

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 3, 4.5, and 6 as follows:

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

7 (Text of Section after amendment by P.A. 96-1551)

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

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

1 Section 11-501 of the Illinois Vehicle Code, or of a similar
2 provision of a local ordinance, or of Section 9-3 of the
3 Criminal Code of 1961, as amended or (6) in proceedings under
4 the Juvenile Court Act of 1987, both parents, legal guardians,
5 foster parents, or a single adult representative of a minor or
6 disabled person who is a crime victim.

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

11 (c) "Violent Crime" means any felony in which force or
12 threat of force was used against the victim, or any offense
13 involving sexual exploitation, sexual conduct or sexual
14 penetration, or a violation of Section 11-20.1, 11-20.1B, or
15 11-20.3 of the Criminal Code of 1961, domestic battery,
16 violation of an order of protection, stalking, or any
17 misdemeanor which results in death or great bodily harm to the
18 victim or any violation of Section 9-3 of the Criminal Code of
19 1961, or Section 11-501 of the Illinois Vehicle Code, or a
20 similar provision of a local ordinance, if the violation
21 resulted in personal injury or death, and includes any action
22 committed by a juvenile that would be a violent crime if
23 committed by an adult. For the purposes of this paragraph,
24 "personal injury" shall include any Type A injury as indicated
25 on the traffic accident report completed by a law enforcement
26 officer that requires immediate professional attention in

1 either a doctor's office or medical facility. A type A injury
2 shall include severely bleeding wounds, distorted extremities,
3 and injuries that require the injured party to be carried from
4 the scene.

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

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

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

19 (Source: P.A. 95-591, eff. 6-1-08; 95-876, eff. 8-21-08;
20 96-292, eff. 1-1-10; 96-875, eff. 1-22-10; 96-1551, eff.
21 7-1-11.)

22 (725 ILCS 120/4.5)

23 Sec. 4.5. Procedures to implement the rights of crime
24 victims. To afford crime victims their rights, law enforcement,
25 prosecutors, judges and corrections will provide information,

1 as appropriate of the following procedures:

2 (a) At the request of the crime victim, law enforcement
3 authorities investigating the case shall provide notice of the
4 status of the investigation, except where the State's Attorney
5 determines that disclosure of such information would
6 unreasonably interfere with the investigation, until such time
7 as the alleged assailant is apprehended or the investigation is
8 closed.

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

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

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

16 (3) or victim advocate personnel shall provide
17 information of social services and financial assistance
18 available for victims of crime, including information of
19 how to apply for these services and assistance;

20 (3.5) or victim advocate personnel shall provide
21 information about available victim services, including
22 referrals to programs, counselors, and agencies that
23 assist a victim to deal with trauma, loss, and grief;

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) At the written request of the crime victim, the office
24 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. Upon written request by the
26 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 defendant's furloughs, temporary release, or final discharge
11 from State custody. The Department of Human Services shall
12 establish and maintain a statewide telephone number to be used
13 by victims to make notification requests under these provisions
14 and shall publicize this telephone number on its website and to
15 the State's Attorney of each county.

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

1 Board and the Board shall notify the victim.

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

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

20 (6) At the written request of the victim of the crime for
21 which the prisoner was sentenced or the State's Attorney of the
22 county where the person seeking parole was prosecuted, the
23 Prisoner Review Board shall notify the victim and the State's
24 Attorney of the county where the person seeking parole was
25 prosecuted of the death of the prisoner if the prisoner died
26 while on parole or mandatory supervised release.

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

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

25 (e) The officials named in this Section may satisfy some or
26 all of their obligations to provide notices and other

1 information through participation in a statewide victim and
2 witness notification system established by the Attorney
3 General under Section 8.5 of this Act.

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

15 (Source: P.A. 95-317, eff. 8-21-07; 95-896, eff. 1-1-09;
16 95-897, eff. 1-1-09; 95-904, eff. 1-1-09; 96-328, eff. 8-11-09;
17 96-875, eff. 1-22-10.)

18 (725 ILCS 120/6) (from Ch. 38, par. 1406)

19 Sec. 6. Rights to present victim impact statement.

20 (a) In any case where a defendant has been convicted of a
21 violent crime or a juvenile has been adjudicated a delinquent
22 for a violent crime and a victim of the violent crime or the
23 victim's spouse, guardian, parent, grandparent, or other
24 immediate family or household member is present in the
25 courtroom at the time of the sentencing or the disposition

1 hearing, the victim or his or her representative shall have the
2 right and the victim's spouse, guardian, parent, grandparent,
3 and other immediate family or household member upon his, her,
4 or their request may be permitted by the court to address the
5 court regarding the impact that the defendant's criminal
6 conduct or the juvenile's delinquent conduct has had upon them
7 and the victim. The court has discretion to determine the
8 number of oral presentations of victim impact statements. Any
9 impact statement must have been prepared in writing in
10 conjunction with the Office of the State's Attorney prior to
11 the initial hearing or sentencing, before it can be presented
12 orally or in writing at the sentencing hearing. In conjunction
13 with the Office of the State's Attorney, a victim impact
14 statement that is presented orally may be done so by the victim
15 or the victim's spouse, guardian, parent, grandparent, or other
16 immediate family or household member or his, her, or their
17 representative. At the sentencing hearing, the prosecution may
18 introduce that evidence either in its case in chief or in
19 rebuttal. The court shall consider any impact statement
20 admitted along with all other appropriate factors in
21 determining the sentence of the defendant or disposition of
22 such juvenile.

23 (a-1) In any case where a defendant has been convicted of a
24 violation of any statute, ordinance, or regulation relating to
25 the operation or use of motor vehicles, the use of streets and
26 highways by pedestrians or the operation of any other wheeled

1 or tracked vehicle, except parking violations, if the violation
2 resulted in great bodily harm or death, the person who suffered
3 great bodily harm, the injured person's representative, or the
4 representative of a deceased person shall be entitled to notice
5 of the sentencing hearing. "Representative" includes the
6 spouse, guardian, grandparent, or other immediate family or
7 household member of an injured or deceased person. If the
8 injured person, the injured person's representative, or a
9 representative of a deceased person is present in the courtroom
10 at the time of sentencing, the injured person or his or her
11 representative and a representative of the deceased person
12 shall have the right to address the court regarding the impact
13 that the defendant's criminal conduct has had upon them. If
14 more than one representative of an injured or deceased person
15 is present in the courtroom at the time of sentencing, the
16 court has discretion to permit one or more of the
17 representatives to present an oral impact statement. Any impact
18 statement must have been prepared in writing in conjunction
19 with the Office of the State's Attorney prior to the initial
20 hearing or sentencing, before it can be presented orally or in
21 writing at the sentencing hearing. In conjunction with the
22 Office of the State's Attorney, an impact statement that is
23 presented orally may be done so by the injured person or the
24 representative of an injured or deceased person. At the
25 sentencing hearing, the prosecution may introduce that
26 evidence either in its case in chief or in rebuttal. The court

1 shall consider any impact statement admitted along with all
2 other appropriate factors in determining the sentence of the
3 defendant.

4 (a-5) In any case where a defendant has been found not
5 guilty by reason of insanity of a violent crime and a hearing
6 has been ordered by the court under the Mental Health and
7 Developmental Disabilities Code to determine if the defendant
8 is: (1) in need of mental health services on an inpatient
9 basis; (2) in need of mental health services on an outpatient
10 basis; or (3) not in need of mental health services and a
11 victim of the violent crime or the victim's spouse, guardian,
12 parent, grandparent, or other immediate family or household
13 member is present in the courtroom at the time of the initial
14 commitment hearing, the victim or his or her representative
15 shall have the right and the victim's spouse, guardian, parent,
16 grandparent, and other immediate family or household members
17 upon their request may be permitted by the court to address the
18 court regarding the impact that the defendant's criminal
19 conduct has had upon them and the victim. The court has
20 discretion to determine the number of oral presentations of
21 victim impact statements. Any impact statement must have been
22 prepared in writing in conjunction with the Office of the
23 State's Attorney prior to the initial commitment hearing,
24 before it may be presented orally or in writing at the
25 commitment hearing. In conjunction with the Office of the
26 State's Attorney, a victim impact statement that is presented

1 orally may be presented so by the victim or the victim's
2 spouse, guardian, parent, grandparent, or other immediate
3 family or household member or his or her representative. At the
4 initial commitment hearing, the State's Attorney may introduce
5 the statement either in its case in chief or in rebuttal. The
6 court may only consider the impact statement along with all
7 other appropriate factors in determining the: (1) threat of
8 serious physical harm poised by the respondent to himself or
9 herself, or to another person; (2) location of inpatient or
10 outpatient mental health services ordered by the court, but
11 only after complying with all other applicable administrative,
12 rule, and statutory requirements; (3) maximum period of
13 commitment for inpatient mental health services; and (4)
14 conditions of release for outpatient mental health services
15 ordered by the court.

16 (b) The crime victim has the right to prepare a victim
17 impact statement and present it to the Office of the State's
18 Attorney at any time during the proceedings. Any written victim
19 impact statement submitted to the Office of the State's
20 Attorney shall be considered by the court during its
21 consideration of aggravation and mitigation in plea
22 proceedings under Supreme Court Rule 402.

23 (c) This Section shall apply to any victims of a violent
24 crime during any dispositional hearing under Section 5-705 of
25 the Juvenile Court Act of 1987 which takes place pursuant to an
26 adjudication or trial or plea of delinquency for any such

1 offense.

2 (Source: P.A. 95-591, eff. 6-1-08; 96-117, eff. 1-1-10.)