

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 1. This Act may be referred to as Marsy's Law.

5 Section 5. The Rights of Crime Victims and Witnesses Act is
6 amended by changing Sections 2, 3, 4, 4.5, 6, 7, 8.5, and 9 as
7 follows:

8 (725 ILCS 120/2) (from Ch. 38, par. 1402)

9 Sec. 2. The purpose of this Act is to implement, preserve,
10 ~~and~~ protect, and enforce the rights guaranteed to crime victims
11 by Article I, Section 8.1 of the Illinois Constitution to
12 ensure that crime victims are treated with fairness and respect
13 for their dignity and privacy throughout the criminal justice
14 system, to ensure that crime victims are informed of their
15 rights and have standing to assert their rights in the trial
16 and appellate courts, to establish procedures for enforcement
17 of those rights, and to increase the effectiveness of the
18 criminal justice system by affording certain basic rights and
19 considerations to the witnesses of ~~violent~~ crime who are
20 essential to prosecution.

21 (Source: P.A. 88-489.)

1 (725 ILCS 120/3) (from Ch. 38, par. 1403)

2 Sec. 3. The terms used in this Act, ~~unless the context~~
3 ~~clearly requires otherwise,~~ shall have the following meanings:

4 (a) "Crime victim" or "victim" means: (1) any natural
5 person determined by the prosecutor or the court to have
6 suffered direct physical or psychological harm as a result of a
7 violent crime perpetrated or attempted against that person or
8 direct physical or psychological harm as a result of (i) a
9 violation of Section 11-501 of the Illinois Vehicle Code or
10 similar provision of a local ordinance or (ii) a violation of
11 Section 9-3 of the Criminal Code of 1961 or the Criminal Code
12 of 2012; (2) in the case of a crime victim who is under 18 years
13 of age or an adult victim who is incompetent or incapacitated,
14 both parents, legal guardians, foster parents, or a single
15 adult representative; (3) in the case of an adult deceased
16 victim, 2 representatives who may be the spouse, parent, child
17 or sibling of the victim, or the representative of the victim's
18 estate; and (4) an immediate family member of a victim under
19 clause (1) of this paragraph (a) chosen by the victim. If the
20 victim is 18 years of age or over, the victim may choose any
21 person to be the victim's representative. In no event shall the
22 defendant or any person who aided and abetted in the commission
23 of the crime be considered a victim, a crime victim, or a
24 representative of the victim.

25 A board, agency, or other governmental entity making
26 decisions regarding an offender's release, sentence reduction,

1 or clemency can determine additional persons are victims for
2 the purpose of its proceedings. "Crime victim" and "victim"
3 ~~mean (1) a person physically injured in this State as a result~~
4 ~~of a violent crime perpetrated or attempted against that person~~
5 ~~or (2) a person who suffers injury to or loss of property as a~~
6 ~~result of a violent crime perpetrated or attempted against that~~
7 ~~person or (3) a single representative who may be the spouse,~~
8 ~~parent, child or sibling of a person killed as a result of a~~
9 ~~violent crime perpetrated against the person killed or the~~
10 ~~spouse, parent, child or sibling of any person granted rights~~
11 ~~under this Act who is physically or mentally incapable of~~
12 ~~exercising such rights, except where the spouse, parent, child~~
13 ~~or sibling is also the defendant or prisoner or (4) any person~~
14 ~~against whom a violent crime has been committed or (5) any~~
15 ~~person who has suffered personal injury as a result of a~~
16 ~~violation of Section 11-501 of the Illinois Vehicle Code, or of~~
17 ~~a similar provision of a local ordinance, or of Section 9-3 of~~
18 ~~the Criminal Code of 1961 or the Criminal Code of 2012 or (6)~~
19 ~~in proceedings under the Juvenile Court Act of 1987, both~~
20 ~~parents, legal guardians, foster parents, or a single adult~~
21 ~~representative of a minor or disabled person who is a crime~~
22 ~~victim.~~

23 (a-3) "Advocate" means a person whose communications with
24 the victim are privileged under Section 8-802.1 or 8-802.2 of
25 the Code of Civil Procedure, or Section 227 of the Illinois
26 Domestic Violence Act of 1986.

1 (a-5) "Confer" means to consult together, share
2 information, compare opinions and carry on a discussion or
3 deliberation.

4 (a-7) "Sentence" includes, but is not limited to, the
5 imposition of sentence, a request for a reduction in sentence,
6 parole, mandatory supervised release, aftercare release, early
7 release, clemency, or a proposal that would reduce the
8 defendant's sentence or result in the defendant's release.
9 "Early release" refers to a discretionary release.

10 (a-9) "Sentencing" includes, but is not limited to, the
11 imposition of sentence and a request for a reduction in
12 sentence, parole, mandatory supervised release, aftercare
13 release, or early release.

14 (b) "Witness" means any person who personally observed the
15 commission of a ~~violent~~ crime and who will testify on behalf of
16 the State of Illinois ~~in the criminal prosecution of the~~
17 ~~violent crime.~~

18 (c) "Violent Crime" means: (1) any felony in which force or
19 threat of force was used against the victim; (2) ~~or~~ any
20 offense involving sexual exploitation, sexual conduct or
21 sexual penetration; (3) ~~or~~ a violation of Section 11-20.1,
22 11-20.1B, ~~or~~ 11-20.3, or 11-23.5 of the Criminal Code of 1961
23 or the Criminal Code of 2012; (4) ~~or~~ domestic battery, stalking;
24 (5) ~~or~~ violation of an order of protection, ~~stalking,~~ a civil no
25 contact order, or a stalking no contact order; (6) ~~or~~ any
26 misdemeanor which results in death or great bodily harm to the

1 victim; or (7) any violation of Section 9-3 of the Criminal
2 Code of 1961 or the Criminal Code of 2012, or Section 11-501 of
3 the Illinois Vehicle Code, or a similar provision of a local
4 ordinance, if the violation resulted in personal injury or
5 death. "Violent crime" ~~and~~ includes any action committed by a
6 juvenile that would be a violent crime if committed by an
7 adult. For the purposes of this paragraph, "personal injury"
8 shall include any Type A injury as indicated on the traffic
9 accident report completed by a law enforcement officer that
10 requires immediate professional attention in either a doctor's
11 office or medical facility. A type A injury shall include
12 severely bleeding wounds, distorted extremities, and injuries
13 that require the injured party to be carried from the scene.

14 (d) (Blank). ~~"Sentencing Hearing" means any hearing where a~~
15 ~~sentence is imposed by the court on a convicted defendant and~~
16 ~~includes hearings conducted pursuant to Sections 5-6-4,~~
17 ~~5-6-4.1, 5-7-2 and 5-7-7 of the Unified Code of Corrections.~~

18 (e) "Court proceedings" includes, but is not limited to,
19 the preliminary hearing, any post-arraignment hearing the
20 effect of which may be the release of the defendant from
21 custody or to alter the conditions of bond, change of plea
22 hearing, the trial, any pretrial or post-trial hearing,
23 sentencing hearing, notice of appeal, any oral argument or
24 hearing before an Illinois appellate court, any hearing under
25 the Mental Health and Developmental Disabilities Code after a
26 finding that the defendant is not guilty by reason of insanity,

1 any hearing related to a modification of sentence, probation
2 revocation hearing ~~hearings~~, aftercare release or parole
3 hearings, post-conviction relief proceedings, habeas corpus
4 proceedings and clemency proceedings related to the
5 defendant's conviction or sentence. For purposes of the
6 victim's right to be present, "court proceedings" does not
7 include (1) hearings under Section 109-1 of the Code of
8 Criminal Procedure of 1963, (2) grand jury proceedings, (3)
9 status hearings, or (4) the issuance of an order or decision of
10 an Illinois court that dismisses a charge, reverses a
11 conviction, reduces a sentence, or releases an offender under a
12 court rule.

13 (f) "Concerned citizen" includes relatives of the victim,
14 friends of the victim, witnesses to the crime, or any other
15 person associated with the victim or prisoner.

16 (g) "Victim's attorney" means an attorney retained by the
17 victim for the purposes of asserting the victim's
18 constitutional and statutory rights. An attorney retained by
19 the victim means an attorney who is hired to represent the
20 victim at the victim's expense or an attorney who has agreed to
21 provide pro bono representation. Nothing in this statute
22 creates a right to counsel at public expense for a victim.

23 (Source: P.A. 97-572, eff. 1-1-12; 97-1150, eff. 1-25-13;
24 98-558, eff. 1-1-14.)

25 (725 ILCS 120/4) (from Ch. 38, par. 1404)

1 Sec. 4. Rights of crime victims.

2 (a) Crime victims shall have the following rights:

3 (1) The right to be treated with fairness and respect
4 for their dignity and privacy and to be free from
5 harassment, intimidation, and abuse throughout the
6 criminal justice process.

7 (1.5) The right to notice and to a hearing before a
8 court ruling on a request for access to any of the victim's
9 records, information, or communications which are
10 privileged or confidential by law.

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

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

14 (4) The right to be heard at any post-arraignment court
15 proceeding in which a right of the victim is at issue and
16 any court proceeding involving a post-arraignment release
17 decision, plea, or ~~make a statement to the court at~~
18 sentencing.

19 (5) The right to be notified of ~~information about~~ the
20 conviction, the sentence, the imprisonment and the release
21 of the accused.

22 (6) The right to the timely disposition of the case
23 following the arrest of the accused.

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

26 (7.5) The right to have the safety of the victim and

1 the victim's family considered in denying or fixing the
2 amount of bail, determining whether to release the
3 defendant, and setting conditions of release after arrest
4 and conviction.

5 (8) The right to be present at the trial and all other
6 court proceedings on the same basis as the accused, unless
7 the victim is to testify and the court determines that the
8 victim's testimony would be materially affected if the
9 victim hears other testimony at the trial.

10 (9) The ~~the~~ right to have present at all court
11 proceedings, including proceedings under the Juvenile
12 Court Act of 1987, ~~subject to the admonition of the rules~~
13 ~~of confidentiality and~~ subject to the rules of evidence, ~~a~~
14 ~~victim-witness specialist,~~ an advocate and ~~or~~ other
15 support person of the victim's choice.

16 (10) The right to restitution.

17 (b) Any law enforcement agency that investigates an offense
18 committed in this State shall provide a crime victim with a
19 written statement and explanation of the rights of crime
20 victims under this amendatory Act of the 99th General Assembly
21 within 48 hours of law enforcement's initial contact with a
22 victim. The statement shall include information about crime
23 victim compensation, including how to contact the Office of the
24 Illinois Attorney General to file a claim, and appropriate
25 referrals to local and State programs that provide victim
26 services. The content of the statement shall be provided to law

1 enforcement by the Attorney General. Law enforcement shall also
2 provide a crime victim with a sign-off sheet that the victim
3 shall sign and date as an acknowledgement that he or she has
4 been furnished with information and an explanation of the
5 rights of crime victims and compensation set forth in this Act.

6 (c) The Clerk of the Circuit Court shall post the rights of
7 crime victims set forth in Article I, Section 8.1(a) of the
8 Illinois Constitution and subsection (a) of this Section within
9 3 feet of the door to any courtroom where criminal proceedings
10 are conducted. The clerk may also post the rights in other
11 locations in the courthouse.

12 ~~(d) A statement and explanation of the rights of crime~~
13 ~~victims set forth in paragraph (a) of this Section shall be~~
14 ~~given to a crime victim at the initial contact with the~~
15 ~~criminal justice system by the appropriate authorities and~~
16 ~~shall be conspicuously posted in all court facilities.~~

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

18 (725 ILCS 120/4.5)

19 Sec. 4.5. Procedures to implement the rights of crime
20 victims. To afford crime victims their rights, law enforcement,
21 prosecutors, judges and corrections will provide information,
22 as appropriate of the following procedures:

23 (a) At the request of the crime victim, law enforcement
24 authorities investigating the case shall provide notice of the
25 status of the investigation, except where the State's Attorney

1 determines that disclosure of such information would
2 unreasonably interfere with the investigation, until such time
3 as the alleged assailant is apprehended or the investigation is
4 closed.

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

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

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

16 (2) shall provide timely notice of the date, time, and
17 place of court proceedings; of any change in the date,
18 time, and place of court proceedings; and of any
19 cancellation of court proceedings. Notice shall be
20 provided in sufficient time, wherever possible, for the
21 victim to make arrangements to attend or to prevent an
22 unnecessary appearance at court proceedings ~~trial~~;

23 (3) or victim advocate personnel shall provide
24 information of social services and financial assistance
25 available for victims of crime, including information of
26 how to apply for these services and assistance;

1 (3.5) or victim advocate personnel shall provide
2 information about available victim services, including
3 referrals to programs, counselors, and agencies that
4 assist a victim to deal with trauma, loss, and grief;

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

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

15 (6) shall provide ~~information~~ whenever possible, ~~of~~ a
16 secure waiting area during court proceedings that does not
17 require victims to be in close proximity to defendants
18 ~~defendant~~ or juveniles accused of a violent crime, and
19 their families and friends;

20 (7) shall provide notice to the crime victim of the
21 right to have a translator present at all court proceedings
22 and, in compliance with the federal Americans with
23 Disabilities Act of 1990, the right to communications
24 access through a sign language interpreter or by other
25 means;

26 (8) (blank); ~~in the case of the death of a person,~~

1 ~~which death occurred in the same transaction or occurrence~~
2 ~~in which acts occurred for which a defendant is charged~~
3 ~~with an offense, shall notify the spouse, parent, child or~~
4 ~~sibling of the decedent of the date of the trial of the~~
5 ~~person or persons allegedly responsible for the death;~~

6 (8.5) shall inform the victim of the right to be
7 present at all court proceedings, unless the victim is to
8 testify and the court determines that the victim's
9 testimony would be materially affected if the victim hears
10 other testimony at trial;

11 (9) shall inform the victim of the right to have
12 present at all court proceedings, subject to the rules of
13 evidence and confidentiality, an advocate and ~~or~~ other
14 support person of the victim's choice; and

15 (9.3) shall inform the victim of the right to retain an
16 attorney, at the victim's own expense, who, upon written
17 notice filed with the clerk of the court and State's
18 Attorney, is to receive copies of all notices, motions and
19 court orders filed thereafter in the case, in the same
20 manner as if the victim were a named party in the case;

21 (9.5) shall inform the victim of (A) the victim's right
22 under Section 6 of this Act to make a victim impact
23 statement at the sentencing hearing; (B) the right of the
24 victim's spouse, guardian, parent, grandparent and other
25 immediate family and household members under Section 6 of
26 this Act to present an impact statement at sentencing; and

1 (C) if a presentence report is to be prepared, the right of
2 the victim's spouse, guardian, parent, grandparent and
3 other immediate family and household members to submit
4 information to the preparer of the presentence report about
5 the effect the offense has had on the victim and the
6 person;

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

14 (11) shall request restitution at sentencing and as
15 part of a plea agreement if the victim requests restitution
16 ~~shall consider restitution in any plea negotiation, as~~
17 ~~provided by law; and~~

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

23 ~~(c) At the written request of the crime victim, the office~~
24 ~~of the State's Attorney shall:~~

25 ~~(1) provide notice a reasonable time in advance of the~~
26 ~~following court proceedings: preliminary hearing, any~~

1 ~~hearing the effect of which may be the release of defendant~~
2 ~~from custody, or to alter the conditions of bond and the~~
3 ~~sentencing hearing. The crime victim shall also be notified~~
4 ~~of the cancellation of the court proceeding in sufficient~~
5 ~~time, wherever possible, to prevent an unnecessary~~
6 ~~appearance in court;~~

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

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

16 (15) shall make all reasonable efforts to ~~(4) where~~
17 ~~practical,~~ consult with the crime victim before the Office
18 of the State's Attorney makes an offer of a plea bargain to
19 the defendant or enters into negotiations with the
20 defendant concerning a possible plea agreement, and shall
21 consider the written victim impact statement, if prepared
22 prior to entering into a plea agreement. The right to
23 consult with the prosecutor does not include the right to
24 veto a plea agreement or to insist the case go to trial. If
25 the State's Attorney has not consulted with the victim
26 prior to making an offer or entering into plea negotiations

1 with the defendant, the Office of the State's Attorney
2 shall notify the victim of the offer or the negotiations
3 within 2 business days and confer with the victim;

4 (16) shall ~~(5)~~ provide notice of the ultimate
5 disposition of the cases arising from an indictment or an
6 information, or a petition to have a juvenile adjudicated
7 as a delinquent for a violent crime;

8 (17) shall ~~(6)~~ provide notice of any appeal taken by
9 the defendant and information on how to contact the
10 appropriate agency handling the appeal, and how to request
11 notice of any hearing, oral argument, or decision of an
12 appellate court;

13 (18) shall ~~(7)~~ provide timely notice of any request for
14 post-conviction review filed by the defendant under
15 Article 122 of the Code of Criminal Procedure of 1963, and
16 of the date, time and place of any hearing concerning the
17 petition. Whenever possible, notice of the hearing shall be
18 given within 48 hours of the court's scheduling of the
19 hearing; and in advance;

20 (19) shall ~~(8)~~ forward a copy of any statement
21 presented under Section 6 to the Prisoner Review Board to
22 be considered by the Board in making its determination
23 under subsection (b) of Section 3-3-8 of the Unified Code
24 of Corrections.

25 (c) The court shall ensure that the rights of the victim
26 are afforded.

1 (c-5) The following procedures shall be followed to afford
2 victims the rights guaranteed by Article I, Section 8.1 of the
3 Illinois Constitution:

4 (1) Written notice. A victim may complete a written
5 notice of intent to assert rights on a form prepared by the
6 Office of the Attorney General and provided to the victim
7 by the State's Attorney. The victim may at any time provide
8 a revised written notice to the State's Attorney. The
9 State's Attorney shall file the written notice with the
10 court. At the beginning of any court proceeding in which
11 the right of a victim may be at issue, the court and
12 prosecutor shall review the written notice to determine
13 whether the victim has asserted the right that may be at
14 issue.

15 (2) Victim's retained attorney. A victim's attorney
16 shall file an entry of appearance limited to assertion of
17 the victim's rights. Upon the filing of the entry of
18 appearance and service on the State's Attorney and the
19 defendant, the attorney is to receive copies of all
20 notices, motions and court orders filed thereafter in the
21 case.

22 (3) Standing. The victim has standing to assert the
23 rights enumerated in subsection (a) of Article I, Section
24 8.1 of the Illinois Constitution and the statutory rights
25 under Section 4 of this Act in any court exercising
26 jurisdiction over the criminal case. The prosecuting

1 attorney, a victim, or the victim's retained attorney may
2 assert the victim's rights. The defendant in the criminal
3 case has no standing to assert a right of the victim in any
4 court proceeding, including on appeal.

5 (4) Assertion of and enforcement of rights.

6 (A) The prosecuting attorney shall assert a
7 victim's right or request enforcement of a right by
8 filing a motion or by orally asserting the right or
9 requesting enforcement in open court in the criminal
10 case outside the presence of the jury. The prosecuting
11 attorney shall consult with the victim and the victim's
12 attorney regarding the assertion or enforcement of a
13 right. If the prosecuting attorney decides not to
14 assert or enforce a victim's right, the prosecuting
15 attorney shall notify the victim or the victim's
16 attorney in sufficient time to allow the victim or the
17 victim's attorney to assert the right or to seek
18 enforcement of a right.

19 (B) If the prosecuting attorney elects not to
20 assert a victim's right or to seek enforcement of a
21 right, the victim or the victim's attorney may assert
22 the victim's right or request enforcement of a right by
23 filing a motion or by orally asserting the right or
24 requesting enforcement in open court in the criminal
25 case outside the presence of the jury.

26 (C) If the prosecuting attorney asserts a victim's

1 right or seeks enforcement of a right, and the court
2 denies the assertion of the right or denies the request
3 for enforcement of a right, the victim or victim's
4 attorney may file a motion to assert the victim's right
5 or to request enforcement of the right within 10 days
6 of the court's ruling. The motion need not demonstrate
7 the grounds for a motion for reconsideration. The court
8 shall rule on the merits of the motion.

9 (D) The court shall take up and decide any motion
10 or request asserting or seeking enforcement of a
11 victim's right without delay, unless a specific time
12 period is specified by law or court rule. The reasons
13 for any decision denying the motion or request shall be
14 clearly stated on the record.

15 (5) Violation of rights and remedies.

16 (A) If the court determines that a victim's right
17 has been violated, the court shall determine the
18 appropriate remedy for the violation of the victim's
19 right by hearing from the victim and the parties,
20 considering all factors relevant to the issue, and then
21 awarding appropriate relief to the victim.

22 (B) The appropriate remedy shall include only
23 actions necessary to provide the victim the right to
24 which the victim was entitled and may include reopening
25 previously held proceedings; however, in no event
26 shall the court vacate a conviction. Any remedy shall

1 be tailored to provide the victim an appropriate remedy
2 without violating any constitutional right of the
3 defendant. In no event shall the appropriate remedy be
4 a new trial, damages, or costs.

5 (6) Right to be heard. Whenever a victim has the right
6 to be heard, the court shall allow the victim to exercise
7 the right in any reasonable manner the victim chooses.

8 (7) Right to attend trial. A party must file a written
9 motion to exclude a victim from trial at least 60 days
10 prior to the date set for trial. The motion must state with
11 specificity the reason exclusion is necessary to protect a
12 constitutional right of the party, and must contain an
13 offer of proof. The court shall rule on the motion within
14 30 days. If the motion is granted, the court shall set
15 forth on the record the facts that support its finding that
16 the victim's testimony will be materially affected if the
17 victim hears other testimony at trial.

18 (8) Right to have advocate present. A party who intends
19 to call an advocate as a witness must seek permission of
20 the court before the subpoena is issued. The party must
21 file a written motion and offer of proof regarding the
22 anticipated testimony of the advocate in sufficient time to
23 allow the court to rule and the victim to seek appellate
24 review. The court shall rule on the motion without delay.

25 (9) Right to notice and hearing before disclosure of
26 confidential or privileged information or records. A

1 defendant who seeks to subpoena records of or concerning
2 the victim that are confidential or privileged by law must
3 seek permission of the court before the subpoena is issued.
4 The defendant must file a written motion and an offer of
5 proof regarding the relevance, admissibility and
6 materiality of the records. If the court finds by a
7 preponderance of the evidence that: (A) the records are not
8 protected by an absolute privilege and (B) the records
9 contain relevant, admissible, and material evidence that
10 is not available through other witnesses or evidence, the
11 court shall issue a subpoena requiring a sealed copy of the
12 records be delivered to the court to be reviewed in camera.
13 If, after conducting an in camera review of the records,
14 the court determines that due process requires disclosure
15 of any portion of the records, the court shall provide
16 copies of what it intends to disclose to the prosecuting
17 attorney and the victim. The prosecuting attorney and the
18 victim shall have 30 days to seek appellate review before
19 the records are disclosed to the defendant. The disclosure
20 of copies of any portion of the records to the prosecuting
21 attorney does not make the records subject to discovery.

22 (10) Right to notice of court proceedings. If the
23 victim is not present at a court proceeding in which a
24 right of the victim is at issue, the court shall ask the
25 prosecuting attorney whether the victim was notified of the
26 time, place, and purpose of the court proceeding and that

1 the victim had a right to be heard at the court proceeding.
2 If the court determines that timely notice was not given or
3 that the victim was not adequately informed of the nature
4 of the court proceeding, the court shall not rule on any
5 substantive issues, accept a plea, or impose a sentence and
6 shall continue the hearing for the time necessary to notify
7 the victim of the time, place and nature of the court
8 proceeding. The time between court proceedings shall not be
9 attributable to the State under Section 103-5 of the Code
10 of Criminal Procedure of 1963.

11 (11) Right to timely disposition of the case. A victim
12 has the right to timely disposition of the case so as to
13 minimize the stress, cost, and inconvenience resulting
14 from the victim's involvement in the case. Before ruling on
15 a motion to continue trial or other court proceeding, the
16 court shall inquire into the circumstances for the request
17 for the delay and, if the victim has provided written
18 notice of the assertion of the right to a timely
19 disposition, and whether the victim objects to the delay.
20 If the victim objects, the prosecutor shall inform the
21 court of the victim's objections. If the prosecutor has not
22 conferred with the victim about the continuance, the
23 prosecutor shall inform the court of the attempts to
24 confer. If the court finds the attempts of the prosecutor
25 to confer with the victim were inadequate to protect the
26 victim's right to be heard, the court shall give the

1 prosecutor at least 3 but not more than 5 business days to
2 confer with the victim. In ruling on a motion to continue,
3 the court shall consider the reasons for the requested
4 continuance, the number and length of continuances that
5 have been granted, the victim's objections and procedures
6 to avoid further delays. If a continuance is granted over
7 the victim's objection, the court shall specify on the
8 record the reasons for the continuance and the procedures
9 that have been or will be taken to avoid further delays.

10 (12) Right to Restitution.

11 (A) If the victim has asserted the right to
12 restitution and the amount of restitution is known at
13 the time of sentencing, the court shall enter the
14 judgment of restitution at the time of sentencing.

15 (B) If the victim has asserted the right to
16 restitution and the amount of restitution is not known
17 at the time of sentencing, the prosecutor shall, within
18 5 days after sentencing, notify the victim what
19 information and documentation related to restitution
20 is needed and that the information and documentation
21 must be provided to the prosecutor within 45 days after
22 sentencing. Failure to timely provide information and
23 documentation related to restitution shall be deemed a
24 waiver of the right to restitution. The prosecutor
25 shall file and serve within 60 days after sentencing a
26 proposed judgment for restitution and a notice that

1 includes information concerning the identity of any
2 victims or other persons seeking restitution, whether
3 any victim or other person expressly declines
4 restitution, the nature and amount of any damages
5 together with any supporting documentation, a
6 restitution amount recommendation, and the names of
7 any co-defendants and their case numbers. Within 30
8 days after receipt of the proposed judgment for
9 restitution, the defendant shall file any objection to
10 the proposed judgment, a statement of grounds for the
11 objection, and a financial statement. If the defendant
12 does not file an objection, the court may enter the
13 judgment for restitution without further proceedings.
14 If the defendant files an objection and either party
15 requests a hearing, the court shall schedule a hearing.
16 (13) Access to presentence reports.

17 (A) The victim may request a copy of the
18 presentence report prepared under the Unified Code of
19 Corrections from the State's Attorney. The State's
20 Attorney shall redact the following information before
21 providing a copy of the report:

22 (i) the defendant's mental history and
23 condition;

24 (ii) any evaluation prepared under subsection
25 (b) or (b-5) of Section 5-3-2; and

26 (iii) the name, address, phone number, and

1 other personal information about any other victim.

2 (B) The State's Attorney or the defendant may
3 request the court redact other information in the
4 report that may endanger the safety of any person.

5 (C) The State's Attorney may orally disclose to the
6 victim any of the information that has been redacted if
7 there is a reasonable likelihood that the information
8 will be stated in court at the sentencing.

9 (D) The State's Attorney must advise the victim
10 that the victim must maintain the confidentiality of
11 the report and other information. Any dissemination of
12 the report or information that was not stated at a
13 court proceeding constitutes indirect criminal
14 contempt of court.

15 (14) Appellate relief. If the trial court denies the
16 relief requested, the victim, the victim's attorney or the
17 prosecuting attorney may file an appeal within 30 days of
18 the trial court's ruling. The trial or appellate court may
19 stay the court proceedings if the court finds that a stay
20 would not violate a constitutional right of the defendant.
21 If the appellate court denies the relief sought, the
22 reasons for the denial shall be clearly stated in a written
23 opinion. In any appeal in a criminal case, the State may
24 assert as error the court's denial of any crime victim's
25 right in the proceeding to which the appeal relates.

26 (15) Limitation on appellate relief. In no case shall

1 an appellate court provide a new trial to remedy the
2 violation of a victim's right.

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

25 (2) When the defendant has been committed to the Department
26 of Human Services pursuant to Section 5-2-4 or any other

1 provision of the Unified Code of Corrections, the victim may
2 request to be notified by the releasing authority of the
3 approval by the court of an on-grounds pass, a supervised
4 off-grounds pass, an unsupervised off-grounds pass, or
5 conditional release; the release on an off-grounds pass; the
6 return from an off-grounds pass; transfer to another facility;
7 conditional release; escape; death; or final discharge from
8 State custody. The Department of Human Services shall establish
9 and maintain a statewide telephone number to be used by victims
10 to make notification requests under these provisions and shall
11 publicize this telephone number on its website and to the
12 State's Attorney of each county.

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

25 (4) The victim of the crime for which the prisoner has been
26 sentenced shall receive reasonable written notice not less than

1 30 days prior to the parole or aftercare release hearing and
2 may submit, in writing, on film, videotape or other electronic
3 means or in the form of a recording or in person at the parole
4 or aftercare release hearing or if a victim of a violent crime,
5 by calling the toll-free number established in subsection (f)
6 of this Section, information for consideration by the Prisoner
7 Review Board. The victim shall be notified within 7 days after
8 the prisoner has been granted parole or aftercare release and
9 shall be informed of the right to inspect the registry of
10 parole or aftercare release decisions, established under
11 subsection (g) of Section 3-3-5 of the Unified Code of
12 Corrections. The provisions of this paragraph (4) are subject
13 to the Open Parole Hearings Act.

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

18 (6) At the written or oral request of the victim of the
19 crime for which the prisoner was sentenced or the State's
20 Attorney of the county where the person seeking parole or
21 aftercare release was prosecuted, the Prisoner Review Board
22 shall notify the victim and the State's Attorney of the county
23 where the person seeking parole or aftercare release was
24 prosecuted of the death of the prisoner if the prisoner died
25 while on parole or aftercare release or mandatory supervised
26 release.

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

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

25 (e) The officials named in this Section may satisfy some or
26 all of their obligations to provide notices and other

1 information through participation in a statewide victim and
2 witness notification system established by the Attorney
3 General under Section 8.5 of this Act.

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

15 (Source: P.A. 97-457, eff. 1-1-12; 97-572, eff. 1-1-12; 97-813,
16 eff. 7-13-12; 97-815, eff. 1-1-13; 98-372, eff. 1-1-14; 98-558,
17 eff. 1-1-14; 98-756, eff. 7-16-14.)

18 (725 ILCS 120/6) (from Ch. 38, par. 1406)

19 Sec. 6. Right to be heard at sentencing ~~Rights to present~~
20 ~~victim impact statement.~~

21 (a) A crime victim shall be allowed to present an oral or
22 written victim impact statement in any case in which a
23 defendant has been convicted of a violent crime or a juvenile
24 has been adjudicated delinquent for a violent crime. The court
25 shall allow a victim to make an oral impact statement if the

1 victim is present in the courtroom and requests to make an oral
2 statement. An oral statement includes the victim or a
3 representative of the victim reading the written impact
4 statement. The court may allow persons impacted by the crime
5 who are not victims under subsection (a) of Section 3 of this
6 Act to present an oral or written statement. A victim and any
7 person making an oral statement shall not be put under oath or
8 subject to cross-examination. ~~In any case where a defendant has~~
9 ~~been convicted of a violent crime or a juvenile has been~~
10 ~~adjudicated a delinquent for a violent crime and a victim of~~
11 ~~the violent crime or the victim's spouse, guardian, parent,~~
12 ~~grandparent, or other immediate family or household member is~~
13 ~~present in the courtroom at the time of the sentencing or the~~
14 ~~disposition hearing, the victim or his or her representative~~
15 ~~shall have the right and the victim's spouse, guardian, parent,~~
16 ~~grandparent, and other immediate family or household member~~
17 ~~upon his, her, or their request may be permitted by the court~~
18 ~~to address the court regarding the impact that the defendant's~~
19 ~~criminal conduct or the juvenile's delinquent conduct has had~~
20 ~~upon them and the victim. The court has discretion to determine~~
21 ~~the number of oral presentations of victim impact statements.~~
22 ~~Any impact statement must have been prepared in writing in~~
23 ~~conjunction with the Office of the State's Attorney prior to~~
24 ~~the initial hearing or sentencing, before it can be presented~~
25 ~~orally or in writing at the sentencing hearing. In conjunction~~
26 ~~with the Office of the State's Attorney, a victim impact~~

1 ~~statement that is presented orally may be done so by the victim~~
2 ~~or the victim's spouse, guardian, parent, grandparent, or other~~
3 ~~immediate family or household member or his, her, or their~~
4 ~~representative. At the sentencing hearing, the prosecution may~~
5 ~~introduce that evidence either in its case in chief or in~~
6 ~~rebuttal.~~ The court shall consider any impact statement
7 presented ~~admitted~~ along with all other appropriate factors in
8 determining the sentence of the defendant or disposition of
9 such juvenile.

10 (a-1) In any case where a defendant has been convicted of a
11 violation of any statute, ordinance, or regulation relating to
12 the operation or use of motor vehicles, the use of streets and
13 highways by pedestrians or the operation of any other wheeled
14 or tracked vehicle, except parking violations, if the violation
15 resulted in great bodily harm or death, the person who suffered
16 great bodily harm, the injured person's representative, or the
17 representative of a deceased person shall be entitled to notice
18 of the sentencing hearing. "Representative" includes the
19 spouse, guardian, grandparent, or other immediate family or
20 household member of an injured or deceased person. The ~~If the~~
21 ~~injured person, the injured person's representative, or a~~
22 ~~representative of a deceased person is present in the courtroom~~
23 ~~at the time of sentencing, the~~ injured person or his or her
24 representative and a representative of the deceased person
25 shall have the right to address the court regarding the impact
26 that the defendant's criminal conduct has had upon them. If

1 more than one representative of an injured or deceased person
2 is present in the courtroom at the time of sentencing, the
3 court has discretion to permit one or more of the
4 representatives to present an oral impact statement. A victim
5 and any person making an oral statement shall not be put under
6 oath or subject to cross-examination. ~~Any impact statement must~~
7 ~~have been prepared in writing in conjunction with the Office of~~
8 ~~the State's Attorney prior to the initial hearing or~~
9 ~~sentencing, before it can be presented orally or in writing at~~
10 ~~the sentencing hearing. In conjunction with the Office of the~~
11 ~~State's Attorney, an impact statement that is presented orally~~
12 ~~may be done so by the injured person or the representative of~~
13 ~~an injured or deceased person. At the sentencing hearing, the~~
14 ~~prosecution may introduce that evidence either in its case in~~
15 ~~chief or in rebuttal.~~ The court shall consider any impact
16 statement presented ~~admitted~~ along with all other appropriate
17 factors in determining the sentence of the defendant.

18 (a-5) A crime victim shall be allowed to present an oral
19 and written victim impact statement at ~~In any case where a~~
20 ~~defendant has been found not guilty by reason of insanity of a~~
21 ~~violent crime and a hearing has been~~ ordered by the court under
22 the Mental Health and Developmental Disabilities Code to
23 determine if the defendant is: (1) in need of mental health
24 services on an inpatient basis; (2) in need of mental health
25 services on an outpatient basis; or (3) not in need of mental
26 health services. The court shall allow a victim to make an oral

1 impact statement if the victim is present in the courtroom and
2 requests to make an oral statement. An oral statement includes
3 the victim or a representative of the victim reading the
4 written impact statement. The court may allow persons impacted
5 by the crime who are not victims under subsection (a) of
6 Section 3 of this Act, to present an oral or written statement.
7 A victim and any person making an oral statement shall not be
8 put under oath or subject to cross-examination. ~~and a victim of~~
9 ~~the violent crime or the victim's spouse, guardian, parent,~~
10 ~~grandparent, or other immediate family or household member is~~
11 ~~present in the courtroom at the time of the initial commitment~~
12 ~~hearing, the victim or his or her representative shall have the~~
13 ~~right and the victim's spouse, guardian, parent, grandparent,~~
14 ~~and other immediate family or household members upon their~~
15 ~~request may be permitted by the court to address the court~~
16 ~~regarding the impact that the defendant's criminal conduct has~~
17 ~~had upon them and the victim. The court has discretion to~~
18 ~~determine the number of oral presentations of victim impact~~
19 ~~statements. Any impact statement must have been prepared in~~
20 ~~writing in conjunction with the Office of the State's Attorney~~
21 ~~prior to the initial commitment hearing, before it may be~~
22 ~~presented orally or in writing at the commitment hearing. In~~
23 ~~conjunction with the Office of the State's Attorney, a victim~~
24 ~~impact statement that is presented orally may be presented so~~
25 ~~by the victim or the victim's spouse, guardian, parent,~~
26 ~~grandparent, or other immediate family or household member or~~

1 ~~his or her representative. At the initial commitment hearing,~~
2 ~~the State's Attorney may introduce the statement either in its~~
3 ~~case in chief or in rebuttal.~~ The court may only consider the
4 impact statement along with all other appropriate factors in
5 determining the: (1) threat of serious physical harm poised by
6 the respondent to himself or herself, or to another person; (2)
7 location of inpatient or outpatient mental health services
8 ordered by the court, but only after complying with all other
9 applicable administrative, rule, and statutory requirements;
10 (3) maximum period of commitment for inpatient mental health
11 services; and (4) conditions of release for outpatient mental
12 health services ordered by the court.

13 (b) The crime victim has the right to prepare a victim
14 impact statement and present it to the Office of the State's
15 Attorney at any time during the proceedings. Any written victim
16 impact statement submitted to the Office of the State's
17 Attorney shall be considered by the court during its
18 consideration of aggravation and mitigation in plea
19 proceedings under Supreme Court Rule 402.

20 (c) This Section shall apply to any victims ~~of a violent~~
21 ~~crime~~ during any dispositional hearing under Section 5-705 of
22 the Juvenile Court Act of 1987 which takes place pursuant to an
23 adjudication or trial or plea of delinquency for any such
24 offense.

25 (Source: P.A. 96-117, eff. 1-1-10; 97-572, eff. 1-1-12.)

1 (725 ILCS 120/7) (from Ch. 38, par. 1407)

2 Sec. 7. Responsibilities of victims and witnesses. Victims
3 and witnesses shall have the following responsibilities to aid
4 in the prosecution of violent crime and to ensure that their
5 constitutional rights are enforced:

6 (a) To make a timely report of the ~~violent~~ crime;

7 (b) To cooperate with law enforcement authorities
8 throughout the investigation, prosecution, and trial;

9 (c) To testify at trial;

10 (c-5) to timely provide information and documentation to
11 the prosecuting attorney that is related to the assertion of
12 their rights.

13 (d) To notify law enforcement authorities and the
14 prosecuting attorney of any change of contact information,
15 including but not limited to, changes of address and contact
16 information, including but not limited to changes of address,
17 telephone number, and email address. Law enforcement
18 authorities and the prosecuting attorney shall maintain the
19 confidentiality of this information. A court may find that the
20 failure to notify the prosecuting attorney of any change in
21 contact information constitutes waiver of a right ~~of any change~~
22 of address.

23 (Source: P.A. 83-1499.)

24 (725 ILCS 120/8.5)

25 Sec. 8.5. Statewide victim and witness notification

1 system.

2 (a) The Attorney General may establish a crime victim and
3 witness notification system to assist public officials in
4 carrying out their duties to notify and inform crime victims
5 and witnesses under Section 4.5 of this Act or under
6 subsections (a), (a-2), and (a-3) of Section 120 of the Sex
7 Offender Community Notification Law ~~as the Attorney General~~
8 ~~specifies by rule~~. The system shall download necessary
9 information from participating officials into its computers,
10 where it shall be maintained, updated, and automatically
11 transmitted to victims and witnesses by telephone, computer, ~~or~~
12 written notice, SMS text message, or other electronic means.

13 (b) The Illinois Department of Corrections, the Department
14 of Juvenile Justice, the Department of Human Services, and the
15 Prisoner Review Board shall cooperate with the Attorney General
16 in the implementation of this Section and shall provide
17 information as necessary to the effective operation of the
18 system.

19 (c) State's attorneys, circuit court clerks, and local law
20 enforcement and correctional authorities may enter into
21 agreements with the Attorney General for participation in the
22 system. The Attorney General may provide those who elect to
23 participate with the equipment, software, or training
24 necessary to bring their offices into the system.

25 (d) The provision of information to crime victims and
26 witnesses through the Attorney General's notification system

1 satisfies a given State or local official's corresponding
2 obligation to provide the information.

3 (e) The Attorney General may provide for telephonic,
4 electronic, or other public access to the database established
5 under this Section.

6 (f) (Blank). ~~The Attorney General shall adopt rules as~~
7 ~~necessary to implement this Section. The rules shall include,~~
8 ~~but not be limited to, provisions for the scope and operation~~
9 ~~of any system the Attorney General may establish and~~
10 ~~procedures, requirements, and standards for entering into~~
11 ~~agreements to participate in the system and to receive~~
12 ~~equipment, software, or training.~~

13 (g) There is established in the Office of the Attorney
14 General a Crime Victim and Witness Notification Advisory
15 Committee consisting of those victims advocates, sheriffs,
16 State's Attorneys, circuit court clerks, Illinois Department
17 of Corrections, the Department of Juvenile Justice, and
18 Prisoner Review Board employees that the Attorney General
19 chooses to appoint. The Attorney General shall designate one
20 member to chair the Committee.

21 (1) The Committee shall consult with and advise the
22 Attorney General as to the exercise of the Attorney
23 General's authority under this Section, including, but not
24 limited to:

25 (i) the design, scope, and operation of the
26 notification system;

1 (ii) the content of any rules adopted to implement
2 this Section;

3 (iii) the procurement of hardware, software, and
4 support for the system, including choice of supplier or
5 operator; and

6 (iv) the acceptance of agreements with and the
7 award of equipment, software, or training to officials
8 that seek to participate in the system.

9 (2) The Committee shall review the status and operation
10 of the system and report any findings and recommendations
11 for changes to the Attorney General and the General
12 Assembly by November 1 of each year.

13 (3) The members of the Committee shall receive no
14 compensation for their services as members of the
15 Committee, but may be reimbursed for their actual expenses
16 incurred in serving on the Committee.

17 (h) The Attorney General shall not release the names,
18 addresses, phone numbers, personal identification numbers, or
19 email addresses of any person registered to receive
20 notifications to any other person except State or local
21 officials using the notification system to satisfy the
22 official's obligation to provide the information. The Attorney
23 General may grant limited access to the Automated Victim
24 Notification system (AVN) to law enforcement, prosecution, and
25 other agencies that provide service to victims of violent crime
26 to assist victims in enrolling and utilizing the AVN system.

1 (Source: P.A. 98-717, eff. 1-1-15.)

2 (725 ILCS 120/9) (from Ch. 38, par. 1408)

3 Sec. 9. This Act does not limit any rights or
4 responsibilities otherwise enjoyed by or imposed upon victims
5 or witnesses of violent crime, nor does it grant any person a
6 cause of action in equity or at law for compensation for
7 damages or attorneys fees. Any act of omission or commission by
8 any law enforcement officer, circuit court clerk, or State's
9 Attorney, by the Attorney General, Prisoner Review Board,
10 Department of Corrections, the Department of Juvenile Justice,
11 Department of Human Services, or other State agency, or private
12 entity under contract pursuant to Section 8, or by any employee
13 of any State agency or private entity under contract pursuant
14 to Section 8 acting in good faith in rendering crime victim's
15 assistance or otherwise enforcing this Act shall not impose
16 civil liability upon the individual or entity or his or her
17 supervisor or employer. Nothing in this Act shall create a
18 basis for vacating a conviction or a ground for ~~appellate~~
19 relief requested by the defendant in any criminal case. ~~Failure~~
20 ~~of the crime victim to receive notice as required, however,~~
21 ~~shall not deprive the court of the power to act regarding the~~
22 ~~proceeding before it; nor shall any such failure grant the~~
23 ~~defendant the right to seek a continuance.~~

24 (Source: P.A. 93-258, eff. 1-1-04; 94-696, eff. 6-1-06.)

1 Section 10. The Unified Code of Corrections is amended by
2 changing Section 5-3-4 as follows:

3 (730 ILCS 5/5-3-4) (from Ch. 38, par. 1005-3-4)

4 Sec. 5-3-4. Disclosure of Reports.

5 (a) Any report made pursuant to this Article or Section
6 5-705 of the Juvenile Court Act of 1987 shall be filed of
7 record with the court in a sealed envelope.

8 (b) Presentence reports shall be open for inspection only
9 as follows:

10 (1) to the sentencing court;

11 (2) to the state's attorney and the defendant's
12 attorney at least 3 days prior to the imposition of
13 sentence, unless such 3 day requirement is waived;

14 (3) to an appellate court in which the conviction or
15 sentence is subject to review;

16 (4) to any department, agency or institution to which
17 the defendant is committed;

18 (5) to any probation department of whom courtesy
19 probation is requested;

20 (6) to any probation department assigned by a court of
21 lawful jurisdiction to conduct a presentence report;

22 (6.5) to the victim of a crime under paragraph (13) of
23 subsection (c-5) of Section 4.5 of the Rights of Crime
24 Victims and Witnesses Act;

25 (7) to any other person only as ordered by the court;

1 and

2 (8) to any mental health professional on behalf of the
3 Illinois Department of Corrections or the Department of
4 Human Services or to a prosecutor who is evaluating or
5 investigating a potential or actual petition brought under
6 the Sexually Violent Persons Commitment Act relating to a
7 person who is the subject of a presentence report or the
8 respondent to a petition brought under the Sexually Violent
9 Persons Commitment Act who is the subject of the
10 presentence report sought. Any records and any information
11 obtained from those records under this paragraph (8) may be
12 used only in sexually violent persons commitment
13 proceedings.

14 (c) Presentence reports shall be filed of record with the
15 court within 60 days of a verdict or finding of guilty for any
16 offense involving an illegal sexual act perpetrated upon a
17 victim, including but not limited to offenses for violations of
18 Article 12 of the Criminal Code of 1961 or the Criminal Code of
19 2012, or any offense determined by the court or the probation
20 department to be sexually motivated, as defined in the Sex
21 Offender Management Board Act.

22 (d) A complaint, information or indictment shall not be
23 quashed or dismissed nor shall any person in custody for an
24 offense be discharged from custody because of noncompliance
25 with subsection (c) of this Section.

26 (Source: P.A. 97-1150, eff. 1-25-13.)

1 Section 99. Effective date. This Act takes effect upon
2 becoming law.