



Sen. Toi W. Hutchinson

**Filed: 5/19/2016**

09900HB5472sam001

LRB099 17592 HEP 48757 a

1 AMENDMENT TO HOUSE BILL 5472

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 5472 on page 1, by  
3 inserting immediately below line 3 the following:

4 "Section 3. The Rights of Crime Victims and Witnesses Act  
5 is amended by changing Section 3 as follows:

6 (725 ILCS 120/3) (from Ch. 38, par. 1403)

7 Sec. 3. The terms used in this Act shall have the following  
8 meanings:

9 (a) "Crime victim" or "victim" means: (1) any natural  
10 person determined by the prosecutor or the court to have  
11 suffered direct physical or psychological harm as a result of a  
12 violent crime perpetrated or attempted against that person or  
13 direct physical or psychological harm as a result of (i) a  
14 violation of Section 11-501 of the Illinois Vehicle Code or  
15 similar provision of a local ordinance or (ii) a violation of  
16 Section 9-3 of the Criminal Code of 1961 or the Criminal Code

1 of 2012; (2) in the case of a crime victim who is under 18 years  
2 of age or an adult victim who is incompetent or incapacitated,  
3 both parents, legal guardians, foster parents, or a single  
4 adult representative; (3) in the case of an adult deceased  
5 victim, 2 representatives who may be the spouse, parent, child  
6 or sibling of the victim, or the representative of the victim's  
7 estate; and (4) an immediate family member of a victim under  
8 clause (1) of this paragraph (a) chosen by the victim. If the  
9 victim is 18 years of age or over, the victim may choose any  
10 person to be the victim's representative. In no event shall the  
11 defendant or any person who aided and abetted in the commission  
12 of the crime be considered a victim, a crime victim, or a  
13 representative of the victim.

14 A board, agency, or other governmental entity making  
15 decisions regarding an offender's release, sentence reduction,  
16 or clemency can determine additional persons are victims for  
17 the purpose of its proceedings. ~~person with a disability~~

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

22 (a-5) "Confer" means to consult together, share  
23 information, compare opinions and carry on a discussion or  
24 deliberation.

25 (a-7) "Sentence" includes, but is not limited to, the  
26 imposition of sentence, a request for a reduction in sentence,

1 parole, mandatory supervised release, aftercare release, early  
2 release, clemency, or a proposal that would reduce the  
3 defendant's sentence or result in the defendant's release.  
4 "Early release" refers to a discretionary release.

5 (a-9) "Sentencing" includes, but is not limited to, the  
6 imposition of sentence and a request for a reduction in  
7 sentence, parole, mandatory supervised release, aftercare  
8 release, or early release.

9 (b) "Witness" means: any person who personally observed the  
10 commission of a crime and who will testify on behalf of the  
11 State of Illinois; or a person who will be called by the  
12 prosecution to give testimony establishing a necessary nexus  
13 between the offender and the violent crime.

14 (c) "Violent crime ~~Crime~~" means: (1) any felony in which  
15 force or threat of force was used against the victim; (2) any  
16 offense involving sexual exploitation, sexual conduct, or  
17 sexual penetration; (3) a violation of Section 11-20.1,  
18 11-20.1B, 11-20.3, or 11-23.5 of the Criminal Code of 1961 or  
19 the Criminal Code of 2012; (4) domestic battery or ~~7~~ stalking;  
20 (5) violation of an order of protection, a civil no contact  
21 order, or a stalking no contact order; (6) any misdemeanor  
22 which results in death or great bodily harm to the victim; or  
23 (7) any violation of Section 9-3 of the Criminal Code of 1961  
24 or the Criminal Code of 2012, or Section 11-501 of the Illinois  
25 Vehicle Code, or a similar provision of a local ordinance, if  
26 the violation resulted in personal injury or death. "Violent

1 crime" includes any action committed by a juvenile that would  
2 be a violent crime if committed by an adult. For the purposes  
3 of this paragraph, "personal injury" shall include any Type A  
4 injury as indicated on the traffic accident report completed by  
5 a law enforcement officer that requires immediate professional  
6 attention in either a doctor's office or medical facility. A  
7 type A injury shall include severely bleeding wounds, distorted  
8 extremities, and injuries that require the injured party to be  
9 carried from the scene.

10 (d) (Blank).

11 (e) "Court proceedings" includes, but is not limited to,  
12 the preliminary hearing, any post-arraignment hearing the  
13 effect of which may be the release of the defendant from  
14 custody or to alter the conditions of bond, change of plea  
15 hearing, the trial, any pretrial or post-trial hearing,  
16 sentencing, any oral argument or hearing before an Illinois  
17 appellate court, any hearing under the Mental Health and  
18 Developmental Disabilities Code after a finding that the  
19 defendant is not guilty by reason of insanity, any hearing  
20 related to a modification of sentence, probation revocation  
21 hearing, aftercare release or parole hearings, post-conviction  
22 relief proceedings, habeas corpus proceedings and clemency  
23 proceedings related to the defendant's conviction or sentence.  
24 For purposes of the victim's right to be present, "court  
25 proceedings" does not include (1) hearings under Section 109-1  
26 of the Code of Criminal Procedure of 1963, (2) grand jury

1 proceedings, (3) status hearings, or (4) the issuance of an  
2 order or decision of an Illinois court that dismisses a charge,  
3 reverses a conviction, reduces a sentence, or releases an  
4 offender under a court rule.

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

8 (g) "Victim's attorney" means an attorney retained by the  
9 victim for the purposes of asserting the victim's  
10 constitutional and statutory rights. An attorney retained by  
11 the victim means an attorney who is hired to represent the  
12 victim at the victim's expense or an attorney who has agreed to  
13 provide pro bono representation. Nothing in this statute  
14 creates a right to counsel at public expense for a victim.

15 (Source: P.A. 98-558, eff. 1-1-14; 99-143, eff. 7-27-15;  
16 99-413, eff. 8-20-15; revised 10-19-15.)".