



HC0029SAM001

LRB097 11143 JDS 68195 a

1 AMENDMENT TO HOUSE JOINT RESOLUTION
2 CONSTITUTIONAL AMENDMENT 29

3 AMENDMENT NO. ____ . Amend House Joint Resolution
4 Constitutional Amendment 29 by replacing lines 3 through 23 on
5 page 1 and all of pages 2, 3, and 4 with the following:

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

13 ARTICLE I
14 BILL OF RIGHTS

15 (ILCON Art. 1, Sec. 8.1)
16 SECTION 8.1. CRIME VICTIM'S RIGHTS.

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

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

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

11 (3) ~~(2)~~ The right to timely notification of all court
12 proceedings.

13 (4) ~~(3)~~ The right to confer ~~communicate~~ with the
14 prosecution.

15 (5) ~~(4)~~ The right to be heard at any post-arraignment
16 court proceeding in which a right of the victim is at issue
17 and any court proceeding involving a post-arraignment
18 release decision, plea, or sentencing ~~make a statement to~~
19 ~~the court at sentencing.~~

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

24 (7) ~~(5)~~ The right to be notified of ~~information about~~
25 the conviction, the sentence, the imprisonment, and the
26 release of the accused.

1 (8) ~~(6)~~ The right to timely disposition of the case
2 following the arrest of the accused.

3 (9) ~~(7)~~ The right to be reasonably protected from the
4 accused throughout the criminal justice process.

5 (10) ~~The right to have the safety of the victim and the~~
6 ~~victim's family considered in denying or fixing the amount~~
7 ~~of bail, determining whether to release the defendant, and~~
8 ~~setting conditions of release after arrest and conviction.~~

9 (11) ~~(8)~~ The right to be present at the trial and all
10 other court proceedings on the same basis as the accused,
11 unless the victim is to testify and the court determines
12 that the victim's testimony would be materially affected if
13 the victim hears other testimony at the trial.

14 (12) ~~(9)~~ The right to have present at all court
15 proceedings, subject to the rules of evidence, an advocate
16 and ~~or~~ other support person of the victim's choice.

17 (13) ~~(10)~~ The right to restitution.

18 (b) A victim, the victim's lawyer, or the prosecuting
19 attorney may assert the rights enumerated in subsection (a) in
20 any court with jurisdiction over the case as a matter of right.
21 The court shall act promptly on the request ~~The General~~
22 ~~Assembly may provide by law for the enforcement of this~~
23 ~~Section.~~

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

26 (d) Nothing in this Section or any law enacted under this

1 Section creates a cause of action in equity or at law for
2 compensation, attorney's fees, or damages against the State, a
3 political subdivision of the State, an officer, employee, or
4 agent of the State or of any political subdivision of the
5 State, or an officer or employee of the court. ~~or in any law~~
6 enacted under

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

11 (Source: Amendment adopted at general election November 3,
12 1992.)

13 SCHEDULE

14 This Constitutional Amendment takes effect upon being
15 declared adopted in accordance with Section 7 of the Illinois
16 Constitutional Amendment Act.".