delinquent for
3 a violent crime;

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

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

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

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

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

15 (2) When the defendant has been committed to the
16 Department of Human Services pursuant to Section 5-2-4 or
17 any other provision of the Unified Code of Corrections, the
18 victim may request to be notified by the releasing
19 authority of the defendant's furloughs, temporary release,
20 or final discharge from State custody. The Department of
21 Human Services shall establish and maintain a statewide
22 telephone number to be used by victims to make notification
23 requests under these provisions, and shall publicize this
24 telephone number on its website and to the State's Attorney
25 of each county.

26 (3) In the event of an escape from State custody, the

1 Department of Corrections or the Department of Juvenile
2 Justice immediately shall notify the Prisoner Review Board
3 of the escape and the Prisoner Review Board shall notify
4 the victim. The notification shall be based upon the most
5 recent information as to the victim's residence or other
6 location available to the Board. When no such information
7 is available, the Board shall make all reasonable efforts
8 to obtain the information and make the notification. When
9 the escapee is apprehended, the Department of Corrections
10 or the Department of Juvenile Justice immediately shall
11 notify the Prisoner Review Board and the Board shall notify
12 the victim.

13 (4) The victim of the crime for which the prisoner has
14 been sentenced shall receive reasonable written notice not
15 less than 15 days prior to the parole hearing and may
16 submit, in writing, on film, videotape or other electronic
17 means or in the form of a recording or in person at the
18 parole hearing or if a victim of a violent crime, by
19 calling the toll-free number established in subsection (f)
20 of this Section, information for consideration by the
21 Prisoner Review Board. The victim shall be notified within
22 7 days after the prisoner has been granted parole and shall
23 be informed of the right to inspect the registry of parole
24 decisions, established under subsection (g) of Section
25 3-3-5 of the Unified Code of Corrections. The provisions of
26 this paragraph (4) are subject to the Open Parole Hearings

1 Act.

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

6 (6) At the written request of the victim of the crime
7 for which the prisoner was sentenced, the Prisoner Review
8 Board shall notify the victim of the death of the prisoner
9 if the prisoner died while on parole or mandatory
10 supervised release.

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

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

26 (f) To permit a victim of a violent crime to provide

1 information to the Prisoner Review Board for consideration by
2 the Board at a parole hearing of a person who committed the
3 crime against the victim in accordance with clause (d)(4) of
4 this Section or at a proceeding to determine the conditions of
5 mandatory supervised release of a person sentenced to a
6 determinate sentence or at a hearing on revocation of mandatory
7 supervised release of a person sentenced to a determinate
8 sentence, the Board shall establish a toll-free number that may
9 be accessed by the victim of a violent crime to present that
10 information to the Board.

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