

HB1738



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB1738

by Rep. Michael J. Madigan

SYNOPSIS AS INTRODUCED:

725 ILCS 120/4

from Ch. 38, par. 1404

Amends the Rights of Crime Victims and Witnesses Act. Makes a technical change in a Section concerning the rights of crime victims.

LRB100 03324 SLF 13329 b

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 changing Section 4 as follows:

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

7 Sec. 4. Rights of crime victims.

8 (a) Crime victims shall have the ~~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 sentencing.

1 (5) The right to be notified of the conviction, the
2 sentence, the imprisonment and the release 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 right to have present at all court proceedings,
18 including proceedings under the Juvenile Court Act of 1987,
19 subject to the rules of evidence, an advocate and other
20 support person of the victim's choice.

21 (10) The right to restitution.

22 (b) Any law enforcement agency that investigates an offense
23 committed in this State shall provide a crime victim with a
24 written statement and explanation of the rights of crime
25 victims under this amendatory Act of the 99th General Assembly
26 within 48 hours of law enforcement's initial contact with a

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

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

17 (Source: P.A. 99-413, eff. 8-20-15.)