



Rep. Robert F. Flider

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LRB096 19640 RLC 39353 a

1 AMENDMENT TO HOUSE BILL 5947

2 AMENDMENT NO. _____. Amend House Bill 5947, AS AMENDED, by
3 replacing everything after the enacting clause with the
4 following:

5 "Section 5. The Rights of Crime Victims and Witnesses Act
6 is amended by changing Section 4.5 as follows:

7 (725 ILCS 120/4.5)

8 Sec. 4.5. Procedures to implement the rights of crime
9 victims. To afford crime victims their rights, law enforcement,
10 prosecutors, judges and corrections will provide information,
11 as appropriate of the following procedures:

12 (a) At the request of the crime victim, law enforcement
13 authorities investigating the case shall provide notice of the
14 status of the investigation, except where the State's Attorney
15 determines that disclosure of such information would
16 unreasonably interfere with the investigation, until such time

1 as the alleged assailant is apprehended or the investigation is
2 closed.

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

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

8 (2) shall provide notice of the date, time, and place
9 of trial;

10 (3) or victim advocate personnel shall provide
11 information of social services and financial assistance
12 available for victims of crime, including information of
13 how to apply for these services and assistance;

14 (4) shall assist in having any stolen or other personal
15 property held by law enforcement authorities for
16 evidentiary or other purposes returned as expeditiously as
17 possible, pursuant to the procedures set out in Section
18 115-9 of the Code of Criminal Procedure of 1963;

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

24 (6) shall provide information whenever possible, of a
25 secure waiting area during court proceedings that does not
26 require victims to be in close proximity to defendant or

1 juveniles accused of a violent crime, and their families
2 and friends;

3 (7) shall provide notice to the crime victim of the
4 right to have a translator present at all court proceedings
5 and, in compliance with the federal Americans with
6 Disabilities Act of 1990, the right to communications
7 access through a sign language interpreter or by other
8 means;

9 (8) in the case of the death of a person, which death
10 occurred in the same transaction or occurrence in which
11 acts occurred for which a defendant is charged with an
12 offense, shall notify the spouse, parent, child or sibling
13 of the decedent of the date of the trial of the person or
14 persons allegedly responsible for the death;

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

24 (10) at the sentencing hearing shall make a good faith
25 attempt to explain the minimum amount of time during which
26 the defendant may actually be physically imprisoned. The

1 Office of the State's Attorney shall further notify the
2 crime victim of the right to request from the Prisoner
3 Review Board information concerning the release of the
4 defendant under subparagraph (d) (1) of this Section;

5 (11) shall request restitution at sentencing and shall
6 consider restitution in any plea negotiation, as provided
7 by law; and

8 (12) shall, upon the court entering a verdict of not
9 guilty by reason of insanity, inform the victim of the
10 notification services available from the Department of
11 Human Services, including the statewide telephone number,
12 under subparagraph (d) (2) of this Section.

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

15 (1) provide notice a reasonable time in advance of the
16 following court proceedings: preliminary hearing, any
17 hearing the effect of which may be the release of defendant
18 from custody, or to alter the conditions of bond and the
19 sentencing hearing. The crime victim shall also be notified
20 of the cancellation of the court proceeding in sufficient
21 time, wherever possible, to prevent an unnecessary
22 appearance in court;

23 (2) provide notice within a reasonable time after
24 receipt of notice from the custodian, of the release of the
25 defendant on bail or personal recognizance or the release
26 from detention of a minor who has been detained for a

1 violent crime;

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

5 (4) where practical, consult with the crime victim
6 before the Office of the State's Attorney makes an offer of
7 a plea bargain to the defendant or enters into negotiations
8 with the defendant concerning a possible plea agreement,
9 and shall consider the written victim impact statement, if
10 prepared prior to entering into a plea agreement;

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

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

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

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

1 (d) (1) The Prisoner Review Board shall inform a victim or
2 any other concerned citizen, upon written request, of the
3 prisoner's release on parole, mandatory supervised release,
4 electronic detention, work release, international transfer or
5 exchange, or by the custodian of the discharge of any
6 individual who was adjudicated a delinquent for a violent crime
7 from State custody and by the sheriff of the appropriate county
8 of any such person's final discharge from county custody. The
9 Prisoner Review Board, upon written request, shall provide to a
10 victim or any other concerned citizen a recent photograph of
11 any person convicted of a felony, upon his or her release from
12 custody. The Prisoner Review Board, upon written request, shall
13 inform a victim or any other concerned citizen when feasible at
14 least 7 days prior to the prisoner's release on furlough of the
15 times and dates of such furlough. Upon written request by the
16 victim or any other concerned citizen, the State's Attorney
17 shall notify the person once of the times and dates of release
18 of a prisoner sentenced to periodic imprisonment. Notification
19 shall be based on the most recent information as to victim's or
20 other concerned citizen's residence or other location
21 available to the notifying authority.

22 (2) When the defendant has been committed to the Department
23 of Human Services pursuant to Section 5-2-4 or any other
24 provision of the Unified Code of Corrections, the victim may
25 request to be notified by the releasing authority of the
26 defendant's furloughs, temporary release, or final discharge

1 from State custody. The Department of Human Services shall
2 establish and maintain a statewide telephone number to be used
3 by victims to make notification requests under these provisions
4 and shall publicize this telephone number on its website and to
5 the State's Attorney of each county.

6 (3) In the event of an escape from State custody, the
7 Department of Corrections or the Department of Juvenile Justice
8 immediately shall notify the Prisoner Review Board of the
9 escape and the Prisoner Review Board shall notify the victim.
10 The notification shall be based upon the most recent
11 information as to the victim's residence or other location
12 available to the Board. When no such information is available,
13 the Board shall make all reasonable efforts to obtain the
14 information and make the notification. When the escapee is
15 apprehended, the Department of Corrections or the Department of
16 Juvenile Justice immediately shall notify the Prisoner Review
17 Board and the Board shall notify the victim.

18 (4) The victim of the crime for which the prisoner has been
19 sentenced shall receive reasonable written notice not less than
20 30 days prior to the parole interview and may submit, in
21 writing, on film, videotape or other electronic means or in the
22 form of a recording or in person at the parole interview or if
23 a victim of a violent crime, by calling the toll-free number
24 established in subsection (f) of this Section, information for
25 consideration by the Prisoner Review Board. The victim shall be
26 notified within 7 days after the prisoner has been granted

1 parole and shall be informed of the right to inspect the
2 registry of parole decisions, established under subsection (g)
3 of Section 3-3-5 of the Unified Code of Corrections. The
4 provisions of this paragraph (4) are subject to the Open Parole
5 Hearings Act.

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

10 (6) At the written request of the victim of the crime for
11 which the prisoner was sentenced or the State's Attorney of the
12 county where the person seeking parole was prosecuted, the
13 Prisoner Review Board shall notify the victim and the State's
14 Attorney of the county where the person seeking parole was
15 prosecuted of the death of the prisoner if the prisoner died
16 while on parole or mandatory supervised release.

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

1 (8) When a defendant has been convicted of a sex offense as
2 defined in Section 2 of the Sex Offender Registration Act and
3 has been sentenced to the Department of Corrections or the
4 Department of Juvenile Justice, the Prisoner Review Board shall
5 notify the victim of the sex offense of the prisoner's
6 eligibility for release on parole, mandatory supervised
7 release, electronic detention, work release, international
8 transfer or exchange, or by the custodian of the discharge of
9 any individual who was adjudicated a delinquent for a sex
10 offense from State custody and by the sheriff of the
11 appropriate county of any such person's final discharge from
12 county custody. The notification shall be made to the victim at
13 least 30 days, whenever possible, before release of the sex
14 offender.

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

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

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

5 (g) At the request of the spouse, parent, child, sibling,
6 or any combination of such persons of a person killed as a
7 result of a homicide, the court, at sentencing, or the Prisoner
8 Review Board, at the parole hearing, shall issue a no contact
9 order against the defendant which shall be effective while the
10 defendant is in custody.

11 (Source: P.A. 95-317, eff. 8-21-07; 95-896, eff. 1-1-09;
12 95-897, eff. 1-1-09; 95-904, eff. 1-1-09; 96-328, eff. 8-11-09;
13 96-875, eff. 1-22-10.)".