



Sen. Michael Noland

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1 AMENDMENT TO HOUSE BILL 1237

2 AMENDMENT NO. _____. Amend House Bill 1237 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Police Training Act is amended by
5 changing Section 7 as follows:

6 (50 ILCS 705/7) (from Ch. 85, par. 507)

7 Sec. 7. Rules and standards for schools. The Board shall
8 adopt rules and minimum standards for such schools which shall
9 include but not be limited to the following:

10 a. The curriculum for probationary police officers which
11 shall be offered by all certified schools shall include but not
12 be limited to courses of arrest, search and seizure, civil
13 rights, human relations, cultural diversity, including racial
14 and ethnic sensitivity, criminal law, law of criminal
15 procedure, vehicle and traffic law including uniform and
16 non-discriminatory enforcement of the Illinois Vehicle Code,

1 traffic control and accident investigation, techniques of
2 obtaining physical evidence, court testimonies, statements,
3 reports, firearms training, first-aid (including
4 cardiopulmonary resuscitation), handling of juvenile
5 offenders, recognition of mental conditions which require
6 immediate assistance and methods to safeguard and provide
7 assistance to a person in need of mental treatment, law of
8 evidence, the hazards of high-speed police vehicle chases with
9 an emphasis on alternatives to the high-speed chase, and
10 physical training. The curriculum shall include specific
11 training in techniques for immediate response to and
12 investigation of cases of domestic violence and of sexual
13 assault of adults and children. The curriculum shall include
14 training in techniques designed to promote effective
15 communication at the initial contact with crime victims and
16 ways to comprehensively explain to victims and witnesses their
17 rights under the Rights of Crime Victims and Witnesses Act and
18 the Crime Victims Compensation Act. The curriculum shall also
19 include a block of instruction aimed at identifying and
20 interacting with persons with autism and other developmental
21 disabilities, reducing barriers to reporting crimes against
22 persons with autism, and addressing the unique challenges
23 presented by cases involving victims or witnesses with autism
24 and other developmental disabilities. The curriculum for
25 permanent police officers shall include but not be limited to
26 (1) refresher and in-service training in any of the courses

1 listed above in this subparagraph, (2) advanced courses in any
2 of the subjects listed above in this subparagraph, (3) training
3 for supervisory personnel, and (4) specialized training in
4 subjects and fields to be selected by the board.

5 b. Minimum courses of study, attendance requirements and
6 equipment requirements.

7 c. Minimum requirements for instructors.

8 d. Minimum basic training requirements, which a
9 probationary police officer must satisfactorily complete
10 before being eligible for permanent employment as a local law
11 enforcement officer for a participating local governmental
12 agency. Those requirements shall include training in first aid
13 (including cardiopulmonary resuscitation).

14 e. Minimum basic training requirements, which a
15 probationary county corrections officer must satisfactorily
16 complete before being eligible for permanent employment as a
17 county corrections officer for a participating local
18 governmental agency.

19 f. Minimum basic training requirements which a
20 probationary court security officer must satisfactorily
21 complete before being eligible for permanent employment as a
22 court security officer for a participating local governmental
23 agency. The Board shall establish those training requirements
24 which it considers appropriate for court security officers and
25 shall certify schools to conduct that training.

26 A person hired to serve as a court security officer must

1 obtain from the Board a certificate (i) attesting to his or her
2 successful completion of the training course; (ii) attesting to
3 his or her satisfactory completion of a training program of
4 similar content and number of hours that has been found
5 acceptable by the Board under the provisions of this Act; or
6 (iii) attesting to the Board's determination that the training
7 course is unnecessary because of the person's extensive prior
8 law enforcement experience.

9 Individuals who currently serve as court security officers
10 shall be deemed qualified to continue to serve in that capacity
11 so long as they are certified as provided by this Act within 24
12 months of the effective date of this amendatory Act of 1996.
13 Failure to be so certified, absent a waiver from the Board,
14 shall cause the officer to forfeit his or her position.

15 All individuals hired as court security officers on or
16 after the effective date of this amendatory Act of 1996 shall
17 be certified within 12 months of the date of their hire, unless
18 a waiver has been obtained by the Board, or they shall forfeit
19 their positions.

20 The Sheriff's Merit Commission, if one exists, or the
21 Sheriff's Office if there is no Sheriff's Merit Commission,
22 shall maintain a list of all individuals who have filed
23 applications to become court security officers and who meet the
24 eligibility requirements established under this Act. Either
25 the Sheriff's Merit Commission, or the Sheriff's Office if no
26 Sheriff's Merit Commission exists, shall establish a schedule

1 of reasonable intervals for verification of the applicants'
2 qualifications under this Act and as established by the Board.
3 (Source: P.A. 95-171, eff. 1-1-08.)

4 Section 10. The Rights of Crime Victims and Witnesses Act
5 is amended by changing Sections 4, 4.5, and 9 as follows:

6 (725 ILCS 120/4) (from Ch. 38, par. 1404)

7 Sec. 4. Rights of crime victims.

8 (a) Crime victims shall have the following rights:

9 (1) The right to be treated with fairness and respect
10 for their dignity and privacy throughout the criminal
11 justice process.

12 (2) The right to notification of court proceedings.

13 (3) The right to communicate with the prosecution.

14 (4) The right to make a statement to the court at
15 sentencing.

16 (5) The right to information about the conviction,
17 sentence, imprisonment and release of the accused.

18 (6) The right to the timely disposition of the case
19 following the arrest of the accused.

20 (7) The right to be reasonably protected from the
21 accused through the criminal justice process.

22 (8) The right to be present at the trial and all other
23 court proceedings on the same basis as the accused, unless
24 the victim is to testify and the court determines that the

1 victim's testimony would be materially affected if the
2 victim hears other testimony at the trial.

3 (9) the right to have present at all court proceedings,
4 including proceedings under the Juvenile Court Act of 1987,
5 subject to the admonition of the rules of confidentiality
6 and subject to the rules of evidence, a victim-witness
7 specialist, an advocate or other support person of the
8 victim's choice and an attorney at the victim's expense.

9 (10) The right to restitution.

10 (b) Any law enforcement agency that investigates an offense
11 committed in this State shall provide a crime victim with a
12 written statement and explanation of the rights of crime
13 victims within 24 hours of law enforcement's initial contact
14 with a victim. The statement shall include information about
15 crime victim compensation, including how to contact the Office
16 of the Illinois Attorney General to file a claim. The content
17 of the statement shall be provided to law enforcement by the
18 Attorney General. Law enforcement shall also provide a crime
19 victim with a sign-off sheet that the victim shall sign and
20 date as an acknowledgement that he or she has been furnished
21 with information and an explanation of the rights of crime
22 victims and compensation set forth in this Act.

23 (c) The Clerk of the Circuit Court shall post the rights of
24 crime victims set forth in Article I, Section 8.1(a) of the
25 Illinois Constitution and subsection (a) of this Section within
26 3 feet of the door to any courtroom where criminal proceedings

1 are conducted. The clerk may also post the rights in other
2 locations in the courthouse.

3 (d) The victim, the State's Attorney, or an attorney
4 representing the victim may assert the victim's rights in the
5 circuit court in which a defendant is being prosecuted for the
6 crime or, if no prosecution is underway, in the circuit court
7 in the circuit in which the crime occurred. The court shall
8 take up and decide any written or oral motion asserting a
9 victim's right forthwith.

10 ~~A statement and explanation of the rights of crime victims set~~
11 ~~forth in paragraph (a) of this Section shall be given to a~~
12 ~~crime victim at the initial contact with the criminal justice~~
13 ~~system by the appropriate authorities and shall be~~
14 ~~conspicuously posted in all court facilities.~~

15 (Source: P.A. 95-591, eff. 6-1-08.)

16 (725 ILCS 120/4.5)

17 Sec. 4.5. Procedures to implement the rights of crime
18 victims. To afford crime victims their rights, law enforcement,
19 prosecutors, judges and corrections will provide information,
20 as appropriate of the following procedures:

21 (a) Law enforcement authorities shall notify the victim of
22 the apprehension of an offender and closure of the
23 investigation within 24 hours of the event. While the case is
24 under investigation, the victim may submit a written request
25 for information relating to the status of the investigation

1 every 30 days. Law enforcement shall respond to a victim's
2 request within 10 days, unless the State's Attorney determines
3 in writing that disclosure of such information would
4 unreasonably interfere with the investigation. A copy of the
5 State's Attorney's written determination shall be provided to
6 the victim ~~At the request of the crime victim, law enforcement~~
7 ~~authorities investigating the case shall provide notice of the~~
8 ~~status of the investigation, except where the State's Attorney~~
9 ~~determines that disclosure of such information would~~
10 ~~unreasonably interfere with the investigation, until such time~~
11 ~~as the alleged assailant is apprehended or the investigation is~~
12 ~~closed.~~

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

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

18 (2) shall provide notice of the date, time, and place
19 of trial;

20 (3) or victim advocate personnel shall provide
21 information of social services and financial assistance
22 available for victims of crime, including information of
23 how to apply for these services and assistance;

24 (4) shall assist in having any stolen or other personal
25 property held by law enforcement authorities for
26 evidentiary or other purposes returned as expeditiously as

1 possible, pursuant to the procedures set out in Section
2 115-9 of the Code of Criminal Procedure of 1963;

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

8 (6) shall provide information whenever possible, of a
9 secure waiting area during court proceedings that does not
10 require victims to be in close proximity to defendant or
11 juveniles accused of a violent crime, and their families
12 and friends;

13 (7) shall provide notice to the crime victim of the
14 right to have a translator present at all court proceedings
15 and, in compliance with the federal Americans with
16 Disabilities Act of 1990, the right to communications
17 access through a sign language interpreter or by other
18 means;

19 (8) in the case of the death of a person, which death
20 occurred in the same transaction or occurrence in which
21 acts occurred for which a defendant is charged with an
22 offense, shall notify the spouse, parent, child or sibling
23 of the decedent of the date of the trial of the person or
24 persons allegedly responsible for the death;

25 (9) shall inform the victim of the right to have
26 present at all court proceedings, subject to the rules of

1 evidence, an advocate or other support person of the
2 victim's choice, and the right to retain an attorney, at
3 the victim's own expense, who, upon written notice filed
4 with the clerk of the court and State's Attorney, is to
5 receive copies of all notices, motions and court orders
6 filed thereafter in the case, in the same manner as if the
7 victim were a named party in the case;

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

15 (11) shall request restitution at sentencing and shall
16 consider restitution in any plea negotiation, as provided
17 by law; and

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

23 (c) ~~The At the written request of the crime victim, the~~
24 office of the State's Attorney shall:

25 (1) provide notice a reasonable time in advance of the
26 following court proceedings: preliminary hearing, any

1 hearing the effect of which may be the release of defendant
2 from custody, or to alter the conditions of bond and the
3 sentencing hearing. The crime victim shall also be notified
4 of the cancellation of the court proceeding in sufficient
5 time, wherever possible, to prevent an unnecessary
6 appearance in court;

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

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

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

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

25 (6) provide notice of any appeal taken by the defendant
26 and information on how to contact the appropriate agency

1 handling the appeal;

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

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

11 (d) (1) The Prisoner Review Board shall inform a victim or
12 any other concerned citizen, ~~upon written request,~~ of the
13 prisoner's release on parole, mandatory supervised release,
14 electronic detention, work release, international transfer or
15 exchange, or by the custodian of the discharge of any
16 individual who was adjudicated a delinquent for a violent crime
17 from State custody and by the sheriff of the appropriate county
18 of any such person's final discharge from county custody. The
19 Prisoner Review Board, ~~upon written request,~~ shall provide to a
20 victim or any other concerned citizen a recent photograph of
21 any person convicted of a felony, upon his or her release from
22 custody. The Prisoner Review Board, ~~upon written request,~~ shall
23 inform a victim or any other concerned citizen when feasible at
24 least 7 days prior to the prisoner's release on furlough of the
25 times and dates of such furlough. ~~The Upon written request by~~
26 ~~the victim or any other concerned citizen, the~~ State's Attorney

1 shall notify the person once of the times and dates of release
2 of a prisoner sentenced to periodic imprisonment. Notification
3 shall be based on the most recent information as to victim's or
4 other concerned citizen's residence or other location
5 available to the notifying authority.

6 (2) When the defendant has been committed to the Department
7 of Human Services pursuant to Section 5-2-4 or any other
8 provision of the Unified Code of Corrections, the victim may
9 request to be notified by the releasing authority of the
10 approval by the court of an unsupervised on-grounds pass, a
11 supervised off-grounds pass or unsupervised off-grounds pass,
12 the release on an off-grounds pass, a conditional release, an
13 escape, death ~~defendant's furloughs, temporary release,~~ or
14 final discharge from State custody. The Department of Human
15 Services shall establish and maintain a statewide telephone
16 number to be used by victims to make notification requests
17 under these provisions and shall publicize this telephone
18 number on its website and to the State's Attorney of each
19 county.

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

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

6 (4) The victim of the crime for which the prisoner has been
7 sentenced shall receive reasonable written notice not less than
8 30 days prior to the parole interview and may submit, in
9 writing, on film, videotape or other electronic means or in the
10 form of a recording or in person at the parole interview or if
11 a victim of a violent crime, by calling the toll-free number
12 established in subsection (f) of this Section, information for
13 consideration by the Prisoner Review Board. The victim shall be
14 notified within 7 days after the prisoner has been granted
15 parole and shall be informed of the right to inspect the
16 registry of parole decisions, established under subsection (g)
17 of Section 3-3-5 of the Unified Code of Corrections. The
18 provisions of this paragraph (4) are subject to the Open Parole
19 Hearings Act.

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

24 (6) At the written request of the victim of the crime for
25 which the prisoner was sentenced or the State's Attorney of the
26 county where the person seeking parole was prosecuted, the

1 Prisoner Review Board shall notify the victim and the State's
2 Attorney of the county where the person seeking parole was
3 prosecuted of the death of the prisoner if the prisoner died
4 while on parole or mandatory supervised release.

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

15 (8) When a defendant has been convicted of a sex offense as
16 defined in Section 2 of the Sex Offender Registration Act and
17 has been sentenced to the Department of Corrections or the
18 Department of Juvenile Justice, the Prisoner Review Board shall
19 notify the victim of the sex offense of the prisoner's
20 eligibility for release on parole, mandatory supervised
21 release, electronic detention, work release, international
22 transfer or exchange, or by the custodian of the discharge of
23 any individual who was adjudicated a delinquent for a sex
24 offense from State custody and by the sheriff of the
25 appropriate county of any such person's final discharge from
26 county custody. The notification shall be made to the victim at

1 least 30 days, whenever possible, before release of the sex
2 offender.

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

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

19 (Source: P.A. 95-317, eff. 8-21-07; 95-896, eff. 1-1-09;
20 95-897, eff. 1-1-09; 95-904, eff. 1-1-09; 96-328, eff. 8-11-09;
21 96-875, eff. 1-22-10.)

22 (725 ILCS 120/9) (from Ch. 38, par. 1408)

23 Sec. 9. This Act does not limit any rights or
24 responsibilities otherwise enjoyed by or imposed upon victims
25 or witnesses of violent crime, ~~nor does it grant any person a~~

1 ~~cause of action for damages or attorneys fees.~~ Any act of
2 omission or commission by any ~~law enforcement officer, circuit~~
3 ~~court clerk, or State's Attorney, by~~ the Attorney General, any
4 law enforcement officer, circuit court clerk, Prisoner Review
5 Board, Department of Corrections, the Department of Juvenile
6 Justice, Department of Human Services, or other State agency,
7 or private entity under contract pursuant to Section 8, or by
8 any employee of any State agency or private entity under
9 contract pursuant to Section 8 acting in good faith in
10 rendering crime victim's assistance or otherwise enforcing
11 this Act shall not impose civil liability upon the individual
12 or entity or his or her supervisor or employer. Nothing in this
13 Act shall create a basis for vacating a conviction ~~or a ground~~
14 ~~for appellate relief~~ in any criminal case or alter the existing
15 common law immunities applicable to prosecutors. Failure of the
16 crime victim to receive notice as required, ~~however,~~ shall not
17 ~~deprive the court of the power to act regarding the proceeding~~
18 ~~before it; nor shall any such failure~~ grant the defendant the
19 right to seek a continuance.

20 (Source: P.A. 93-258, eff. 1-1-04; 94-696, eff. 6-1-06.)".