

1 HOUSE JOINT RESOLUTION
 2 CONSTITUTIONAL AMENDMENT 1

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

10 ARTICLE I
 11 BILL OF RIGHTS

12 (ILCON Art. 1, Sec. 8.1)

13 SECTION 8.1. CRIME VICTIMS' ~~VICTIM'S~~ RIGHTS.

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

16 (1) The right to be treated with fairness and respect
 17 for their dignity and privacy and to be free from
 18 harassment, intimidation, and abuse throughout the
 19 criminal justice process.

20 (2) The right to notice and to a hearing before a court
 21 ruling on a request for access to any of the victim's
 22 records, information, or communications which are
 23 privileged or confidential by law.

1 (3) ~~(2)~~ The right to timely notification of all court
2 proceedings.

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

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

9 (6) ~~(5)~~ The right to be notified of ~~information about~~
10 the conviction, the sentence, the imprisonment, and the
11 release of the accused.

12 (7) ~~(6)~~ The right to timely disposition of the case
13 following the arrest of the accused.

14 (8) ~~(7)~~ The right to be reasonably protected from the
15 accused throughout the criminal justice process.

16 (9) The right to have the safety of the victim and the
17 victim's family considered in denying or fixing the amount
18 of bail, determining whether to release the defendant, and
19 setting conditions of release after arrest and conviction.

20 (10) ~~(8)~~ The right to be present at the trial and all
21 other court proceedings on the same basis as the accused,
22 unless the victim is to testify and the court determines
23 that the victim's testimony would be materially affected if
24 the victim hears other testimony at the trial.

25 (11) ~~(9)~~ The right to have present at all court
26 proceedings, subject to the rules of evidence, an advocate

1 and ~~or~~ other support person of the victim's choice.

2 (12) ~~(10)~~ The right to restitution.

3 (b) The victim has standing to assert the rights enumerated
4 in subsection (a) in any court exercising jurisdiction over the
5 case. The court shall promptly rule on a victim's request. The
6 victim does not have party status. The accused does not have
7 standing to assert the rights of a victim. The court shall not
8 appoint an attorney for the victim under this Section. Nothing
9 in this Section shall be construed to alter the powers, duties,
10 and responsibilities of the prosecuting attorney ~~The General~~
11 ~~Assembly may provide by law for the enforcement of this~~
12 ~~Section.~~

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

15 (d) Nothing in this Section or any law enacted under this
16 Section creates a cause of action in equity or at law for
17 compensation, attorney's fees, or damages against the State, a
18 political subdivision of the State, an officer, employee, or
19 agent of the State or of any political subdivision of the
20 State, or an officer or employee of the court. ~~or in any law~~
21 ~~enacted under~~

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

26 (Source: Amendment adopted at general election November 3,

1 1992.)

2 SCHEDULE

3 This Constitutional Amendment takes effect upon being
4 declared adopted in accordance with Section 7 of the Illinois
5 Constitutional Amendment Act.