

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 4.5 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  
17 closed.

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

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

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

5           (2) shall provide notice of the date, time, and place  
6           of trial;

7           (3) or victim advocate personnel shall provide  
8           information of social services and financial assistance  
9           available for victims of crime, including information of  
10          how to apply for these services and assistance;

11          (3.5) or victim advocate personnel shall provide  
12          information about available victim services, including  
13          referrals to programs, counselors, and agencies that  
14          assist a victim to deal with trauma, loss, and grief;

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

20          (5) or victim advocate personnel shall provide  
21          appropriate employer intercession services to ensure that  
22          employers of victims will cooperate with the criminal  
23          justice system in order to minimize an employee's loss of  
24          pay and other benefits resulting from court appearances;

25          (6) shall provide information whenever possible, of a  
26          secure waiting area during court proceedings that does not

1 require victims to be in close proximity to defendant or  
2 juveniles accused of a violent crime, and their families  
3 and friends;

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

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

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

25 (9.5) shall inform the victim of (A) the victim's right  
26 under Section 6 of this Act to make a victim impact

1 statement at the sentencing hearing; (B) the right of the  
2 victim's spouse, guardian, parent, grandparent and other  
3 immediate family and household members under Section 6 of  
4 this Act to present an impact statement at sentencing; and  
5 (C) if a presentence report is to be prepared, the right of  
6 the victim's spouse, guardian, parent, grandparent and  
7 other immediate family and household to submit information  
8 to the preparer of the presentence report about the effect  
9 the offense has had on the victim and the person;

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

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

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

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

1           (1) provide notice a reasonable time in advance of the  
2 following court proceedings: preliminary hearing, any  
3 hearing the effect of which may be the release of defendant  
4 from custody, or to alter the conditions of bond and the  
5 sentencing hearing. The crime victim shall also be notified  
6 of the cancellation of the court proceeding in sufficient  
7 time, wherever possible, to prevent an unnecessary  
8 appearance in court;

9           (2) provide notice within a reasonable time after  
10 receipt of notice from the custodian, of the release of the  
11 defendant on bail or personal recognizance or the release  
12 from detention of a minor who has been detained for a  
13 violent crime;

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

17           (4) where practical, consult with the crime victim  
18 before the Office of the State's Attorney makes an offer of  
19 a plea bargain to the defendant or enters into negotiations  
20 with the defendant concerning a possible plea agreement,  
21 and shall consider the written victim impact statement, if  
22 prepared prior to entering into a plea agreement;

23           (5) provide notice of the ultimate disposition of the  
24 cases arising from an indictment or an information, or a  
25 petition to have a juvenile adjudicated as a delinquent for  
26 a violent crime;

1           (6) provide notice of any appeal taken by the defendant  
2           and information on how to contact the appropriate agency  
3           handling the appeal;

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

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

13          (d) (1) The Prisoner Review Board shall inform a victim or  
14          any other concerned citizen, upon written request, of the  
15          prisoner's release on parole, mandatory supervised release,  
16          electronic detention, work release, international transfer or  
17          exchange, or by the custodian of the discharge of any  
18          individual who was adjudicated a delinquent for a violent crime  
19          from State custody and by the sheriff of the appropriate county  
20          of any such person's final discharge from county custody. The  
21          Prisoner Review Board, upon written request, shall provide to a  
22          victim or any other concerned citizen a recent photograph of  
23          any person convicted of a felony, upon his or her release from  
24          custody. The Prisoner Review Board, upon written request, shall  
25          inform a victim or any other concerned citizen when feasible at  
26          least 7 days prior to the prisoner's release on furlough of the

1 times and dates of such furlough. Upon written request by the  
2 victim or any other concerned citizen, the State's Attorney  
3 shall notify the person once of the times and dates of release  
4 of a prisoner sentenced to periodic imprisonment. Notification  
5 shall be based on the most recent information as to victim's or  
6 other concerned citizen's residence or other location  
7 available to the notifying authority.

8 (2) When the defendant has been committed to the Department  
9 of Human Services pursuant to Section 5-2-4 or any other  
10 provision of the Unified Code of Corrections, the victim may  
11 request to be notified by the releasing authority of the  
12 approval by the court of an on-grounds pass, a supervised  
13 off-grounds pass, an unsupervised off-grounds pass, or  
14 conditional release; the release on an off-grounds pass; the  
15 return from an off-grounds pass; transfer to another facility;  
16 conditional release; escape; death; or final discharge from  
17 State custody. The Department of Human Services shall establish  
18 and maintain a statewide telephone number to be used by victims  
19 to make notification requests under these provisions and shall  
20 publicize this telephone number on its website and to the  
21 State's Attorney of each county.

22 (3) In the event of an escape from State custody, the  
23 Department of Corrections or the Department of Juvenile Justice  
24 immediately shall notify the Prisoner Review Board of the  
25 escape and the Prisoner Review Board shall notify the victim.  
26 The notification shall be based upon the most recent

1 information as to the victim's residence or other location  
2 available to the Board. When no such information is available,  
3 the Board shall make all reasonable efforts to obtain the  
4 information and make the notification. When the escapee is  
5 apprehended, the Department of Corrections or the Department of  
6 Juvenile Justice immediately shall notify the Prisoner Review  
7 Board and the Board shall notify the victim.

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

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

26 (6) At the written request of the victim of the crime for



1 which the prisoner was sentenced or the State's Attorney of the  
2 county where the person seeking parole was prosecuted, the  
3 Prisoner Review Board shall notify the victim and the State's  
4 Attorney of the county where the person seeking parole was  
5 prosecuted of the death of the prisoner if the prisoner died  
6 while on parole or mandatory supervised release.

7 (7) When a defendant who has been committed to the  
8 Department of Corrections, the Department of Juvenile Justice,  
9 or the Department of Human Services is released or discharged  
10 and subsequently committed to the Department of Human Services  
11 as a sexually violent person and the victim had requested to be  
12 notified by the releasing authority of the defendant's  
13 discharge, conditional release, death, or escape from State  
14 custody, the releasing authority shall provide to the  
15 Department of Human Services such information that would allow  
16 the Department of Human Services to contact the victim.

17 (8) When a defendant has been convicted of a sex offense as  
18 defined in Section 2 of the Sex Offender Registration Act and  
19 has been sentenced to the Department of Corrections or the  
20 Department of Juvenile Justice, the Prisoner Review Board shall  
21 notify the victim of the sex offense of the prisoner's  
22 eligibility for release on parole, mandatory supervised  
23 release, electronic detention, work release, international  
24 transfer or exchange, or by the custodian of the discharge of  
25 any individual who was adjudicated a delinquent for a sex  
26 offense from State custody and by the sheriff of the

1 appropriate county of any such person's final discharge from  
2 county custody. The notification shall be made to the victim at  
3 least 30 days, whenever possible, before release of the sex  
4 offender.

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

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

21 (Source: P.A. 96-328, eff. 8-11-09; 96-875, eff. 1-22-10;  
22 97-457, eff. 1-1-12; 97-572, eff. 1-1-12; 97-813, eff. 7-13-12;  
23 97-815, eff. 1-1-13.)

24 Section 10. The Unified Code of Corrections is amended by  
25 changing Section 5-3-2 as follows:

1 (730 ILCS 5/5-3-2) (from Ch. 38, par. 1005-3-2)

2 Sec. 5-3-2. Presentence Report.

3 (a) In felony cases, the presentence report shall set  
4 forth:

5 (1) the defendant's history of delinquency or  
6 criminality, physical and mental history and condition,  
7 family situation and background, economic status,  
8 education, occupation and personal habits;

9 (2) information about special resources within the  
10 community which might be available to assist the  
11 defendant's rehabilitation, including treatment centers,  
12 residential facilities, vocational training services,  
13 correctional manpower programs, employment opportunities,  
14 special educational programs, alcohol and drug abuse  
15 programming, psychiatric and marriage counseling, and  
16 other programs and facilities which could aid the  
17 defendant's successful reintegration into society;

18 (3) the effect the offense committed has had upon the  
19 victim or victims thereof, and any compensatory benefit  
20 that various sentencing alternatives would confer on such  
21 victim or victims;

22 (3.5) information provided by the victim's spouse,  
23 guardian, parent, grandparent, and other immediate family  
24 and household members about the effect the offense  
25 committed has had on the victim and on the person providing

1       the information; if the victim's spouse, guardian, parent,  
2       grandparent, or other immediate family or household member  
3       has provided a written statement, the statement shall be  
4       attached to the report;

5           (4) information concerning the defendant's status  
6       since arrest, including his record if released on his own  
7       recognizance, or the defendant's achievement record if  
8       released on a conditional pre-trial supervision program;

9           (5) when appropriate, a plan, based upon the personal,  
10       economic and social adjustment needs of the defendant,  
11       utilizing public and private community resources as an  
12       alternative to institutional sentencing;

13           (6) any other matters that the investigatory officer  
14       deems relevant or the court directs to be included; and

15           (7) information concerning defendant's eligibility for  
16       a sentence to a county impact incarceration program under  
17       Section 5-8-1.2 of this Code.

18       (b) The investigation shall include a physical and mental  
19       examination of the defendant when so ordered by the court. If  
20       the court determines that such an examination should be made,  
21       it shall issue an order that the defendant submit to  
22       examination at such time and place as designated by the court  
23       and that such examination be conducted by a physician,  
24       psychologist or psychiatrist designated by the court. Such an  
25       examination may be conducted in a court clinic if so ordered by  
26       the court. The cost of such examination shall be paid by the

1 county in which the trial is held.

2 (b-5) In cases involving felony sex offenses in which the  
3 offender is being considered for probation only or any felony  
4 offense that is sexually motivated as defined in the Sex  
5 Offender Management Board Act in which the offender is being  
6 considered for probation only, the investigation shall include  
7 a sex offender evaluation by an evaluator approved by the Board  
8 and conducted in conformance with the standards developed under  
9 the Sex Offender Management Board Act. In cases in which the  
10 offender is being considered for any mandatory prison sentence,  
11 the investigation shall not include a sex offender evaluation.

12 (c) In misdemeanor, business offense or petty offense  
13 cases, except as specified in subsection (d) of this Section,  
14 when a presentence report has been ordered by the court, such  
15 presentence report shall contain information on the  
16 defendant's history of delinquency or criminality and shall  
17 further contain only those matters listed in any of paragraphs  
18 (1) through (6) of subsection (a) or in subsection (b) of this  
19 Section as are specified by the court in its order for the  
20 report.

21 (d) In cases under Sections 11-1.50, 12-15, and 12-3.4 or  
22 12-30 of the Criminal Code of 1961 or the Criminal Code of  
23 2012, the presentence report shall set forth information about  
24 alcohol, drug abuse, psychiatric, and marriage counseling or  
25 other treatment programs and facilities, information on the  
26 defendant's history of delinquency or criminality, and shall

1 contain those additional matters listed in any of paragraphs  
2 (1) through (6) of subsection (a) or in subsection (b) of this  
3 Section as are specified by the court.

4 (e) Nothing in this Section shall cause the defendant to be  
5 held without bail or to have his bail revoked for the purpose  
6 of preparing the presentence report or making an examination.

7 (Source: P.A. 96-322, eff. 1-1-10; 96-1551, Article 1, Section  
8 970, eff. 7-1-11; 96-1551, Article 2, Section 1065, eff.  
9 7-1-11; 97-1109, eff. 1-1-13; 97-1150, eff. 1-25-13.)