



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

SB2133

Introduced 5/18/2015, by Sen. Michael Noland

SYNOPSIS AS INTRODUCED:

725 ILCS 120/4.6 new

Amends the Rights of Crime Victims and Witnesses Act. Provides that in addition to the rights enumerated in the Act, if the offense is a sexual assault, the victim, guardian of a victim, or close relative of a deceased victim is entitled to the following rights within the criminal justice system: (1) if requested, the right to a disclosure of information regarding any evidence that was collected during the investigation of the offense, unless disclosing the information would interfere with the investigation or prosecution of the offense, in which event the victim, guardian, or relative shall be informed of the estimated date on which that information is expected to be disclosed; (2) if requested, the right to a disclosure of information regarding the status of any analysis being performed of any evidence that was collected during the investigation of the offense; (3) if requested, the right to be notified of the results of the comparison of any biological evidence collected during the investigation of the offense with DNA profiles maintained in a state or federal DNA database, unless disclosing the results would interfere with the investigation or prosecution of the offense, in which event the victim, guardian, or relative shall be informed of the estimated date on which those results are expected to be disclosed; (4) if requested, the right to counseling regarding AIDS and HIV infection; (5) for the victim of the offense, testing for AIDS, HIV infection, antibodies to HIV, or infection with any other probable causative agent of AIDS; and (6) the right to a forensic medical examination if, within 96 hours of the offense, the offense is reported to a law enforcement agency or a forensic medical examination is otherwise conducted at a health care facility.

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FISCAL NOTE ACT
MAY APPLY

A BILL FOR

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 Rights of Crime Victims and Witnesses Act is
5 amended by adding Section 4.6 as follows:

6 (725 ILCS 120/4.6 new)

7 Sec. 4.6. Rights of sexual assault victims.

8 (a) In this Section, "sexual assault" means an act of
9 nonconsensual sexual conduct or sexual penetration, as defined
10 in Section 11-0.1 of the Criminal Code of 2012, including,
11 without limitation, acts prohibited under Sections 11-1.20
12 through 11-1.60 of the Criminal Code of 2012.

13 (b) In addition to the rights enumerated in Sections 4 and
14 4.5 of this Act, if the offense is a sexual assault, the
15 victim, guardian of a victim, or close relative of a deceased
16 victim is entitled to the following rights within the criminal
17 justice system:

18 (1) if requested, the right to a disclosure of
19 information regarding any evidence that was collected
20 during the investigation of the offense, unless disclosing
21 the information would interfere with the investigation or
22 prosecution of the offense, in which event the victim,
23 guardian, or relative shall be informed of the estimated

1 date on which that information is expected to be disclosed;

2 (2) if requested, the right to a disclosure of
3 information regarding the status of any analysis being
4 performed of any evidence that was collected during the
5 investigation of the offense;

6 (3) if requested, the right to be notified:

7 (A) at the time a request is submitted to a crime
8 laboratory to process and analyze any evidence that was
9 collected during the investigation of the offense;

10 (B) at the time of the submission of a request to
11 compare any biological evidence collected during the
12 investigation of the offense with DNA profiles
13 maintained in a state or federal DNA database; and

14 (C) of the results of the comparison described by
15 subparagraph (B), unless disclosing the results would
16 interfere with the investigation or prosecution of the
17 offense, in which event the victim, guardian, or
18 relative shall be informed of the estimated date on
19 which those results are expected to be disclosed;

20 (4) if requested, the right to counseling regarding
21 acquired immune deficiency syndrome (AIDS) and human
22 immunodeficiency virus (HIV) infection;

23 (5) for the victim of the offense, testing for acquired
24 immune deficiency syndrome (AIDS), human immunodeficiency
25 virus (HIV) infection, antibodies to HIV, or infection with
26 any other probable causative agent of AIDS; and

1 (6) to the extent provided by the Sexual Assault
2 Survivors Emergency Treatment Act, for the victim of the
3 offense, the right to a forensic medical examination if,
4 within 96 hours of the offense, the offense is reported to
5 a law enforcement agency or a forensic medical examination
6 is otherwise conducted at a health care facility.

7 (c) A victim, guardian, or relative who requests to be
8 notified under paragraph (3) of subsection (b) of this Section
9 must provide a current address and phone number to the State's
10 Attorney prosecuting the offense and the law enforcement agency
11 investigating the offense. The victim, guardian, or relative
12 must inform the State's Attorney and the law enforcement agency
13 of any change in the address or phone number.

14 (d) A victim, guardian, or relative may designate a person,
15 including an entity that provides services to victims of sexual
16 assault, to receive any notice requested under paragraph (3) of
17 subsection (b) of this Section.