



Sen. Kwame Raoul

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1 AMENDMENT TO SENATE BILL 3404

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 3404 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Preventing Sexual Violence in Higher  
5 Education Act is amended by changing Section 10 as follows:

6 (110 ILCS 155/10)

7 Sec. 10. Comprehensive policy. On or before August 1, 2016,  
8 all higher education institutions shall adopt a comprehensive  
9 policy concerning sexual violence, domestic violence, dating  
10 violence, and stalking consistent with governing federal and  
11 State law. The higher education institution's comprehensive  
12 policy shall include, at a minimum, all of the following  
13 components:

14 (1) A definition of consent that, at a minimum,  
15 recognizes that (i) consent is a freely given agreement to  
16 sexual activity, (ii) a person's lack of verbal or physical

1 resistance or submission resulting from the use or threat  
2 of force does not constitute consent, (iii) a person's  
3 manner of dress does not constitute consent, (iv) a  
4 person's consent to past sexual activity does not  
5 constitute consent to future sexual activity, (v) a  
6 person's consent to engage in sexual activity with one  
7 person does not constitute consent to engage in sexual  
8 activity with another, (vi) a person can withdraw consent  
9 at any time, and (vii) a person cannot consent to sexual  
10 activity if that person is unable to understand the nature  
11 of the activity or give knowing consent due to  
12 circumstances, including without limitation the following:

13 (A) the person is incapacitated due to the use or  
14 influence of alcohol or drugs;

15 (B) the person is asleep or unconscious;

16 (C) the person is under age; or

17 (D) the person is incapacitated due to a mental  
18 disability.

19 Nothing in this Section prevents a higher education  
20 institution from defining consent in a more demanding  
21 manner.

22 (2) Procedures that students of the higher education  
23 institution may follow if they choose to report an alleged  
24 violation of the comprehensive policy, regardless of where  
25 the incident of sexual violence, domestic violence, dating  
26 violence, or stalking occurred, including all of the

1 following:

2 (A) Name and contact information for the Title IX  
3 coordinator, campus law enforcement or security, local  
4 law enforcement, and the community-based sexual  
5 assault crisis center.

6 (B) The name, title, and contact information for  
7 confidential advisors and other confidential resources  
8 and a description of what confidential reporting  
9 means.

10 (C) Information regarding the various individuals,  
11 departments, or organizations to whom a student may  
12 report a violation of the comprehensive policy,  
13 specifying for each individual and entity (i) the  
14 extent of the individual's or entity's reporting  
15 obligation, (ii) the extent of the individual's or  
16 entity's ability to protect the student's privacy, and  
17 (iii) the extent of the individual's or entity's  
18 ability to have confidential communications with the  
19 student.

20 (D) An option for students to electronically  
21 report.

22 (E) An option for students to anonymously report.

23 (F) An option for students to confidentially  
24 report.

25 (G) An option for reports by third parties and  
26 bystanders.

1           (3) The higher education institution's procedure for  
2           responding to a report of an alleged incident of sexual  
3           violence, domestic violence, dating violence, or stalking,  
4           including without limitation (i) assisting and  
5           interviewing the survivor, (ii) identifying and locating  
6           witnesses, (iii) contacting and interviewing the  
7           respondent, (iv) contacting and cooperating with law  
8           enforcement, when applicable, and (v) providing  
9           information regarding the importance of preserving  
10          physical evidence of the sexual violence and the  
11          availability of a medical forensic examination at no charge  
12          to the survivor.

13          (4) A statement of the higher education institution's  
14          obligation to provide survivors with concise information,  
15          written in plain language, concerning the survivor's  
16          rights and options, upon receiving a report of an alleged  
17          violation of the comprehensive policy, as described in  
18          Section 15 of this Act.

19          (5) The name, address, and telephone number of the  
20          medical facility nearest to each campus of the higher  
21          education institution where a survivor may have a medical  
22          forensic examination completed at no cost to the survivor,  
23          pursuant to the Sexual Assault Survivors Emergency  
24          Treatment Act.

25          (6) The name, telephone number, address, and website  
26          URL, if available, of community-based, State, and national

1 sexual assault crisis centers.

2 (7) A statement notifying survivors of the interim  
3 protective measures and accommodations reasonably  
4 available from the higher education institution that a  
5 survivor may request in response to an alleged violation of  
6 the comprehensive policy, including without limitation  
7 changes to academic, living, dining, transportation, and  
8 working situations, obtaining and enforcing campus no  
9 contact orders, and honoring an order of protection or no  
10 contact order entered by a State civil or criminal court.

11 (8) The higher education institution's complaint  
12 resolution procedures if a student alleges violation of the  
13 comprehensive violence policy, including, at a minimum,  
14 the guidelines set forth in Section 25 of this Act.

15 (9) A statement of the range of sanctions the higher  
16 education institution may impose following the  
17 implementation of its complaint resolution procedures in  
18 response to an alleged violation of the comprehensive  
19 policy. Sanctions may include, but are not limited to,  
20 suspension, expulsion, or removal of the student found,  
21 after complaint resolution procedures, to be in violation  
22 of the comprehensive policy of the higher education  
23 institution.

24 (10) A statement of the higher education institution's  
25 obligation to include an amnesty provision that provides  
26 immunity to any student who reports, in good faith, an

1 alleged violation of the higher education institution's  
2 comprehensive policy to a responsible employee, as defined  
3 by federal law, so that the reporting student will not  
4 receive a disciplinary sanction by the institution for a  
5 student conduct violation, such as underage drinking or  
6 possession or use of a controlled substance, that is  
7 revealed in the course of such a report, unless the  
8 institution determines that the violation was egregious,  
9 including without limitation an action that places the  
10 health or safety of any other person at risk.

11 (11) A statement of the higher education institution's  
12 prohibition on retaliation against those who, in good  
13 faith, report or disclose an alleged violation of the  
14 comprehensive policy, file a complaint, or otherwise  
15 participate in the complaint resolution procedure and  
16 available sanctions for individuals who engage in  
17 retaliatory conduct.

18 (Source: P.A. 99-426, eff. 8-21-15; 99-741, eff. 8-5-16.)

19 Section 10. The Liquor Control Act of 1934 is amended by  
20 changing Section 6-20 as follows:

21 (235 ILCS 5/6-20) (from Ch. 43, par. 134a)

22 Sec. 6-20. Transfer, possession, and consumption of  
23 alcoholic liquor; restrictions.

24 (a) Any person to whom the sale, gift or delivery of any

1 alcoholic liquor is prohibited because of age shall not  
2 purchase, or accept a gift of such alcoholic liquor or have  
3 such alcoholic liquor in his possession.

4 (b) If a licensee or his or her agents or employees  
5 believes or has reason to believe that a sale or delivery of  
6 any alcoholic liquor is prohibited because of the non-age of  
7 the prospective recipient, he or she shall, before making such  
8 sale or delivery demand presentation of some form of positive  
9 identification, containing proof of age, issued by a public  
10 officer in the performance of his or her official duties.

11 (c) No person shall transfer, alter, or deface such an  
12 identification card; use the identification card of another;  
13 carry or use a false or forged identification card; or obtain  
14 an identification card by means of false information.

15 (d) No person shall purchase, accept delivery or have  
16 possession of alcoholic liquor in violation of this Section.

17 (e) The consumption of alcoholic liquor by any person under  
18 21 years of age is forbidden.

19 (f) Whoever violates any provisions of this Section shall  
20 be guilty of a Class A misdemeanor.

21 (g) The possession and dispensing, or consumption by a  
22 person under 21 years of age of alcoholic liquor in the  
23 performance of a religious service or ceremony, or the  
24 consumption by a person under 21 years of age under the direct  
25 supervision and approval of the parents or parent or those  
26 persons standing in loco parentis of such person under 21 years

1 of age in the privacy of a home, is not prohibited by this Act.

2 (h) The provisions of this Act prohibiting the possession  
3 of alcoholic liquor by a person under 21 years of age and  
4 dispensing of alcoholic liquor to a person under 21 years of  
5 age do not apply in the case of a student under 21 years of age,  
6 but 18 years of age or older, who:

7 (1) tastes, but does not imbibe, alcoholic liquor only  
8 during times of a regularly scheduled course while under  
9 the direct supervision of an instructor who is at least 21  
10 years of age and employed by an educational institution  
11 described in subdivision (2);

12 (2) is enrolled as a student in a college, university,  
13 or post-secondary educational institution that is  
14 accredited or certified by an agency recognized by the  
15 United States Department of Education or a nationally  
16 recognized accrediting agency or association, or that has a  
17 permit of approval issued by the Board of Higher Education  
18 pursuant to the Private Business and Vocational Schools Act  
19 of 2012;

20 (3) is participating in a culinary arts, fermentation  
21 science, food service, or restaurant management degree  
22 program of which a portion of the program includes  
23 instruction on responsible alcoholic beverage serving  
24 methods modeled after the Beverage Alcohol Sellers and  
25 Server Education and Training (BASSET) curriculum; and

26 (4) tastes, but does not imbibe, alcoholic liquor for



1 instructional purposes up to, but not exceeding, 6 times  
2 per class as a part of a required course in which the  
3 student temporarily possesses alcoholic liquor for  
4 tasting, not imbibing, purposes only in a class setting on  
5 the campus and, thereafter, the alcoholic liquor is  
6 possessed and remains under the control of the instructor.

7 (i) A law enforcement officer may not charge or otherwise  
8 take a person into custody based solely on the commission of an  
9 offense that involves alcohol and violates subsection (d) or  
10 (e) of this Section if the law enforcement officer, after  
11 making a reasonable determination and considering the facts and  
12 surrounding circumstances, reasonably believes that all of the  
13 following apply:

14 (1) The law enforcement officer has contact with the  
15 person because that person either:

16 (A) requested emergency medical assistance for an  
17 individual who reasonably appeared to be in need of  
18 medical assistance due to alcohol consumption; or

19 (B) acted in concert with another person who  
20 requested emergency medical assistance for an  
21 individual who reasonably appeared to be in need of  
22 medical assistance due to alcohol consumption;  
23 however, the provisions of this subparagraph (B) shall  
24 not apply to more than 3 persons acting in concert for  
25 any one occurrence.

26 (2) The person described in subparagraph (A) or (B) of

1 paragraph (1) of this subsection (i):

2 (A) provided his or her full name and any other  
3 relevant information requested by the law enforcement  
4 officer;

5 (B) remained at the scene with the individual who  
6 reasonably appeared to be in need of medical assistance  
7 due to alcohol consumption until emergency medical  
8 assistance personnel arrived; and

9 (C) cooperated with emergency medical assistance  
10 personnel and law enforcement officers at the scene.

11 (i-5) (1) In this subsection (i-5):

12 "Medical forensic services" has the meaning defined in  
13 Section 1a of the Sexual Assault Survivors Emergency  
14 Treatment Act.

15 "Sexual assault" means an act of sexual conduct or  
16 sexual penetration, defined in Section 11-0.1 of the  
17 Criminal Code of 2012, including, without limitation, acts  
18 prohibited under Sections 11-1.20 through 11-1.60 of the  
19 Criminal Code of 2012.

20 (2) A law enforcement officer may not charge or  
21 otherwise take a person into custody based solely on the  
22 commission of an offense that involves alcohol and violates  
23 subsection (d) or (e) of this Section if the law  
24 enforcement officer, after making a reasonable  
25 determination and considering the facts and surrounding  
26 circumstances, reasonably believes that all of the

1       following apply:

2               (A) The law enforcement officer has contact with  
3       the person because the person:

4               (i) reported that he or she was sexually  
5       assaulted;

6               (ii) reported a sexual assault of another  
7       person or requested emergency medical assistance  
8       or medical forensic services for another person  
9       who had been sexually assaulted; or

10              (iii) acted in concert with another person who  
11       reported a sexual assault of another person or  
12       requested emergency medical assistance or medical  
13       forensic services for another person who had been  
14       sexually assaulted; however, the provisions of  
15       this item (iii) shall not apply to more than 3  
16       persons acting in concert for any one occurrence.

17       The report of a sexual assault may have been made to a  
18       health care provider, to law enforcement, including the campus  
19       police or security department of an institution of higher  
20       education, or to the Title IX coordinator of an institution of  
21       higher education or another employee of the institution  
22       responsible for responding to reports of sexual assault under  
23       State or federal law.

24              (B) The person who reports the sexual assault:

25              (i) provided his or her full name;

26              (ii) remained at the scene until emergency

1           medical assistance personnel arrived, if emergency  
2           medical assistance was summoned for the person who  
3           was sexually assaulted and he or she cooperated  
4           with emergency medical assistance personnel; and  
5           (iii) cooperated with the agency or person to  
6           whom the sexual assault was reported if he or she  
7           witnessed or reported the sexual assault of  
8           another person.

9           (j) A person who meets the criteria of paragraphs (1) and  
10          (2) of subsection (i) of this Section or a person who meets the  
11          criteria of paragraph (2) of subsection (i-5) of this Section  
12          shall be immune from criminal liability for an offense under  
13          subsection (d) or (e) of this Section.

14          (k) A person may not initiate an action against a law  
15          enforcement officer based on the officer's compliance or  
16          failure to comply with subsection (i) or (i-5) of this Section,  
17          except for willful or wanton misconduct.

18          (Source: P.A. 99-447, eff. 6-1-16; 99-795, eff. 8-12-16.)

19          Section 15. The Sexual Assault Survivors Emergency  
20          Treatment Act is amended by changing Section 5 as follows:

21               (410 ILCS 70/5) (from Ch. 111 1/2, par. 87-5)

22          Sec. 5. Minimum requirements for hospitals providing  
23          hospital emergency services and forensic services to sexual  
24          assault survivors.

1           (a) Every hospital providing hospital emergency services  
2 and forensic services to sexual assault survivors under this  
3 Act shall, as minimum requirements for such services, provide,  
4 with the consent of the sexual assault survivor, and as ordered  
5 by the attending physician, an advanced practice registered  
6 nurse, or a physician assistant, the following:

7           (1) appropriate medical examinations and laboratory  
8 tests required to ensure the health, safety, and welfare of  
9 a sexual assault survivor or which may be used as evidence  
10 in a criminal proceeding against a person accused of the  
11 sexual assault, or both; and records of the results of such  
12 examinations and tests shall be maintained by the hospital  
13 and made available to law enforcement officials upon the  
14 request of the sexual assault survivor;

15           (2) appropriate oral and written information  
16 concerning the possibility of infection, sexually  
17 transmitted disease and pregnancy resulting from sexual  
18 assault;

19           (3) appropriate oral and written information  
20 concerning accepted medical procedures, medication, and  
21 possible contraindications of such medication available  
22 for the prevention or treatment of infection or disease  
23 resulting from sexual assault;

24           (3.5) after a medical evidentiary or physical  
25 examination, access to a shower at no cost, unless  
26 showering facilities are unavailable;

1           (4) an amount of medication for treatment at the  
2 hospital and after discharge as is deemed appropriate by  
3 the attending physician, an advanced practice registered  
4 nurse, or a physician assistant and consistent with the  
5 hospital's current approved protocol for sexual assault  
6 survivors;

7           (5) an evaluation of the sexual assault survivor's risk  
8 of contracting human immunodeficiency virus (HIV) from the  
9 sexual assault;

10          (6) written and oral instructions indicating the need  
11 for follow-up examinations and laboratory tests after the  
12 sexual assault to determine the presence or absence of  
13 sexually transmitted disease;

14          (7) referral by hospital personnel for appropriate  
15 counseling; and

16          (8) when HIV prophylaxis is deemed appropriate, an  
17 initial dose or doses of HIV prophylaxis, along with  
18 written and oral instructions indicating the importance of  
19 timely follow-up healthcare.

20          (b) Any person who is a sexual assault survivor who seeks  
21 emergency hospital services and forensic services or follow-up  
22 healthcare under this Act shall be provided such services  
23 without the consent of any parent, guardian, custodian,  
24 surrogate, or agent.

25          (b-5) Every treating hospital providing hospital emergency  
26 and forensic services to sexual assault survivors shall issue a

1 voucher to any sexual assault survivor who is eligible to  
2 receive one. The hospital shall make a copy of the voucher and  
3 place it in the medical record of the sexual assault survivor.  
4 The hospital shall provide a copy of the voucher to the sexual  
5 assault survivor after discharge upon request.

6 (c) Nothing in this Section creates a physician-patient  
7 relationship that extends beyond discharge from the hospital  
8 emergency department.

9 (Source: P.A. 99-173, eff. 7-29-15; 99-454, eff. 1-1-16;  
10 99-642, eff. 7-28-16; 100-513, eff. 1-1-18.)

11 Section 20. The Criminal Code of 2012 is amended by  
12 changing Section 3-6 as follows:

13 (720 ILCS 5/3-6) (from Ch. 38, par. 3-6)

14 Sec. 3-6. Extended limitations. The period within which a  
15 prosecution must be commenced under the provisions of Section  
16 3-5 or other applicable statute is extended under the following  
17 conditions:

18 (a) A prosecution for theft involving a breach of a  
19 fiduciary obligation to the aggrieved person may be commenced  
20 as follows:

21 (1) If the aggrieved person is a minor or a person  
22 under legal disability, then during the minority or legal  
23 disability or within one year after the termination  
24 thereof.

1           (2) In any other instance, within one year after the  
2           discovery of the offense by an aggrieved person, or by a  
3           person who has legal capacity to represent an aggrieved  
4           person or has a legal duty to report the offense, and is  
5           not himself or herself a party to the offense; or in the  
6           absence of such discovery, within one year after the proper  
7           prosecuting officer becomes aware of the offense. However,  
8           in no such case is the period of limitation so extended  
9           more than 3 years beyond the expiration of the period  
10          otherwise applicable.

11          (b) A prosecution for any offense based upon misconduct in  
12          office by a public officer or employee may be commenced within  
13          one year after discovery of the offense by a person having a  
14          legal duty to report such offense, or in the absence of such  
15          discovery, within one year after the proper prosecuting officer  
16          becomes aware of the offense. However, in no such case is the  
17          period of limitation so extended more than 3 years beyond the  
18          expiration of the period otherwise applicable.

19          (b-5) When the victim is under 18 years of age at the time  
20          of the offense, a prosecution for involuntary servitude,  
21          involuntary sexual servitude of a minor, or trafficking in  
22          persons and related offenses under Section 10-9 of this Code  
23          may be commenced within 25 years of the victim attaining the  
24          age of 18 years.

25          (c) (Blank).

26          (d) A prosecution for child pornography, aggravated child



1 pornography, indecent solicitation of a child, soliciting for a  
2 juvenile prostitute, juvenile pimping, exploitation of a  
3 child, or promoting juvenile prostitution except for keeping a  
4 place of juvenile prostitution may be commenced within one year  
5 of the victim attaining the age of 18 years. However, in no  
6 such case shall the time period for prosecution expire sooner  
7 than 3 years after the commission of the offense.

8 (e) Except as otherwise provided in subdivision (j), a  
9 prosecution for any offense involving sexual conduct or sexual  
10 penetration, as defined in Section 11-0.1 of this Code, where  
11 the defendant was within a professional or fiduciary  
12 relationship or a purported professional or fiduciary  
13 relationship with the victim at the time of the commission of  
14 the offense may be commenced within one year after the  
15 discovery of the offense by the victim.

16 (f) A prosecution for any offense set forth in Section 44  
17 of the ~~"Environmental Protection Act", approved June 29, 1970,~~  
18 ~~as amended,~~ may be commenced within 5 years after the discovery  
19 of such an offense by a person or agency having the legal duty  
20 to report the offense or in the absence of such discovery,  
21 within 5 years after the proper prosecuting officer becomes  
22 aware of the offense.

23 (f-5) A prosecution for any offense set forth in Section  
24 16-30 of this Code may be commenced within 5 years after the  
25 discovery of the offense by the victim of that offense.

26 (g) (Blank).

1 (h) (Blank).

2 (i) Except as otherwise provided in subdivision (j), a  
3 prosecution for criminal sexual assault, aggravated criminal  
4 sexual assault, or aggravated criminal sexual abuse may be  
5 commenced within 10 years of the commission of the offense if  
6 the victim reported the offense to law enforcement authorities  
7 within 3 years after the commission of the offense. Reporting  
8 to law enforcement authorities includes consenting to an  
9 Illinois State Police Sexual Assault Evidence Collection Kit  
10 under the Sexual Assault Survivors Emergency Treatment Act.

11 Nothing in this subdivision (i) shall be construed to  
12 shorten a period within which a prosecution must be commenced  
13 under any other provision of this Section.

14 (i-5) A prosecution for armed robbery, home invasion,  
15 kidnapping, or aggravated kidnaping may be commenced within 10  
16 years of the commission of the offense if it arises out of the  
17 same course of conduct and meets the criteria under one of the  
18 offenses in subsection (i) of this Section.

19 (j) (1) When the victim is under 18 years of age at the  
20 time of the offense, a prosecution for criminal sexual assault,  
21 aggravated criminal sexual assault, predatory criminal sexual  
22 assault of a child, aggravated criminal sexual abuse, or felony  
23 criminal sexual abuse may be commenced at any time.

24 (2) When the victim is under 18 years of age at the time of  
25 the offense, a prosecution for failure of a person who is  
26 required to report an alleged or suspected commission of

1 criminal sexual assault, aggravated criminal sexual assault,  
2 predatory criminal sexual assault of a child, aggravated  
3 criminal sexual abuse, or felony criminal sexual abuse under  
4 the Abused and Neglected Child Reporting Act may be commenced  
5 within 20 years after the child victim attains 18 years of age.

6 (3) When the victim is under 18 years of age at the time of  
7 the offense, a prosecution for misdemeanor criminal sexual  
8 abuse may be commenced within 10 years after the child victim  
9 attains 18 years of age.

10 (4) Nothing in this subdivision (j) shall be construed to  
11 shorten a period within which a prosecution must be commenced  
12 under any other provision of this Section.

13 (j-5) A prosecution for armed robbery, home invasion,  
14 kidnapping, or aggravated kidnaping may be commenced at any  
15 time if it arises out of the same course of conduct and meets  
16 the criteria under one of the offenses in subsection (j) of  
17 this Section.

18 (k) (Blank).

19 (l) A prosecution for any offense set forth in Section 26-4  
20 of this Code may be commenced within one year after the  
21 discovery of the offense by the victim of that offense.

22 (m) The prosecution shall not be required to prove at trial  
23 facts which extend the general limitations in Section 3-5 of  
24 this Code when the facts supporting extension of the period of  
25 general limitations are properly pled in the charging document.  
26 Any challenge relating to the extension of the general

1 limitations period as defined in this Section shall be  
2 exclusively conducted under Section 114-1 of the Code of  
3 Criminal Procedure of 1963.

4 (Source: P.A. 99-234, eff. 8-3-15; 99-820, eff. 8-15-16;  
5 100-80, eff. 8-11-17; 100-318, eff. 8-24-17; 100-434, eff.  
6 1-1-18; revised 10-5-17.)

7 Section 25. The Illinois Controlled Substances Act is  
8 amended by adding Section 415 as follows:

9 (720 ILCS 570/415 new)

10 Sec. 415. Use, possession, and consumption of a controlled  
11 substance related to sexual assault; limited immunity from  
12 prosecution.

13 (a) In this Section:

14 "Medical forensic services" has the meaning defined in  
15 Section 1a of the Sexual Assault Survivors Emergency  
16 Treatment Act.

17 "Sexual assault" means an act of sexual conduct or  
18 sexual penetration, defined in Section 11-0.1 of the  
19 Criminal Code of 2012, including, without limitation, acts  
20 prohibited under Sections 11-1.20 through 11-1.60 of the  
21 Criminal Code of 2012.

22 (b) A person who is a victim of a sexual assault shall not  
23 be charged or prosecuted for Class 4 felony possession of a  
24 controlled, counterfeit, or look-alike substance or a

1 controlled substance analog:

2 (1) if evidence for the Class 4 felony possession  
3 charge was acquired as a result of the person reporting the  
4 sexual assault to law enforcement, or seeking or obtaining  
5 emergency medical assistance or medical forensic services;  
6 and

7 (2) provided the amount of substance recovered is  
8 within the amount identified in subsection (d) of this  
9 Section.

10 (c) A person who, in good faith, reports to law enforcement  
11 the commission of a sexual assault against another person or  
12 seeks or obtains emergency medical assistance or medical  
13 forensic services for a victim of sexual assault shall not be  
14 charged or prosecuted for Class 4 felony possession of a  
15 controlled, counterfeit, or look-alike substance or a  
16 controlled substance analog:

17 (1) if evidence for the Class 4 felony possession  
18 charge was acquired as a result of the person seeking or  
19 obtaining emergency medical assistance or medical forensic  
20 services; and

21 (2) provided the amount of substance recovered is  
22 within the amount identified in subsection (d) of this  
23 Section.

24 (d) For the purposes of subsections (b) and (c) of this  
25 Section, the limited immunity shall only apply to a person  
26 possessing the following amount:

1           (1) less than 3 grams of a substance containing heroin;

2           (2) less than 3 grams of a substance containing  
3 cocaine;

4           (3) less than 3 grams of a substance containing  
5 morphine;

6           (4) less than 40 grams of a substance containing  
7 peyote;

8           (5) less than 40 grams of a substance containing a  
9 derivative of barbituric acid or any of the salts of a  
10 derivative of barbituric acid;

11           (6) less than 40 grams of a substance containing  
12 amphetamine or any salt of an optical isomer of  
13 amphetamine;

14           (7) less than 3 grams of a substance containing  
15 lysergic acid diethylamide (LSD), or an analog thereof;

16           (8) less than 6 grams of a substance containing  
17 pentazocine or any of the salts, isomers and salts of  
18 isomers of pentazocine, or an analog thereof;

19           (9) less than 6 grams of a substance containing  
20 methaqualone or any of the salts, isomers and salts of  
21 isomers of methaqualone;

22           (10) less than 6 grams of a substance containing  
23 phencyclidine or any of the salts, isomers and salts of  
24 isomers of phencyclidine (PCP);

25           (11) less than 6 grams of a substance containing  
26 ketamine or any of the salts, isomers and salts of isomers

1       of ketamine; or

2           (12) less than 40 grams of a substance containing a  
3       substance classified as a narcotic drug in Schedules I or  
4       II, or an analog thereof, which is not otherwise included  
5       in this subsection (d).

6       (e) The limited immunity described in subsections (b) and  
7       (c) of this Section shall not be extended if law enforcement  
8       has reasonable suspicion or probable cause to detain, arrest,  
9       or search the person described in subsection (b) or (c) of this  
10      Section for criminal activity and the reasonable suspicion or  
11      probable cause is based on information obtained prior to or  
12      independent of the person described in subsection (b) or (c) of  
13      this Section taking action to report a sexual assault to law  
14      enforcement or to seek or obtain emergency medical assistance  
15      or medical forensic services and not obtained as a direct  
16      result of the action of seeking or obtaining emergency medical  
17      assistance or medical forensic services. Nothing in this  
18      Section is intended to interfere with or prevent the  
19      investigation, arrest, or prosecution of any person for the  
20      delivery or distribution of cannabis, methamphetamine, or  
21      other controlled substances, drug-induced homicide, or any  
22      other crime.

23           Section 30. The Rights of Crime Victims and Witnesses Act  
24       is amended by changing Section 4 and by adding Section 4.6 as  
25       follows:

1 (725 ILCS 120/4) (from Ch. 38, par. 1404)

2 Sec. 4. Rights of crime victims.

3 (a) Crime victims shall have the following rights:

4 (1) The right to be treated with fairness and respect  
5 for their dignity and privacy and to be free from  
6 harassment, intimidation, and abuse throughout the  
7 criminal justice process.

8 (1.5) The right to notice and to a hearing before a  
9 court ruling on a request for access to any of the victim's  
10 records, information, or communications which are  
11 privileged or confidential by law.

12 (2) The right to timely notification of all court  
13 proceedings.

14 (3) The right to communicate with the prosecution.

15 (4) The right to be heard at any post-arraignment court  
16 proceeding in which a right of the victim is at issue and  
17 any court proceeding involving a post-arraignment release  
18 decision, plea, or sentencing.

19 (5) The right to be notified of the conviction, the  
20 sentence, the imprisonment and the release of the accused.

21 (6) The right to the timely disposition of the case  
22 following the arrest of the accused.

23 (7) The right to be reasonably protected from the  
24 accused through the criminal justice process.

25 (7.5) The right to have the safety of the victim and



1 the victim's family considered in denying or fixing the  
2 amount of bail, determining whether to release the  
3 defendant, and setting conditions of release after arrest  
4 and conviction.

5 (8) The right to be present at the trial and all other  
6 court proceedings on the same basis as the accused, unless  
7 the victim is to testify and the court determines that the  
8 victim's testimony would be materially affected if the  
9 victim hears other testimony at the trial.

10 (9) The right to have present at all court proceedings,  
11 including proceedings under the Juvenile Court Act of 1987,  
12 subject to the rules of evidence, an advocate and other  
13 support person of the victim's choice.

14 (10) The right to restitution.

15 (b) Any law enforcement agency that investigates an offense  
16 committed in this State shall provide a crime victim with a  
17 written statement and explanation of the rights of crime  
18 victims under this amendatory Act of the 99th General Assembly  
19 within 48 hours of law enforcement's initial contact with a  
20 victim. The statement shall include information about crime  
21 victim compensation, including how to contact the Office of the  
22 Illinois Attorney General to file a claim, and appropriate  
23 referrals to local and State programs that provide victim  
24 services. The content of the statement shall be provided to law  
25 enforcement by the Attorney General. Law enforcement shall also  
26 provide a crime victim with a sign-off sheet that the victim

1 shall sign and date as an acknowledgement that he or she has  
2 been furnished with information and an explanation of the  
3 rights of crime victims and compensation set forth in this Act.

4 (b-5) Upon the request of the victim, the law enforcement  
5 agency having jurisdiction shall provide a free copy of the  
6 police report concerning the victim's incident, as soon as  
7 practicable, but in no event later than 5 business days from  
8 the request.

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

15 (d) At any point, the victim has the right to retain a  
16 victim's attorney who may be present during all stages of any  
17 medical examination, interview, investigation, or other  
18 interaction with representatives of the criminal justice  
19 system. Treatment of the victim should not be affected or  
20 altered in any way as a result of the victim's decision to  
21 exercise this right.

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

23 (725 ILCS 120/4.6 new)

24 Sec. 4.6. Advocates; support person.

25 (a) A crime victim has a right to have an advocate present

1 during any medical evidentiary or physical examination, unless  
2 no advocate can be summoned in a reasonably timely manner. The  
3 victim also has the right to have an additional person present  
4 for support during any medical evidentiary or physical  
5 examination.

6 (b) A victim retains the rights prescribed in subsection  
7 (a) of this Section even if the victim has waived these rights  
8 in a previous examination.

9 Section 35. The Sexual Assault Incident Procedure Act is  
10 amended by changing Section 25 as follows:

11 (725 ILCS 203/25)

12 Sec. 25. Report; victim notice.

13 (a) At the time of first contact with the victim, law  
14 enforcement shall:

15 (1) Advise the victim about the following by providing  
16 a form, the contents of which shall be prepared by the  
17 Office of the Attorney General and posted on its website,  
18 written in a language appropriate for the victim or in  
19 Braille, or communicating in appropriate sign language  
20 that includes, but is not limited to:

21 (A) information about seeking medical attention  
22 and preserving evidence, including specifically,  
23 collection of evidence during a medical forensic  
24 examination at a hospital and photographs of injury and

1 clothing;

2 (B) notice that the victim will not be charged for  
3 hospital emergency and medical forensic services;

4 (C) information advising the victim that evidence  
5 can be collected at the hospital up to 7 days after the  
6 sexual assault or sexual abuse but that the longer the  
7 victim waits the likelihood of obtaining evidence  
8 decreases;

9 (C-5) notice that the sexual assault forensic  
10 evidence collected will not be used to prosecute the  
11 victim for any offense related to the use of alcohol,  
12 cannabis, or a controlled substance;

13 (D) the location of nearby hospitals that provide  
14 emergency medical and forensic services and, if known,  
15 whether the hospitals employ any sexual assault nurse  
16 examiners;

17 (E) a summary of the procedures and relief  
18 available to victims of sexual assault or sexual abuse  
19 under the Civil No Contact Order Act or the Illinois  
20 Domestic Violence Act of 1986;

21 (F) the law enforcement officer's name and badge  
22 number;

23 (G) at least one referral to an accessible service  
24 agency and information advising the victim that rape  
25 crisis centers can assist with obtaining civil no  
26 contact orders and orders of protection; and

1           (H) if the sexual assault or sexual abuse occurred  
2           in another jurisdiction, provide in writing the  
3           address and phone number of a specific contact at the  
4           law enforcement agency having jurisdiction.

5           (2) Offer to provide or arrange accessible  
6           transportation for the victim to a hospital for emergency  
7           and forensic services, including contacting emergency  
8           medical services.

9           (3) Offer to provide or arrange accessible  
10          transportation for the victim to the nearest available  
11          circuit judge or associate judge so the victim may file a  
12          petition for an emergency civil no contact order under the  
13          Civil No Contact Order Act or an order of protection under  
14          the Illinois Domestic Violence Act of 1986 after the close  
15          of court business hours, if a judge is available.

16          (b) At the time of the initial contact with a person making  
17          a third-party report under Section 22 of this Act, a law  
18          enforcement officer shall provide the written information  
19          prescribed under paragraph (1) of subsection (a) of this  
20          Section to the person making the report and request the person  
21          provide the written information to the victim of the sexual  
22          assault or sexual abuse.

23          (c) If the first contact with the victim occurs at a  
24          hospital, a law enforcement officer may request the hospital  
25          provide interpretive services.

26          (Source: P.A. 99-801, eff. 1-1-17.)".