



Sen. Terry Link

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1 AMENDMENT TO SENATE BILL 1043

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 1043 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Rights of Crime Victims and Witnesses Act  
5 is amended by changing Section 4.5 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

1 closed.

2 (a-5) When law enforcement authorities re-open a closed  
3 case to resume investigating, they shall provide notice of the  
4 re-opening of the case, except where the State's Attorney  
5 determines that disclosure of such information would  
6 unreasonably interfere with the investigation.

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

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

12 (2) shall provide notice of the date, time, and place  
13 of trial;

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

18 (4) shall assist in having any stolen or other personal  
19 property held by law enforcement authorities for  
20 evidentiary or other purposes returned as expeditiously as  
21 possible, pursuant to the procedures set out in Section  
22 115-9 of the Code of Criminal Procedure of 1963;

23 (5) or victim advocate personnel shall provide  
24 appropriate employer intercession services to ensure that  
25 employers of victims will cooperate with the criminal  
26 justice system in order to minimize an employee's loss of

1 pay and other benefits resulting from court appearances;

2 (6) shall provide information whenever possible, of a  
3 secure waiting area during court proceedings that does not  
4 require victims to be in close proximity to defendant or  
5 juveniles accused of a violent crime, and their families  
6 and friends;

7 (7) shall provide notice to the crime victim of the  
8 right to have a translator present at all court proceedings  
9 and, in compliance with the federal Americans with  
10 Disabilities Act of 1990, the right to communications  
11 access through a sign language interpreter or by other  
12 means;

13 (8) in the case of the death of a person, which death  
14 occurred in the same transaction or occurrence in which  
15 acts occurred for which a defendant is charged with an  
16 offense, shall notify the spouse, parent, child or sibling  
17 of the decedent of the date of the trial of the person or  
18 persons allegedly responsible for the death;

19 (9) shall inform the victim of the right to have  
20 present at all court proceedings, subject to the rules of  
21 evidence, an advocate or other support person of the  
22 victim's choice, and the right to retain an attorney, at  
23 the victim's own expense, who, upon written notice filed  
24 with the clerk of the court and State's Attorney, is to  
25 receive copies of all notices, motions and court orders  
26 filed thereafter in the case, in the same manner as if the

1 victim were a named party in the case;

2 (10) at the sentencing hearing shall make a good faith  
3 attempt to explain the minimum amount of time during which  
4 the defendant may actually be physically imprisoned. The  
5 Office of the State's Attorney shall further notify the  
6 crime victim of the right to request from the Prisoner  
7 Review Board information concerning the release of the  
8 defendant under subparagraph (d) (1) of this Section;

9 (11) shall request restitution at sentencing and shall  
10 consider restitution in any plea negotiation, as provided  
11 by law; and

12 (12) shall, upon the court entering a verdict of not  
13 guilty by reason of insanity, inform the victim of the  
14 notification services available from the Department of  
15 Human Services, including the statewide telephone number,  
16 under subparagraph (d) (2) of this Section.

17 (c) At the written request of the crime victim, the office  
18 of the State's Attorney shall:

19 (1) provide notice a reasonable time in advance of the  
20 following court proceedings: preliminary hearing, any  
21 hearing the effect of which may be the release of defendant  
22 from custody, or to alter the conditions of bond and the  
23 sentencing hearing. The crime victim shall also be notified  
24 of the cancellation of the court proceeding in sufficient  
25 time, wherever possible, to prevent an unnecessary  
26 appearance in court;

1           (2) provide notice within a reasonable time after  
2 receipt of notice from the custodian, of the release of the  
3 defendant on bail or personal recognizance or the release  
4 from detention of a minor who has been detained for a  
5 violent crime;

6           (3) explain in nontechnical language the details of any  
7 plea or verdict of a defendant, or any adjudication of a  
8 juvenile as a delinquent for a violent crime;

9           (4) where practical, consult with the crime victim  
10 before the Office of the State's Attorney makes an offer of  
11 a plea bargain to the defendant or enters into negotiations  
12 with the defendant concerning a possible plea agreement,  
13 and shall consider the written victim impact statement, if  
14 prepared prior to entering into a plea agreement;

15           (5) provide notice of the ultimate disposition of the  
16 cases arising from an indictment or an information, or a  
17 petition to have a juvenile adjudicated as a delinquent for  
18 a violent crime;

19           (6) provide notice of any appeal taken by the defendant  
20 and information on how to contact the appropriate agency  
21 handling the appeal;

22           (7) provide notice of any request for post-conviction  
23 review filed by the defendant under Article 122 of the Code  
24 of Criminal Procedure of 1963, and of the date, time and  
25 place of any hearing concerning the petition. Whenever  
26 possible, notice of the hearing shall be given in advance;

1           (8) forward a copy of any statement presented under  
2           Section 6 to the Prisoner Review Board to be considered by  
3           the Board in making its determination under subsection (b)  
4           of Section 3-3-8 of the Unified Code of Corrections.

5           (d) (1) The Prisoner Review Board shall inform a victim or  
6           any other concerned citizen, upon written request, of the  
7           prisoner's release on parole, mandatory supervised release,  
8           electronic detention, work release, international transfer or  
9           exchange, or by the custodian of the discharge of any  
10          individual who was adjudicated a delinquent for a violent crime  
11          from State custody and by the sheriff of the appropriate county  
12          of any such person's final discharge from county custody. The  
13          Prisoner Review Board, upon written request, shall provide to a  
14          victim or any other concerned citizen a recent photograph of  
15          any person convicted of a felony, upon his or her release from  
16          custody. The Prisoner Review Board, upon written request, shall  
17          inform a victim or any other concerned citizen when feasible at  
18          least 7 days prior to the prisoner's release on furlough of the  
19          times and dates of such furlough. Upon written request by the  
20          victim or any other concerned citizen, the State's Attorney  
21          shall notify the person once of the times and dates of release  
22          of a prisoner sentenced to periodic imprisonment. Notification  
23          shall be based on the most recent information as to victim's or  
24          other concerned citizen's residence or other location  
25          available to the notifying authority.

26          (2) When the defendant has been committed to the Department

1 of Human Services pursuant to Section 5-2-4 or any other  
2 provision of the Unified Code of Corrections, the victim may  
3 request to be notified by the releasing authority of the  
4 defendant's furloughs, temporary release, or final discharge  
5 from State custody. The Department of Human Services shall  
6 establish and maintain a statewide telephone number to be used  
7 by victims to make notification requests under these provisions  
8 and shall publicize this telephone number on its website and to  
9 the State's Attorney of each county.

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

22 (4) The victim of the crime for which the prisoner has been  
23 sentenced shall receive reasonable written notice not less than  
24 30 days prior to the parole interview and may submit, in  
25 writing, on film, videotape or other electronic means or in the  
26 form of a recording or in person at the parole interview or if

1 a victim of a violent crime, by calling the toll-free number  
2 established in subsection (f) of this Section, information for  
3 consideration by the Prisoner Review Board. The victim shall be  
4 notified within 7 days after the prisoner has been granted  
5 parole and shall be informed of the right to inspect the  
6 registry of parole decisions, established under subsection (g)  
7 of Section 3-3-5 of the Unified Code of Corrections. The  
8 provisions of this paragraph (4) are subject to the Open Parole  
9 Hearings Act.

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

14 (6) At the written request of the victim of the crime for  
15 which the prisoner was sentenced or the State's Attorney of the  
16 county where the person seeking parole was prosecuted, the  
17 Prisoner Review Board shall notify the victim and the State's  
18 Attorney of the county where the person seeking parole was  
19 prosecuted of the death of the prisoner if the prisoner died  
20 while on parole or mandatory supervised release.

21 (7) When a defendant who has been committed to the  
22 Department of Corrections, the Department of Juvenile Justice,  
23 or the Department of Human Services is released or discharged  
24 and subsequently committed to the Department of Human Services  
25 as a sexually violent person and the victim had requested to be  
26 notified by the releasing authority of the defendant's



1 discharge from State custody, the releasing authority shall  
2 provide to the Department of Human Services such information  
3 that would allow the Department of Human Services to contact  
4 the victim.

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

19 (e) The officials named in this Section may satisfy some or  
20 all of their obligations to provide notices and other  
21 information through participation in a statewide victim and  
22 witness notification system established by the Attorney  
23 General under Section 8.5 of this Act.

24 (f) To permit a victim of a violent crime to provide  
25 information to the Prisoner Review Board for consideration by  
26 the Board at a parole hearing of a person who committed the

1 crime against the victim in accordance with clause (d)(4) of  
2 this Section or at a proceeding to determine the conditions of  
3 mandatory supervised release of a person sentenced to a  
4 determinate sentence or at a hearing on revocation of mandatory  
5 supervised release of a person sentenced to a determinate  
6 sentence, the Board shall establish a toll-free number that may  
7 be accessed by the victim of a violent crime to present that  
8 information to the Board.

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