SB2880 Engrossed

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AN ACT concerning criminal law.

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

4 Section 5. The Code of Criminal Procedure of 1963 is 5 amended by changing Section 106B-5 as follows:

6 (725 ILCS 5/106B-5)

Sec. 106B-5. Testimony by a victim who is a child or a person with a moderate, severe, or profound intellectual disability or a person affected by a developmental disability.

(a) In a proceeding in the prosecution of an offense of 10 criminal sexual assault, predatory criminal sexual assault of a 11 12 child, aggravated criminal sexual assault, criminal sexual 13 abuse, or aggravated criminal sexual abuse, aggravated 14 battery, or aggravated domestic battery, a court may order that the testimony of a victim who is a child under the age of 18 15 16 years or a person with a moderate, severe, or profound 17 intellectual disability or a person affected by a developmental disability be taken outside the courtroom and shown in the 18 19 courtroom by means of a closed circuit television if:

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(1) the testimony is taken during the proceeding; and

(2) the judge determines that testimony by the child
 victim or victim with a moderate, severe, or profound
 intellectual disability or victim affected by a

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developmental disability in the courtroom will result in 1 2 the child or person with a moderate, severe, or profound 3 intellectual disability or person affected by а developmental disability suffering serious 4 emotional 5 distress such that the child or person with a moderate, 6 severe, or profound intellectual disability or person 7 affected by a developmental disability cannot reasonably 8 communicate or that the child or person with a moderate, 9 severe, or profound intellectual disability or person 10 affected by a developmental disability will suffer severe 11 emotional distress that is likely to cause the child or 12 person with a moderate, severe, or profound intellectual 13 disability or person affected by a developmental 14 disability to suffer severe adverse effects.

(b) Only the prosecuting attorney, the attorney for the defendant, and the judge may question the child or person with a moderate, severe, or profound intellectual disability or person affected by a developmental disability.

19 (c) The operators of the closed circuit television shall20 make every effort to be unobtrusive.

(d) Only the following persons may be in the room with the child or person with a moderate, severe, or profound intellectual disability or person affected by a developmental disability when the child or person with a moderate, severe, or profound intellectual disability or person affected by a developmental disability testifies by closed circuit SB2880 Engrossed

- 1 television:
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- the prosecuting attorney;
- 3 (2) the attorney for the defendant;
- 4

(3) the judge;

5 (4) the operators of the closed circuit television 6 equipment; and

7 (5) any person or persons whose presence, in the 8 opinion of the court, contributes to the well-being of the 9 child or person with a moderate, severe, or profound 10 intellectual disability or person affected bv а developmental disability, including a person who has dealt 11 12 with the child in a therapeutic setting concerning the 13 abuse, a parent or quardian of the child or person with a moderate, severe, or profound intellectual disability or 14 15 person affected by a developmental disability, and court 16 security personnel.

(e) During the child's or person with a moderate, severe, or profound intellectual disability or person affected by a developmental disability's testimony by closed circuit television, the defendant shall be in the courtroom and shall not communicate with the jury if the cause is being heard before a jury.

(f) The defendant shall be allowed to communicate with the persons in the room where the child or person with a moderate, severe, or profound intellectual disability or person affected by a developmental disability is testifying by any appropriate SB2880 Engrossed - 4 - LRB099 18978 SLF 43367 b

1 electronic method.

2 (g) The provisions of this Section do not apply if the3 defendant represents himself pro se.

4 (h) This Section may not be interpreted to preclude, for
5 purposes of identification of a defendant, the presence of both
6 the victim and the defendant in the courtroom at the same time.

7 (i) This Section applies to prosecutions pending on or
8 commenced on or after the effective date of this amendatory Act
9 of 1994.

10 (j) For the purposes of this Section, "developmental 11 disability" includes, but is not limited to, cerebral palsy, 12 epilepsy, and autism.

13 (Source: P.A. 99-143, eff. 7-27-15.)