



Rep. Lou Lang

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LRB099 04980 MRW 34276 a

1 AMENDMENT TO HOUSE BILL 1121

2 AMENDMENT NO. _____. Amend House Bill 1121 by replacing
3 everything after the enacting clause with the following:

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

1 and appellate courts, to establish procedures for enforcement
2 of those rights, and to increase the effectiveness of the
3 criminal justice system by affording certain basic rights and
4 considerations to the witnesses of ~~violent~~ crime who are
5 essential to prosecution.

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

7 (725 ILCS 120/3) (from Ch. 38, par. 1403)

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

10 (a) "Crime victim" or "victim" means: (1) any natural
11 person determined by the prosecutor or the court to have
12 suffered direct physical or psychological harm as a result of a
13 violent crime perpetrated or attempted against that person or
14 direct physical or psychological harm as a result of (i) a
15 violation of Section 11-501 of the Illinois Vehicle Code or
16 similar provision of a local ordinance or (ii) a violation of
17 Section 9-3 of the Criminal Code of 1961 or the Criminal Code
18 of 2012; (2) in the case of a crime victim who is under 18 years
19 of age or an adult victim who is incompetent or incapacitated,
20 both parents, legal guardians, foster parents, or a single
21 adult representative; (3) in the case of an adult deceased
22 victim, 2 representatives who may be the spouse, parent, child
23 or sibling of the victim, or the representative of the victim's
24 estate; and (4) an immediate family member of a victim under
25 clause (1) of this paragraph (a) chosen by the victim. If the

1 victim is 18 years of age or over, the victim may choose any
2 person to be the victim's representative. In no event shall the
3 defendant or any person who aided and abetted in the commission
4 of the crime be considered a victim, a crime victim, or a
5 representative of the victim.

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

1 ~~parents, legal guardians, foster parents, or a single adult~~
2 ~~representative of a minor or disabled person who is a crime~~
3 ~~victim.~~

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

8 (a-5) "Confer" means to consult together, share
9 information, compare opinions and carry on a discussion or
10 deliberation.

11 (a-7) "Sentence" includes, but is not limited to, the
12 imposition of sentence, a request for a reduction in sentence,
13 parole, mandatory supervised release, aftercare release, early
14 release, clemency, or a proposal that would reduce the
15 defendant's sentence or result in the defendant's release.
16 "Early release" refers to a discretionary release.

17 (a-9) "Sentencing" includes, but is not limited to, the
18 imposition of sentence and a request for a reduction in
19 sentence, parole, mandatory supervised release, aftercare
20 release, or early release.

21 (b) "Witness" means any person who personally observed the
22 commission of a ~~violent~~ crime and who will testify on behalf of
23 the State of Illinois ~~in the criminal prosecution of the~~
24 ~~violent crime.~~

25 (c) "Violent Crime" means: (1) any felony in which force or
26 threat of force was used against the victim; (2) ~~or~~ any

1 offense involving sexual exploitation, sexual conduct or
2 sexual penetration; (3) ~~or~~ a violation of Section 11-20.1,
3 11-20.1B, ~~or~~ 11-20.3, or 11-23.5 of the Criminal Code of 1961
4 or the Criminal Code of 2012; (4) ~~or~~ domestic battery, stalking;
5 (5) ~~or~~ violation of an order of protection, ~~stalking~~, a civil no
6 contact order, or a stalking no contact order; (6) ~~or~~ any
7 misdemeanor which results in death or great bodily harm to the
8 victim; or (7) any violation of Section 9-3 of the Criminal
9 Code of 1961 or the Criminal Code of 2012, or Section 11-501 of
10 the Illinois Vehicle Code, or a similar provision of a local
11 ordinance, if the violation resulted in personal injury or
12 death. "Violent crime" ~~and~~ includes any action committed by a
13 juvenile that would be a violent crime if committed by an
14 adult. For the purposes of this paragraph, "personal injury"
15 shall include any Type A injury as indicated on the traffic
16 accident report completed by a law enforcement officer that
17 requires immediate professional attention in either a doctor's
18 office or medical facility. A type A injury shall include
19 severely bleeding wounds, distorted extremities, and injuries
20 that require the injured party to be carried from the scene.

21 (d) (Blank). ~~"Sentencing Hearing" means any hearing where a~~
22 ~~sentence is imposed by the court on a convicted defendant and~~
23 ~~includes hearings conducted pursuant to Sections 5-6-4,~~
24 ~~5-6-4.1, 5-7-2 and 5-7-7 of the Unified Code of Corrections.~~

25 (e) "Court proceedings" includes, but is not limited to,
26 the preliminary hearing, any post-arraignment hearing the

1 effect of which may be the release of the defendant from
2 custody or to alter the conditions of bond, change of plea
3 hearing, the trial, any pretrial or post-trial hearing,
4 sentencing hearing, notice of appeal, any oral argument or
5 hearing before an Illinois appellate court, any hearing under
6 the Mental Health and Developmental Disabilities Code after a
7 finding that the defendant is not guilty by reason of insanity,
8 any hearing related to a modification of sentence, probation
9 revocation hearing ~~hearings,~~ aftercare release or parole
10 hearings, post-conviction relief proceedings, habeas corpus
11 proceedings and clemency proceedings related to the
12 defendant's conviction or sentence. For purposes of the
13 victim's right to be present, "court proceedings" does not
14 include (1) hearings under Section 109-1 of the Code of
15 Criminal Procedure of 1963, (2) grand jury proceedings, (3)
16 status hearings, or (4) the issuance of an order or decision of
17 an Illinois court that dismisses a charge, reverses a
18 conviction, reduces a sentence, or releases an offender under a
19 court rule.

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

23 (g) "Victim's attorney" means an attorney retained by the
24 victim for the purposes of asserting the victim's
25 constitutional and statutory rights. An attorney retained by
26 the victim means an attorney who is hired to represent the

1 victim at the victim's expense or an attorney who has agreed to
2 provide pro bono representation. Nothing in this statute
3 creates a right to counsel at public expense for a victim.

4 (Source: P.A. 97-572, eff. 1-1-12; 97-1150, eff. 1-25-13;
5 98-558, eff. 1-1-14.)

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

7 Sec. 4. Rights of crime victims.

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

9 (1) The right to be treated with fairness and respect
10 for their dignity and privacy and to be free from
11 harassment, intimidation, and abuse throughout the
12 criminal justice process.

13 (1.5) The right to notice and to a hearing before a
14 court ruling on a request for access to any of the victim's
15 records, information, or communications which are
16 privileged or confidential by law.

17 (2) The right to timely notification of all court
18 proceedings.

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

20 (4) The right to be heard at any post-arraignment court
21 proceeding in which a right of the victim is at issue and
22 any court proceeding involving a post-arraignment release
23 decision, plea, or ~~make a statement to the court at~~
24 sentencing.

25 (5) The right to be notified of ~~information about~~ the

1 conviction, the sentence, the imprisonment and the release
2 of the accused.

3 (6) The right to the timely disposition of the case
4 following the arrest of the accused.

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

7 (7.5) The right to have the safety of the victim and
8 the victim's family considered in denying or fixing the
9 amount of bail, determining whether to release the
10 defendant, and setting conditions of release after arrest
11 and conviction.

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

17 (9) The ~~the~~ right to have present at all court
18 proceedings, including proceedings under the Juvenile
19 Court Act of 1987, ~~subject to the admonition of the rules~~
20 ~~of confidentiality and~~ subject to the rules of evidence, ~~a~~
21 ~~victim-witness specialist,~~ an advocate and ~~or~~ other
22 support person of the victim's choice.

23 (10) The right to restitution.

24 (b) Any law enforcement agency that investigates an offense
25 committed in this State shall provide a crime victim with a
26 written statement and explanation of the rights of crime

1 victims under this amendatory Act of the 99th General Assembly
2 within 48 hours of law enforcement's initial contact with a
3 victim. The statement shall include information about crime
4 victim compensation, including how to contact the Office of the
5 Illinois Attorney General to file a claim, and appropriate
6 referrals to local and State programs that provide victim
7 services. The content of the statement shall be provided to law
8 enforcement by the Attorney General. Law enforcement shall also
9 provide a crime victim with a sign-off sheet that the victim
10 shall sign and date as an acknowledgement that he or she has
11 been furnished with information and an explanation of the
12 rights of crime victims and compensation set forth in this Act.

13 (c) The Clerk of the Circuit Court shall post the rights of
14 crime victims set forth in Article I, Section 8.1(a) of the
15 Illinois Constitution and subsection (a) of this Section within
16 3 feet of the door to any courtroom where criminal proceedings
17 are conducted. The clerk may also post the rights in other
18 locations in the courthouse.

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

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

1 Sec. 4.5. Procedures to implement the rights of crime
2 victims. To afford crime victims their rights, law enforcement,
3 prosecutors, judges and corrections will provide information,
4 as appropriate of the following procedures:

5 (a) At the request of the crime victim, law enforcement
6 authorities investigating the case shall provide notice of the
7 status of the investigation, except where the State's Attorney
8 determines that disclosure of such information would
9 unreasonably interfere with the investigation, until such time
10 as the alleged assailant is apprehended or the investigation is
11 closed.

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

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

18 (1) shall provide notice of the filing of an
19 information, the return of an indictment ~~by which a~~
20 ~~prosecution for any violent crime is commenced~~, or the
21 filing of a petition to adjudicate a minor as a delinquent
22 for a violent crime;

23 (2) shall provide timely notice of the date, time, and
24 place of court proceedings; of any change in the date,
25 time, and place of court proceedings; and of any
26 cancellation of court proceedings. Notice shall be

1 provided in sufficient time, wherever possible, for the
2 victim to make arrangements to attend or to prevent an
3 unnecessary appearance at court proceedings ~~trial~~;

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

8 (3.5) or victim advocate personnel shall provide
9 information about available victim services, including
10 referrals to programs, counselors, and agencies that
11 assist a victim to deal with trauma, loss, and grief;

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

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

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

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

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

13 (8.5) shall inform the victim of the right to be
14 present at all court proceedings, unless the victim is to
15 testify and the court determines that the victim's
16 testimony would be materially affected if the victim hears
17 other testimony at trial;

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

22 (9.3) shall inform the victim of the right to retain an
23 attorney, at the victim's own expense, who, upon written
24 notice filed with the clerk of the court and State's
25 Attorney, is to receive copies of all notices, motions and
26 court orders filed thereafter in the case, in the same

1 manner as if the victim were a named party in the case;

2 (9.5) shall inform the victim of (A) the victim's right
3 under Section 6 of this Act to make a victim impact
4 statement at the sentencing hearing; (B) the right of the
5 victim's spouse, guardian, parent, grandparent and other
6 immediate family and household members under Section 6 of
7 this Act to present an impact statement at sentencing; and
8 (C) if a presentence report is to be prepared, the right of
9 the victim's spouse, guardian, parent, grandparent and
10 other immediate family and household members to submit
11 information to the preparer of the presentence report about
12 the effect the offense has had on the victim and the
13 person;

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

21 (11) shall request restitution at sentencing and as
22 part of a plea agreement if the victim requests restitution
23 ~~shall consider restitution in any plea negotiation, as~~
24 ~~provided by law; and~~

25 (12) shall, upon the court entering a verdict of not
26 guilty by reason of insanity, inform the victim of the

1 notification services available from the Department of
2 Human Services, including the statewide telephone number,
3 under subparagraph (d) (2) of this Section;;

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

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

14 (13) shall ~~(2)~~ provide notice within a reasonable time
15 after receipt of notice from the custodian, of the release
16 of the defendant on bail or personal recognizance or the
17 release from detention of a minor who has been detained ~~for~~
18 ~~a violent crime;~~

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

23 (15) shall make all reasonable efforts to ~~(4) where~~
24 ~~practical,~~ consult with the crime victim before the Office
25 of the State's Attorney makes an offer of a plea bargain to
26 the defendant or enters into negotiations with the

1 defendant concerning a possible plea agreement, and shall
2 consider the written victim impact statement, if prepared
3 prior to entering into a plea agreement. The right to
4 consult with the prosecutor does not include the right to
5 veto a plea agreement or to insist the case go to trial. If
6 the State's Attorney has not consulted with the victim
7 prior to making an offer or entering into plea negotiations
8 with the defendant, the Office of the State's Attorney
9 shall notify the victim of the offer or the negotiations
10 within 2 business days and confer with the victim;

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

15 (17) shall ~~(6)~~ provide notice of any appeal taken by
16 the defendant and information on how to contact the
17 appropriate agency handling the appeal, and how to request
18 notice of any hearing, oral argument, or decision of an
19 appellate court;

20 (18) shall ~~(7)~~ provide timely notice of any request for
21 post-conviction review filed by the defendant under
22 Article 122 of the Code of Criminal Procedure of 1963, and
23 of the date, time and place of any hearing concerning the
24 petition. Whenever possible, notice of the hearing shall be
25 given within 48 hours of the of the court's scheduling of
26 the hearing; and in advance;

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

6 (c) The court shall ensure that the rights of the victim
7 are afforded.

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

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

22 (2) Victim's retained attorney. A victim's attorney
23 shall file an entry of appearance limited to assertion of
24 the victim's rights. Upon the filing of the entry of
25 appearance and service on the State's Attorney and the
26 defendant, the attorney is to receive copies of all

1 notices, motions and court orders filed thereafter in the
2 case.

3 (3) Standing. The victim has standing to assert the
4 rights enumerated in subsection (a) of Article I, Section
5 8.1 of the Illinois Constitution and the statutory rights
6 under Section 4 of this Act in any court exercising
7 jurisdiction over the criminal case. The prosecuting
8 attorney, a victim, or the victim's retained attorney may
9 assert the victim's rights. The defendant in the criminal
10 case has no standing to assert a right of the victim in any
11 court proceeding, including on appeal.

12 (4) Assertion of and enforcement of rights.

13 (A) The prosecuting attorney shall assert a
14 victim's right or request enforcement of a right by
15 filing a motion or by orally asserting the right or
16 requesting enforcement in open court in the criminal
17 case outside the presence of the jury. The prosecuting
18 attorney shall consult with the victim and the victim's
19 attorney regarding the assertion or enforcement of a
20 right. If the prosecuting attorney decides not to
21 assert or enforce a victim's right, the prosecuting
22 attorney shall notify the victim or the victim's
23 attorney in sufficient time to allow the victim or the
24 victim's attorney to assert the right or to seek
25 enforcement of a right.

26 (B) If the prosecuting attorney elects not to

1 assert a victim's right or to seek enforcement of a
2 right, the victim or the victim's attorney may assert
3 the victim's right or request enforcement of a right by
4 filing a motion or by orally asserting the right or
5 requesting enforcement in open court in the criminal
6 case outside the presence of the jury.

7 (C) If the prosecuting attorney asserts a victim's
8 right or seeks enforcement of a right, and the court
9 denies the assertion of the right or denies the request
10 for enforcement of a right, the victim or victim's
11 attorney may file a motion to assert the victim's right
12 or to request enforcement of the right within 10 days
13 of the court's ruling. The motion need not demonstrate
14 the grounds for a motion for reconsideration. The court
15 shall rule on the merits of the motion.

16 (D) The court shall take up and decide any motion
17 or request asserting or seeking enforcement of a
18 victim's right without delay, unless a specific time
19 period is specified by law or court rule. The reasons
20 for any decision denying the motion or request shall be
21 clearly stated on the record.

22 (5) Violation of rights and remedies.

23 (A) If the court determines that a victim's right
24 has been violated, the court shall determine the
25 appropriate remedy for the violation of the victim's
26 right by hearing from the victim and the parties,

1 considering all factors relevant to the issue, and then
2 awarding appropriate relief to the victim.

3 (B) The appropriate remedy shall include only
4 actions necessary to provide the victim the right to
5 which the victim was entitled and may include reopening
6 previously held proceedings; however, in no event
7 shall the court vacate a conviction. Any remedy shall
8 be tailored to provide the victim an appropriate remedy
9 without violating any constitutional right of the
10 defendant. In no event shall the appropriate remedy be
11 a new trial, damages, or costs.

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

15 (7) Right to attend trial. A party must file a written
16 motion to exclude a victim from trial at least 60 days
17 prior to the date set for trial. The motion must state with
18 specificity the reason exclusion is necessary to protect a
19 constitutional right of the party, and must contain an
20 offer of proof. The court shall rule on the motion within
21 30 days. If the motion is granted, the court shall set
22 forth on the record the facts that support its finding that
23 the victim's testimony will be materially affected if the
24 victim hears other testimony at trial.

25 (8) Right to have advocate present. A party who intends
26 to call an advocate as a witness must seek permission of

1 the court before the subpoena is issued. The party must
2 file a written motion and offer of proof regarding the
3 anticipated testimony of the advocate in sufficient time to
4 allow the court to rule and the victim to seek appellate
5 review. The court shall rule on the motion without delay.

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

1 of copies of any portion of the records to the prosecuting
2 attorney does not make the records subject to discovery.

3 (10) Right to notice of court proceedings. If the
4 victim is not present at a court proceeding in which a
5 right of the victim is at issue, the court shall ask the
6 prosecuting attorney whether the victim was notified of the
7 time, place, and purpose of the court proceeding and that
8 the victim had a right to be heard at the court proceeding.
9 If the court determines that timely notice was not given or
10 that the victim was not adequately informed of the nature
11 of the court proceeding, the court shall not rule on any
12 substantive issues, accept a plea, or impose a sentence and
13 shall continue the hearing for the time necessary to notify
14 the victim of the time, place and nature of the court
15 proceeding. The time between court proceedings shall not be
16 attributable to the State under Section 103-5 of the Code
17 of Criminal Procedure of 1963.

18 (11) Right to timely disposition of the case. A victim
19 has the right to timely disposition of the case so as to
20 minimize the stress, cost, and inconvenience resulting
21 from the victim's involvement in the case. Before ruling on
22 a motion to continue trial or other court proceeding, the
23 court shall inquire into the circumstances for the request
24 for the delay and, if the victim has provided written
25 notice of the assertion of the right to a timely
26 disposition, and whether the victim objects to the delay.

1 If the victim objects, the prosecutor shall inform the
2 court of the victim's objections. If the prosecutor has not
3 conferred with the victim about the continuance, the
4 prosecutor shall inform the court of the attempts to
5 confer. If the court finds the attempts of the prosecutor
6 to confer with the victim were inadequate to protect the
7 victim's right to be heard, the court shall give the
8 prosecutor at least 3 but not more than 5 business days to
9 confer with the victim. In ruling on a motion to continue,
10 the court shall consider the reasons for the requested
11 continuance, the number and length of continuances that
12 have been granted, the victim's objections and procedures
13 to avoid further delays. If a continuance is granted over
14 the victim's objection, the court shall specify on the
15 record the reasons for the continuance and the procedures
16 that have been or will be taken to avoid further delays.

17 (12) Right to Restitution.

18 (A) If the victim has asserted the right to
19 restitution and the amount of restitution is known at
20 the time of sentencing, the court shall enter the
21 judgment of restitution at the time of sentencing.

22 (B) If the victim has asserted the right to
23 restitution and the amount of restitution is not known
24 at the time of sentencing, the prosecutor shall, within
25 5 days after sentencing, notify the victim what
26 information and documentation related to restitution

1 is needed and that the information and documentation
2 must be provided to the prosecutor within 45 days after
3 sentencing. Failure to timely provide information and
4 documentation related to restitution shall be deemed a
5 waiver of the right to restitution. The prosecutor
6 shall file and serve within 60 days after sentencing a
7 proposed judgment for restitution and a notice that
8 includes information concerning the identity of any
9 victims or other persons seeking restitution, whether
10 any victim or other person expressly declines
11 restitution, the nature and amount of any damages
12 together with any supporting documentation, a
13 restitution amount recommendation, and the names of
14 any co-defendants and their case numbers. Within 30
15 days after receipt of the proposed judgment for
16 restitution, the defendant shall file any objection to
17 the proposed judgment, a statement of grounds for the
18 objection, and a financial statement. If the defendant
19 does not file an objection, the court may enter the
20 judgment for restitution without further proceedings.
21 If the defendant files an objection and either party
22 requests a hearing, the court shall schedule a hearing.
23 (13) Access to presentence reports.

24 (A) The victim may request a copy of the
25 presentence report prepared under the Unified Code of
26 Corrections from the State's Attorney. The State's

1 Attorney shall redact the following information before
2 providing a copy of the report:

3 (i) the defendant's mental history and
4 condition;

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

7 (iii) the name, address, phone number, and
8 other personal information about any other victim.

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

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

16 (D) The State's Attorney must advise the victim
17 that the victim must maintain the confidentiality of
18 the report and other information. Any dissemination of
19 the report or information that was not stated at a
20 court proceeding constitutes indirect criminal
21 contempt of court.

22 (14) Appellate relief. If the trial court denies the
23 relief requested, the victim, the victim's attorney or the
24 prosecuting attorney may file an appeal within 30 days of
25 the trial court's ruling. The trial or appellate court may
26 stay the court proceedings if the court finds that a stay

1 would not violate a constitutional right of the defendant.
2 If the appellate court denies the relief sought, the
3 reasons for the denial shall be clearly stated in a written
4 opinion. In any appeal in a criminal case, the State may
5 assert as error the court's denial of any crime victim's
6 right in the proceeding to which the appeal relates.

7 (15) Limitation on appellate relief. In no case shall
8 an appellate court provide a new trial to remedy the
9 violation of a victim's right.

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

1 once of the times and dates of release of a prisoner sentenced
2 to periodic imprisonment. Notification shall be based on the
3 most recent information as to victim's or other concerned
4 citizen's residence or other location available to the
5 notifying authority.

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

20 (3) In the event of an escape from State custody, the
21 Department of Corrections or the Department of Juvenile Justice
22 immediately shall notify the Prisoner Review Board of the
23 escape and the Prisoner Review Board shall notify the victim.
24 The notification shall be based upon the most recent
25 information as to the victim's residence or other location
26 available to the Board. When no such information is available,

1 the Board shall make all reasonable efforts to obtain the
2 information and make the notification. When the escapee is
3 apprehended, the Department of Corrections or the Department of
4 Juvenile Justice immediately shall notify the Prisoner Review
5 Board and the Board shall notify the victim.

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

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

25 (6) At the written or oral request of the victim of the
26 crime for which the prisoner was sentenced or the State's

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

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

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

1 adjudicated a delinquent for a sex offense from State custody
2 and by the sheriff of the appropriate county of any such
3 person's final discharge from county custody. The notification
4 shall be made to the victim at least 30 days, whenever
5 possible, before release of the sex offender.

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

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

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

1 Sec. 6. Right to be heard at sentencing ~~Rights to present~~
2 ~~victim impact statement.~~

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

1 ~~upon them and the victim. The court has discretion to determine~~
2 ~~the number of oral presentations of victim impact statements.~~
3 ~~Any impact statement must have been prepared in writing in~~
4 ~~conjunction with the Office of the State's Attorney prior to~~
5 ~~the initial hearing or sentencing, before it can be presented~~
6 ~~orally or in writing at the sentencing hearing. In conjunction~~
7 ~~with the Office of the State's Attorney, a victim impact~~
8 ~~statement that is presented orally may be done so by the victim~~
9 ~~or the victim's spouse, guardian, parent, grandparent, or other~~
10 ~~immediate family or household member or his, her, or their~~
11 ~~representative. At the sentencing hearing, the prosecution may~~
12 ~~introduce that evidence either in its case in chief or in~~
13 ~~rebuttal.~~ The court shall consider any impact statement
14 presented ~~admitted~~ along with all other appropriate factors in
15 determining the sentence of the defendant or disposition of
16 such juvenile.

17 (a-1) In any case where a defendant has been convicted of a
18 violation of any statute, ordinance, or regulation relating to
19 the operation or use of motor vehicles, the use of streets and
20 highways by pedestrians or the operation of any other wheeled
21 or tracked vehicle, except parking violations, if the violation
22 resulted in great bodily harm or death, the person who suffered
23 great bodily harm, the injured person's representative, or the
24 representative of a deceased person shall be entitled to notice
25 of the sentencing hearing. "Representative" includes the
26 spouse, guardian, grandparent, or other immediate family or

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

25 (a-5) A crime victim shall be allowed to present an oral
26 and written victim impact statement at ~~In any case where a~~

1 ~~defendant has been found not guilty by reason of insanity of a~~
2 ~~violent crime and a hearing has been ordered by the court under~~
3 the Mental Health and Developmental Disabilities Code to
4 determine if the defendant is: (1) in need of mental health
5 services on an inpatient basis; (2) in need of mental health
6 services on an outpatient basis; or (3) not in need of mental
7 health services. The court shall allow a victim to make an oral
8 impact statement if the victim is present in the courtroom and
9 requests to make an oral statement. An oral statement includes
10 the victim or a representative of the victim reading the
11 written impact statement. The court may allow persons impacted
12 by the crime who are not victims under subsection (a) of
13 Section 3 of this Act, to present an oral or written statement.
14 A victim and any person making an oral statement shall not be
15 put under oath or subject to cross-examination. ~~and a victim of~~
16 ~~the violent crime or the victim's spouse, guardian, parent,~~
17 ~~grandparent, or other immediate family or household member is~~
18 ~~present in the courtroom at the time of the initial commitment~~
19 ~~hearing, the victim or his or her representative shall have the~~
20 ~~right and the victim's spouse, guardian, parent, grandparent,~~
21 ~~and other immediate family or household members upon their~~
22 ~~request may be permitted by the court to address the court~~
23 ~~regarding the impact that the defendant's criminal conduct has~~
24 ~~had upon them and the victim. The court has discretion to~~
25 ~~determine the number of oral presentations of victim impact~~
26 ~~statements. Any impact statement must have been prepared in~~

1 ~~writing in conjunction with the Office of the State's Attorney~~
2 ~~prior to the initial commitment hearing, before it may be~~
3 ~~presented orally or in writing at the commitment hearing. In~~
4 ~~conjunction with the Office of the State's Attorney, a victim~~
5 ~~impact statement that is presented orally may be presented so~~
6 ~~by the victim or the victim's spouse, guardian, parent,~~
7 ~~grandparent, or other immediate family or household member or~~
8 ~~his or her representative. At the initial commitment hearing,~~
9 ~~the State's Attorney may introduce the statement either in its~~
10 ~~ease in chief or in rebuttal.~~ The court may only consider the
11 impact statement along with all other appropriate factors in
12 determining the: (1) threat of serious physical harm poised by
13 the respondent to himself or herself, or to another person; (2)
14 location of inpatient or outpatient mental health services
15 ordered by the court, but only after complying with all other
16 applicable administrative, rule, and statutory requirements;
17 (3) maximum period of commitment for inpatient mental health
18 services; and (4) conditions of release for outpatient mental
19 health services ordered by the court.

20 (b) The crime victim has the right to prepare a victim
21 impact statement and present it to the Office of the State's
22 Attorney at any time during the proceedings. Any written victim
23 impact statement submitted to the Office of the State's
24 Attorney shall be considered by the court during its
25 consideration of aggravation and mitigation in plea
26 proceedings under Supreme Court Rule 402.

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

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

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

8 Sec. 7. Responsibilities of victims and witnesses. Victims
9 and witnesses shall have the following responsibilities to aid
10 in the prosecution of violent crime and to ensure that their
11 constitutional rights are enforced:

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

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

15 (c) To testify at trial;

16 (c-5) to timely provide information and documentation to
17 the prosecuting attorney that is related to the assertion of
18 their rights.

19 (d) To notify law enforcement authorities and the
20 prosecuting attorney of any change of contact information,
21 including but not limited to, changes of address and contact
22 information, including but not limited to changes of address,
23 telephone number, and email address. Law enforcement
24 authorities and the prosecuting attorney shall maintain the
25 confidentiality of this information. A court may find that the

1 failure to notify the prosecuting attorney of any change in
2 contact information constitutes waiver of a right ~~of any change~~
3 ~~of address.~~

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

5 (725 ILCS 120/8.5)

6 Sec. 8.5. Statewide victim and witness notification
7 system.

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

19 (b) The Illinois Department of Corrections, the Department
20 of Juvenile Justice, the Department of Human Services, and the
21 Prisoner Review Board shall cooperate with the Attorney General
22 in the implementation of this Section and shall provide
23 information as necessary to the effective operation of the
24 system.

25 (c) State's attorneys, circuit court clerks, and local law

1 enforcement and correctional authorities may enter into
2 agreements with the Attorney General for participation in the
3 system. The Attorney General may provide those who elect to
4 participate with the equipment, software, or training
5 necessary to bring their offices into the system.

6 (d) The provision of information to crime victims and
7 witnesses through the Attorney General's notification system
8 satisfies a given State or local official's corresponding
9 obligation to provide the information.

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

13 (f) (Blank). ~~The Attorney General shall adopt rules as~~
14 ~~necessary to implement this Section. The rules shall include,~~
15 ~~but not be limited to, provisions for the scope and operation~~
16 ~~of any system the Attorney General may establish and~~
17 ~~procedures, requirements, and standards for entering into~~
18 ~~agreements to participate in the system and to receive~~
19 ~~equipment, software, or training.~~

20 (g) There is established in the Office of the Attorney
21 General a Crime Victim and Witness Notification Advisory
22 Committee consisting of those victims advocates, sheriffs,
23 State's Attorneys, circuit court clerks, Illinois Department
24 of Corrections, the Department of Juvenile Justice, and
25 Prisoner Review Board employees that the Attorney General
26 chooses to appoint. The Attorney General shall designate one

1 member to chair the Committee.

2 (1) The Committee shall consult with and advise the
3 Attorney General as to the exercise of the Attorney
4 General's authority under this Section, including, but not
5 limited to:

6 (i) the design, scope, and operation of the
7 notification system;

8 (ii) the content of any rules adopted to implement
9 this Section;

10 (iii) the procurement of hardware, software, and
11 support for the system, including choice of supplier or
12 operator; and

13 (iv) the acceptance of agreements with and the
14 award of equipment, software, or training to officials
15 that seek to participate in the system.

16 (2) The Committee shall review the status and operation
17 of the system and report any findings and recommendations
18 for changes to the Attorney General and the General
19 Assembly by November 1 of each year.

20 (3) The members of the Committee shall receive no
21 compensation for their services as members of the
22 Committee, but may be reimbursed for their actual expenses
23 incurred in serving on the Committee.

24 (h) The Attorney General shall not release the names,
25 addresses, phone numbers, personal identification numbers, or
26 email addresses of any person registered to receive

1 notifications to any other person except State or local
2 officials using the notification system to satisfy the
3 official's obligation to provide the information. The Attorney
4 General may grant limited access to the Automated Victim
5 Notification system (AVN) to law enforcement, prosecution, and
6 other agencies that provide service to victims of violent crime
7 to assist victims in enrolling and utilizing the AVN system.

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

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

10 Sec. 9. This Act does not limit any rights or
11 responsibilities otherwise enjoyed by or imposed upon victims
12 or witnesses of violent crime, nor does it grant any person a
13 cause of action in equity or at law for compensation for
14 damages or attorneys fees. Any act of omission or commission by
15 any law enforcement officer, circuit court clerk, or State's
16 Attorney, by the Attorney General, Prisoner Review Board,
17 Department of Corrections, the Department of Juvenile Justice,
18 Department of Human Services, or other State agency, or private
19 entity under contract pursuant to Section 8, or by any employee
20 of any State agency or private entity under contract pursuant
21 to Section 8 acting in good faith in rendering crime victim's
22 assistance or otherwise enforcing this Act shall not impose
23 civil liability upon the individual or entity or his or her
24 supervisor or employer. Nothing in this Act shall create a
25 basis for vacating a conviction or a ground for ~~appellate~~

1 relief requested by the defendant in any criminal case. ~~Failure~~
2 ~~of the crime victim to receive notice as required, however,~~
3 ~~shall not deprive the court of the power to act regarding the~~
4 ~~proceeding before it; nor shall any such failure grant the~~
5 ~~defendant the right to seek a continuance.~~

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

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

9 (730 ILCS 5/5-3-4) (from Ch. 38, par. 1005-3-4)

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

11 (a) Any report made pursuant to this Article or Section
12 5-705 of the Juvenile Court Act of 1987 shall be filed of
13 record with the court in a sealed envelope.

14 (b) Presentence reports shall be open for inspection only
15 as follows:

16 (1) to the sentencing court;

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

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

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

24 (5) to any probation department of whom courtesy

1 probation is requested;

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

4 (6.5) to the victim of a crime under paragraph (13) of
5 subsection (c-5) of Section 4.5 of the Rights of Crime
6 Victims and Witnesses Act;

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

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

21 (c) Presentence reports shall be filed of record with the
22 court within 60 days of a verdict or finding of guilty for any
23 offense involving an illegal sexual act perpetrated upon a
24 victim, including but not limited to offenses for violations of
25 Article 12 of the Criminal Code of 1961 or the Criminal Code of
26 2012, or any offense determined by the court or the probation

1 department to be sexually motivated, as defined in the Sex
2 Offender Management Board Act.

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

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

8 Section 99. Effective date. This Act takes effect upon
9 becoming law.".