

# HB0823



## 98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

HB0823

Introduced 1/25/2013, by Rep. Michael J. Madigan

### SYNOPSIS AS INTRODUCED:

725 ILCS 120/4

from Ch. 38, par. 1404

Amends the Rights of Crime Victims and Witnesses Act. Makes a technical change in a Section concerning the rights of crime victims.

LRB098 03651 MRW 33667 b

A BILL FOR

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 4 as follows:

6 (725 ILCS 120/4) (from Ch. 38, par. 1404)

7 Sec. 4. Rights of crime victims.

8 (a) Crime victims shall have the ~~the~~ following rights:

9 (1) The right to be treated with fairness and respect  
10 for their dignity and privacy throughout the criminal  
11 justice process.

12 (2) The right to notification of court proceedings.

13 (3) The right to communicate with the prosecution.

14 (4) The right to make a statement to the court at  
15 sentencing.

16 (5) The right to information about the conviction,  
17 sentence, imprisonment and release of the accused.

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

20 (7) The right to be reasonably protected from the  
21 accused through the criminal justice process.

22 (8) The right to be present at the trial and all other  
23 court proceedings on the same basis as the accused, unless

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

4 (9) the right to have present at all court proceedings,  
5 including proceedings under the Juvenile Court Act of 1987,  
6 subject to the admonition of the rules of confidentiality  
7 and subject to the rules of evidence, a victim-witness  
8 specialist, an advocate or other support person of the  
9 victim's choice.

10 (10) The right to restitution.

11 (b) Any law enforcement agency that investigates an offense  
12 committed in this State shall provide a crime victim with a  
13 written statement and explanation of the rights of crime  
14 victims within 48 hours of law enforcement's initial contact  
15 with a victim. The statement shall include information about  
16 crime victim compensation, including how to contact the Office  
17 of the Illinois Attorney General to file a claim, and  
18 appropriate referrals to local and State programs that provide  
19 victim services. The content of the statement shall be provided  
20 to law enforcement by the Attorney General. Law enforcement  
21 shall also provide a crime victim with a sign-off sheet that  
22 the victim shall sign and date as an acknowledgement that he or  
23 she has been furnished with information and an explanation of  
24 the rights of crime victims and compensation set forth in this  
25 Act.

26 (c) The Clerk of the Circuit Court shall post the rights of

1 crime victims set forth in Article I, Section 8.1(a) of the  
2 Illinois Constitution and subsection (a) of this Section within  
3 3 feet of the door to any courtroom where criminal proceedings  
4 are conducted. The clerk may also post the rights in other  
5 locations in the courthouse.

6 (d) A statement and explanation of the rights of crime  
7 victims set forth in paragraph (a) of this Section shall be  
8 given to a crime victim at the initial contact with the  
9 criminal justice system by the appropriate authorities and  
10 shall be conspicuously posted in all court facilities.

11 (Source: P.A. 97-815, eff. 1-1-13.)