

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 proceedings  
23 and, in compliance with the federal Americans with  
24 Disabilities Act of 1990, the right to communications  
25 access through a sign language interpreter or by other  
26 means;

1           (8) in the case of the death of a person, which death  
2 occurred in the same transaction or occurrence in which  
3 acts occurred for which a defendant is charged with an  
4 offense, shall notify the spouse, parent, child or sibling  
5 of the decedent of the date of the trial of the person or  
6 persons allegedly responsible for the death;

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

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

23           (11) shall request restitution at sentencing and shall  
24 consider restitution in any plea negotiation, as provided  
25 by law; and

26           (12) shall, upon the court entering a verdict of not

1 guilty by reason of insanity, inform the victim of the  
2 notification services available from the Department of  
3 Human Services, including the statewide telephone number,  
4 under subparagraph (d) (2) of this Section.

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

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

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

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

23 (4) where practical, consult with the crime victim  
24 before the Office of the State's Attorney makes an offer of  
25 a plea bargain to the defendant or enters into negotiations  
26 with the defendant concerning a possible plea agreement,

1 and shall consider the written victim impact statement, if  
2 prepared prior to entering into a plea agreement;

3 (5) provide notice of the ultimate disposition of the  
4 cases arising from an indictment or an information, or a  
5 petition to have a juvenile adjudicated as a delinquent for  
6 a violent crime;

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

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

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

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

1 Prisoner Review Board, upon written request, shall provide to a  
2 victim or any other concerned citizen a recent photograph of  
3 any person convicted of a felony, upon his or her release from  
4 custody. The Prisoner Review Board, upon written request, shall  
5 inform a victim or any other concerned citizen when feasible at  
6 least 7 days prior to the prisoner's release on furlough of the  
7 times and dates of such furlough. Upon written request by the  
8 victim or any other concerned citizen, the State's Attorney  
9 shall notify the person once of the times and dates of release  
10 of a prisoner sentenced to periodic imprisonment. Notification  
11 shall be based on the most recent information as to victim's or  
12 other concerned citizen's residence or other location  
13 available to the notifying authority.

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

24 (3) In the event of an escape from State custody, the  
25 Department of Corrections or the Department of Juvenile Justice  
26 immediately shall notify the Prisoner Review Board of the

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

10 (4) The victim of the crime for which the prisoner has been  
11 sentenced shall receive reasonable written notice not less than  
12 30 days prior to the parole interview and may submit, in  
13 writing, on film, videotape or other electronic means or in the  
14 form of a recording or in person at the parole interview or if  
15 a victim of a violent crime, by calling the toll-free number  
16 established in subsection (f) of this Section, information for  
17 consideration by the Prisoner Review Board. The victim shall be  
18 notified within 7 days after the prisoner has been granted  
19 parole and shall be informed of the right to inspect the  
20 registry of parole decisions, established under subsection (g)  
21 of Section 3-3-5 of the Unified Code of Corrections. The  
22 provisions of this paragraph (4) are subject to the Open Parole  
23 Hearings Act.

24 (5) If a statement is presented under Section 6, the  
25 Prisoner Review Board shall inform the victim of any order of  
26 discharge entered by the Board pursuant to Section 3-3-8 of the

1 Unified Code of Corrections.

2 (6) At the written request of the victim of the crime for  
3 which the prisoner was sentenced or the State's Attorney of the  
4 county where the person seeking parole was prosecuted, the  
5 Prisoner Review Board shall notify the victim and the State's  
6 Attorney of the county where the person seeking parole was  
7 prosecuted of the death of the prisoner if the prisoner died  
8 while on parole or mandatory supervised release.

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

19 (8) When a defendant has been convicted of a sex offense as  
20 defined in Section 2 of the Sex Offender Registration Act and  
21 has been sentenced to the Department of Corrections or the  
22 Department of Juvenile Justice, the Prisoner Review Board shall  
23 notify the victim of the sex offense of the prisoner's  
24 eligibility for release on parole, mandatory supervised  
25 release, electronic detention, work release, international  
26 transfer or exchange, or by the custodian of the discharge of



1 any individual who was adjudicated a delinquent for a sex  
2 offense from State custody and by the sheriff of the  
3 appropriate county of any such person's final discharge from  
4 county custody. The notification shall be made to the victim at  
5 least 30 days, whenever possible, before release of the sex  
6 offender.

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

12 (f) To permit a victim of a violent crime to provide  
13 information to the Prisoner Review Board for consideration by  
14 the Board at a parole hearing of a person who committed the  
15 crime against the victim in accordance with clause (d)(4) of  
16 this Section or at a proceeding to determine the conditions of  
17 mandatory supervised release of a person sentenced to a  
18 determinate sentence or at a hearing on revocation of mandatory  
19 supervised release of a person sentenced to a determinate  
20 sentence, the Board shall establish a toll-free number that may  
21 be accessed by the victim of a violent crime to present that  
22 information to the Board.

23 (g) At the request of the spouse, parent, child, sibling,  
24 or any combination of such persons of a person killed as a  
25 result of a homicide, the court, at sentencing, or the Prisoner  
26 Review Board, at the parole hearing, shall issue a no contact

1 order against the defendant which shall be effective while the  
2 defendant is in custody.

3 (Source: P.A. 95-317, eff. 8-21-07; 95-896, eff. 1-1-09;  
4 95-897, eff. 1-1-09; 95-904, eff. 1-1-09; 96-328, eff. 8-11-09;  
5 96-875, eff. 1-22-10.)