



## 99TH GENERAL ASSEMBLY

### State of Illinois

2015 and 2016

HB3896

by Rep. Norine Hammond

#### SYNOPSIS AS INTRODUCED:

725 ILCS 207/75

Amends the Sexually Violent Persons Commitment Act. Provides that the Department of Human Services shall send the notice, postmarked within one business day of the court order approving the conditional release, discharge, or any court-ordered change in the custody status of the detainee or sexually violent person, unless unusual circumstances do not permit advance written notification, or immediately if a detainee or civilly committed sexually violent person escapes or dies (rather than at least 60 days before the date the person committed under this Act is placed on conditional release, discharged, or if a detainee or civilly committed sexually violent person escapes, dies, or is subject to any court-ordered change in the custody status of the detainee or sexually violent person, unless unusual circumstances do not permit advance written notification) to the Department of Corrections or the Department of Juvenile Justice and the last-known address of the victim, an adult member of the victim's family, if the victim died as a result of the act of sexual violence, or the victim's parent or legal guardian, if the victim is younger than 18 years old. Effective immediately.

LRB099 09929 RLC 30145 b

1 AN ACT concerning criminal law.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Sexually Violent Persons Commitment Act is  
5 amended by changing Section 75 as follows:

6 (725 ILCS 207/75)

7 Sec. 75. Notice concerning conditional release, discharge,  
8 escape, death, or court-ordered change in the custody status of  
9 a detainee or civilly committed sexually violent person.

10 (a) As used in this Section, the term:

11 (1) "Act of sexual violence" means an act or attempted  
12 act that is a basis for an allegation made in a petition  
13 under paragraph (b) (1) of Section 15 of this Act.

14 (2) "Member of the family" means spouse, child,  
15 sibling, parent, or legal guardian.

16 (3) "Victim" means a person against whom an act of  
17 sexual violence has been committed.

18 (b) If the court places a civilly committed sexually  
19 violent person on conditional release under Section 40 or 60 of  
20 this Act or discharges a person under Section 65, or if a  
21 detainee or civilly committed sexually violent person escapes,  
22 dies, or is subject to any court-ordered change in custody  
23 status of the detainee or sexually violent person, the

1 Department shall make a reasonable attempt, if he or she can be  
2 found, to notify all of the following who have requested  
3 notification under this Act or under the Rights of Crime  
4 Victims and Witnesses Act:

5 (1) Whichever of the following persons is appropriate  
6 in accordance with the provisions of subsection (a) (3):

7 (A) The victim of the act of sexual violence.

8 (B) An adult member of the victim's family, if the  
9 victim died as a result of the act of sexual violence.

10 (C) The victim's parent or legal guardian, if the  
11 victim is younger than 18 years old.

12 (2) The Department of Corrections or the Department of  
13 Juvenile Justice.

14 (c) The notice under subsection (b) of this Section shall  
15 inform the Department of Corrections or the Department of  
16 Juvenile Justice and the person notified under paragraph (b) (1)  
17 of this Section of the name of the person committed under this  
18 Act and the date the person is placed on conditional release,  
19 discharged, or if a detainee or civilly committed sexually  
20 violent person escapes, dies, or is subject to any  
21 court-ordered change in the custody status of the detainee or  
22 sexually violent person. The Department shall send the notice,  
23 postmarked within one business day of the court order approving  
24 the conditional release, discharge, at least 60 days before the  
25 date the person committed under this Act is placed on  
26 conditional release, discharged, or if a detainee or civilly

1 ~~committed sexually violent person escapes, dies, or is subject~~  
2 ~~to~~ any court-ordered change in the custody status of the  
3 detainee or sexually violent person, unless unusual  
4 circumstances do not permit advance written notification, or  
5 immediately if a detainee or civilly committed sexually violent  
6 person escapes or dies, to the Department of Corrections or the  
7 Department of Juvenile Justice and the last-known address of  
8 the person notified under paragraph (b) (1) of this Section.

9 (d) The Department shall design and prepare cards for  
10 persons specified in paragraph (b) (1) of this Section to send  
11 to the Department. The cards shall have space for these persons  
12 to provide their names and addresses, the name of the person  
13 committed under this Act and any other information the  
14 Department determines is necessary. The Department shall  
15 provide the cards, without charge, to the Attorney General and  
16 State's Attorneys. The Attorney General and State's Attorneys  
17 shall provide the cards, without charge, to persons specified  
18 in paragraph (b) (1) of this Section. These persons may send  
19 completed cards to the Department. All records or portions of  
20 records of the Department that relate to mailing addresses of  
21 these persons are not subject to inspection or copying under  
22 Section 3 of the Freedom of Information Act.

23 (Source: P.A. 94-696, eff. 6-1-06; 95-896, eff. 1-1-09.)

24 Section 99. Effective date. This Act takes effect upon  
25 becoming law.