

1  
2  
3  
4  
5  
6  
7  
8  
9  
  
10  
11  
  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23

HOUSE JOINT RESOLUTION  
CONSTITUTIONAL AMENDMENT 29

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-SEVENTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, that there shall be submitted to the electors of the State for adoption or rejection at the general election next occurring at least 6 months after the adoption of this resolution a proposition to amend Section 8.1 of Article I of the Illinois Constitution as follows:

ARTICLE I  
BILL OF RIGHTS

(ILCON Art. 1, Sec. 8.1)

SECTION 8.1. CRIME VICTIM'S RIGHTS.

(a) Crime victims, as defined by law, shall have the following rights ~~as provided by law~~:

(1) The right to be treated with fairness and respect for their dignity and privacy and to be free from harassment, intimidation, and abuse throughout the criminal justice process.

(2) The right to refuse to disclose to the defendant information that is privileged or confidential by law, as determined by a court of law with jurisdiction over the case.

1           (3) ~~(2)~~ The right to timely notification of all court  
2 proceedings.

3           (4) ~~(3)~~ The right to confer ~~communicate~~ with the  
4 prosecution.

5           (5) ~~(4)~~ The right to be heard at any post-arraignment  
6 court proceeding in which a right of the victim is at issue  
7 and any court proceeding involving a post-arraignment  
8 release decision, plea, or sentencing ~~make a statement to~~  
9 ~~the court at sentencing.~~

10           (6) The right to have access to information in a report  
11 related to any aspect of a defendant's sentence when  
12 available to the defendant, as the General Assembly may  
13 provide by law.

14           (7) ~~(5)~~ The right to be notified of ~~information about~~  
15 the conviction, the sentence, the imprisonment, and the  
16 release of the accused.

17           (8) ~~(6)~~ The right to timely disposition of the case  
18 following the arrest of the accused.

19           (9) ~~(7)~~ The right to be reasonably protected from the  
20 accused throughout the criminal justice process.

21           (10) The right to have the safety of the victim and the  
22 victim's family considered in denying or fixing the amount  
23 of bail, determining whether to release the defendant, and  
24 setting conditions of release after arrest and conviction.

25           (11) ~~(8)~~ The right to be present at the trial and all  
26 other court proceedings on the same basis as the accused,

1 unless the victim is to testify and the court determines  
2 that the victim's testimony would be materially affected if  
3 the victim hears other testimony at the trial.

4 (12) ~~(9)~~ The right to have present at all court  
5 proceedings, subject to the rules of evidence, an advocate  
6 and ~~or~~ other support person of the victim's choice.

7 (13) ~~(10)~~ The right to restitution.

8 (b) A victim, the victim's lawyer, or the prosecuting  
9 attorney may assert the rights enumerated in subsection (a) in  
10 any court with jurisdiction over the case as a matter of right.  
11 The court shall act promptly on the request ~~The General~~  
12 ~~Assembly may provide by law for the enforcement of this~~  
13 ~~Section.~~

14 (c) The General Assembly may provide for an assessment  
15 against convicted defendants to pay for crime victims' rights.

16 (d) Nothing in this Section or any law enacted under this  
17 Section creates a cause of action in equity or at law for  
18 compensation, attorney's fees, or damages against the State, a  
19 political subdivision of the State, an officer, employee, or  
20 agent of the State or of any political subdivision of the  
21 State, or an officer or employee of the court. ~~or in any law~~  
22 ~~enacted under~~

23 (e) Nothing in this Section or any law enacted under this  
24 Section shall be construed as creating (1) a basis for vacating  
25 a conviction or (2) a ground for any relief requested by the  
26 defendant ~~appellate relief in any criminal case.~~

1 (Source: Amendment adopted at general election November 3,  
2 1992.)

3 SCHEDULE

4 This Constitutional Amendment takes effect upon being  
5 declared adopted in accordance with Section 7 of the Illinois  
6 Constitutional Amendment Act.