



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB3299

Introduced 2/24/2011, by Rep. Emily McAsey

SYNOPSIS AS INTRODUCED:

725 ILCS 120/3

from Ch. 38, par. 1403

Amends the Rights of Crime Victims and Witnesses Act. Changes the definition of "violent crime" to include certain motor vehicle violations. Deletes from the definition of "sentencing hearing" cases in which both parties have agreed to the imposition of a specified sentence.

LRB097 08662 RLC 51454 b

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 3 as follows:

6 (725 ILCS 120/3) (from Ch. 38, par. 1403)

7 Sec. 3. The terms used in this Act, unless the context
8 clearly requires otherwise, shall have the following meanings:

9 (a) "Crime victim" and "victim" mean (1) a person
10 physically injured in this State as a result of a violent crime
11 perpetrated or attempted against that person or (2) a person
12 who suffers injury to or loss of property as a result of a
13 violent crime perpetrated or attempted against that person or
14 (3) a single representative who may be the spouse, parent,
15 child or sibling of a person killed as a result of a violent
16 crime perpetrated against the person killed or the spouse,
17 parent, child or sibling of any person granted rights under
18 this Act who is physically or mentally incapable of exercising
19 such rights, except where the spouse, parent, child or sibling
20 is also the defendant or prisoner or (4) any person against
21 whom a violent crime has been committed or (5) any person who
22 has suffered personal injury as a result of a violation of
23 Section 11-501 of the Illinois Vehicle Code, or of a similar

1 provision of a local ordinance, or of Section 9-3 of the
2 Criminal Code of 1961, as amended or (6) in proceedings under
3 the Juvenile Court Act of 1987, both parents, legal guardians,
4 foster parents, or a single adult representative of a minor or
5 disabled person who is a crime victim.

6 (b) "Witness" means any person who personally observed the
7 commission of a violent crime and who will testify on behalf of
8 the State of Illinois in the criminal prosecution of the
9 violent crime.

10 (c) "Violent Crime" means any felony in which force or
11 threat of force was used against the victim, or any offense
12 involving sexual exploitation, sexual conduct or sexual
13 penetration, or a violation of Section 11-20.1 or 11-20.3 of
14 the Criminal Code of 1961, domestic battery, violation of an
15 order of protection, stalking, or any misdemeanor which results
16 in death or great bodily harm to the victim or any violation of
17 Section 9-3 of the Criminal Code of 1961, or Section 11-501 of
18 the Illinois Vehicle Code, or a similar provision of a local
19 ordinance, if the violation resulted in personal injury or
20 death, or a violation of any statute, ordinance, or regulation
21 relating to the operation or use of motor vehicles, the use of
22 streets and highways by pedestrians or the operation of any
23 other wheeled or tracked vehicle, except parking violations, if
24 the violation resulted in personal injury or death, and
25 includes any action committed by a juvenile that would be a
26 violent crime if committed by an adult. For the purposes of

1 this paragraph, "personal injury" shall include any Type A
2 injury as indicated on the traffic accident report completed by
3 a law enforcement officer that requires immediate professional
4 attention in either a doctor's office or medical facility. A
5 type A injury shall include severely bleeding wounds, distorted
6 extremities, and injuries that require the injured party to be
7 carried from the scene.

8 (d) "Sentencing Hearing" means any hearing where a sentence
9 is imposed by the court on a convicted defendant and includes
10 hearings conducted pursuant to Sections 5-6-4, 5-6-4.1, 5-7-2
11 and 5-7-7 of the Unified Code of Corrections ~~except those cases~~
12 ~~in which both parties have agreed to the imposition of a~~
13 ~~specific sentence.~~

14 (e) "Court proceedings" includes the preliminary hearing,
15 any hearing the effect of which may be the release of the
16 defendant from custody or to alter the conditions of bond, the
17 trial, sentencing hearing, notice of appeal, any modification
18 of sentence, probation revocation hearings or parole hearings.

19 (f) "Concerned citizen" includes relatives of the victim,
20 friends of the victim, witnesses to the crime, or any other
21 person associated with the victim or prisoner.

22 (Source: P.A. 95-591, eff. 6-1-08; 95-876, eff. 8-21-08;
23 96-292, eff. 1-1-10; 96-875, eff. 1-22-10.)