



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 and 4.5 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.

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) A statement and explanation of the rights of crime
4 victims set forth in paragraph (a) of this Section shall be
5 given to a crime victim at the initial contact with the
6 criminal justice system by the appropriate authorities and
7 shall be conspicuously posted in all court facilities.

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

9 (725 ILCS 120/4.5)

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

14 (a) At the request of the crime victim, law enforcement
15 authorities investigating the case shall provide notice of the
16 status of the investigation, except where the State's Attorney
17 determines that disclosure of such information would
18 unreasonably interfere with the investigation, until such time
19 as the alleged assailant is apprehended or the investigation is
20 closed.

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

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

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

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

7 (4) shall assist in having any stolen or other personal
8 property held by law enforcement authorities for
9 evidentiary or other purposes returned as expeditiously as
10 possible, pursuant to the procedures set out in Section
11 115-9 of the Code of Criminal Procedure of 1963;

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

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

22 (7) shall provide notice to the crime victim of the
23 right to have a translator present at all court proceedings
24 and, in compliance with the federal Americans with
25 Disabilities Act of 1990, the right to communications
26 access through a sign language interpreter or by other

1 means;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 number on its website and to the State's Attorney of each
2 county.

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

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

1 provisions of this paragraph (4) are subject to the Open Parole
2 Hearings Act.

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

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

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

24 (8) When a defendant has been convicted of a sex offense as
25 defined in Section 2 of the Sex Offender Registration Act and
26 has been sentenced to the Department of Corrections or the

1 Department of Juvenile Justice, the Prisoner Review Board shall
2 notify the victim of the sex offense of the prisoner's
3 eligibility for release on parole, mandatory supervised
4 release, electronic detention, work release, international
5 transfer or exchange, or by the custodian of the discharge of
6 any individual who was adjudicated a delinquent for a sex
7 offense from State custody and by the sheriff of the
8 appropriate county of any such person's final discharge from
9 county custody. The notification shall be made to the victim at
10 least 30 days, whenever possible, before release of the sex
11 offender.

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

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

1 information to the Board.

2 (Source: P.A. 95-317, eff. 8-21-07; 95-896, eff. 1-1-09;

3 95-897, eff. 1-1-09; 95-904, eff. 1-1-09; 96-328, eff. 8-11-09;

4 96-875, eff. 1-22-10.)".