

HB4633



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

HB4633

by Rep. Dennis M. Reboletti

SYNOPSIS AS INTRODUCED:

725 ILCS 5/115-7.3

Amends the Code of Criminal Procedure of 1963. Adds kidnapping and aggravated kidnaping to the list of offenses in which evidence of commission of a prior offense from the list may be admitted by the court at trial, and adds an attempt to commit any of the listed offenses to the list. Effective immediately.

LRB098 18183 MRW 53312 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 Code of Criminal Procedure of 1963 is
5 amended by changing Section 115-7.3 as follows:

6 (725 ILCS 5/115-7.3)

7 Sec. 115-7.3. Evidence in certain cases.

8 (a) This Section applies to criminal cases in which:

9 (1) the defendant is accused of predatory criminal
10 sexual assault of a child, aggravated criminal sexual
11 assault, criminal sexual assault, aggravated criminal
12 sexual abuse, criminal sexual abuse, child pornography,
13 aggravated child pornography, criminal transmission of
14 HIV, kidnapping, aggravated kidnaping, ~~or~~ child abduction
15 as defined in paragraph (10) of subsection (b) of Section
16 10-5 of the Criminal Code of 1961 or the Criminal Code of
17 2012 or an attempt to commit any of these offenses;

18 (2) the defendant is accused of battery, aggravated
19 battery, first degree murder, or second degree murder when
20 the commission of the offense involves sexual penetration
21 or sexual conduct as defined in Section 11-0.1 of the
22 Criminal Code of 2012 or an attempt to commit any of these
23 offenses; or

1 (3) the defendant is tried or retried for any of the
2 offenses formerly known as rape, deviate sexual assault,
3 indecent liberties with a child, or aggravated indecent
4 liberties with a child or an attempt to commit any of these
5 offenses.

6 (b) If the defendant is accused of an offense set forth in
7 paragraph (1) or (2) of subsection (a) or the defendant is
8 tried or retried for any of the offenses set forth in paragraph
9 (3) of subsection (a), evidence of the defendant's commission
10 of another offense or offenses set forth in paragraph (1), (2),
11 or (3) of subsection (a), or evidence to rebut that proof or an
12 inference from that proof, may be admissible (if that evidence
13 is otherwise admissible under the rules of evidence) and may be
14 considered for its bearing on any matter to which it is
15 relevant.

16 (c) In weighing the probative value of the evidence against
17 undue prejudice to the defendant, the court may consider:

18 (1) the proximity in time to the charged or predicate
19 offense;

20 (2) the degree of factual similarity to the charged or
21 predicate offense; or

22 (3) other relevant facts and circumstances.

23 (d) In a criminal case in which the prosecution intends to
24 offer evidence under this Section, it must disclose the
25 evidence, including statements of witnesses or a summary of the
26 substance of any testimony, at a reasonable time in advance of

1 trial, or during trial if the court excuses pretrial notice on
2 good cause shown.

3 (e) In a criminal case in which evidence is offered under
4 this Section, proof may be made by specific instances of
5 conduct, testimony as to reputation, or testimony in the form
6 of an expert opinion, except that the prosecution may offer
7 reputation testimony only after the opposing party has offered
8 that testimony.

9 (f) In prosecutions for a violation of Section 10-2,
10 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 12-3.05, 12-4,
11 12-13, 12-14, 12-14.1, 12-15, 12-16, or 18-5 of the Criminal
12 Code of 1961 or the Criminal Code of 2012, involving the
13 involuntary delivery of a controlled substance to a victim, no
14 inference may be made about the fact that a victim did not
15 consent to a test for the presence of controlled substances.

16 (Source: P.A. 97-1109, eff. 1-1-13; 97-1150, eff. 1-25-13;
17 98-160, eff. 1-1-14.)

18 Section 99. Effective date. This Act takes effect upon
19 becoming law.