

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 Sections 4.5 and 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 approval by the court of an unsupervised on-grounds pass,
19 approval by the court of a supervised or unsupervised
20 off-grounds pass, approval by the court of a transfer to a
21 nonsecure facility, approval by the court of a conditional
22 release, escape, death ~~defendant's furloughs, temporary~~
23 ~~release,~~ or final discharge from State custody. The Department
24 of Human Services shall establish and maintain a statewide
25 telephone number to be used by victims to make notification
26 requests under these provisions and shall publicize this

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

5 (725 ILCS 120/5) (from Ch. 38, par. 1405)

6 Sec. 5. Rights of Witnesses.

7 (a) Witnesses as defined in subsection (b) of Section 3 of
8 this Act shall have the following rights:

9 (1) to be notified by the Office of the State's
10 Attorney of all court proceedings at which the witness'
11 presence is required in a reasonable amount of time prior
12 to the proceeding, and to be notified of the cancellation
13 of any scheduled court proceeding in sufficient time to
14 prevent an unnecessary appearance in court, where
15 possible;

16 (2) to be provided with appropriate employer
17 intercession services by the Office of the State's Attorney
18 or the victim advocate personnel to ensure that employers
19 of witnesses will cooperate with the criminal justice
20 system in order to minimize an employee's loss of pay and
21 other benefits resulting from court appearances;

22 (3) to be provided, whenever possible, a secure waiting
23 area during court proceedings that does not require
24 witnesses to be in close proximity to defendants and their
25 families and friends;

1 (4) to be provided with notice by the Office of the
2 State's Attorney, where necessary, of the right to have a
3 translator present whenever the witness' presence is
4 required and, in compliance with the federal Americans with
5 Disabilities Act of 1990, to be provided with notice of the
6 right to communications access through a sign language
7 interpreter or by other means.

8 (b) At the written request of the witness, the witness
9 shall:

10 (1) receive notice from the office of the State's
11 Attorney of any request for post-conviction review filed by
12 the defendant under Article 122 of the Code of Criminal
13 Procedure of 1963, and of the date, time, and place of any
14 hearing concerning the petition for post-conviction
15 review; whenever possible, notice of the hearing on the
16 petition shall be given in advance;

17 (2) receive notice by the releasing authority of the
18 approval by the court of an unsupervised on-grounds pass,
19 approval by the court of a supervised or unsupervised
20 off-grounds pass, approval by the court of a transfer to a
21 nonsecure facility, approval by the court of a conditional
22 release, escape, death, or final discharge from State
23 custody. The Department of Human Services shall establish
24 and maintain a statewide telephone number to be used by
25 victims to make notification requests under these
26 provisions and shall publicize this telephone number on its

1 website and to the State's Attorney of each county
2 ~~defendant's discharge from State custody if the defendant~~
3 ~~was committed to the Department of Human Services under~~
4 ~~Section 5-2-4 or any other provision of the Unified Code of~~
5 ~~Corrections;~~

6 (3) receive notice from the Prisoner Review Board of
7 the prisoner's escape from State custody, after the Board
8 has been notified of the escape by the Department of
9 Corrections or the Department of Juvenile Justice; when the
10 escapee is apprehended, the Department of Corrections or
11 the Department of Juvenile Justice shall immediately
12 notify the Prisoner Review Board and the Board shall notify
13 the witness;

14 (4) receive notice from the Prisoner Review Board of
15 the prisoner's release on parole, electronic detention,
16 work release or mandatory supervised release and of the
17 prisoner's final discharge from parole, electronic
18 detention, work release, or mandatory supervised release.

19 (Source: P.A. 94-696, eff. 6-1-06; 95-897, eff. 1-1-09.)