



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

HB0979

Introduced 1/29/2013, by Rep. Emanuel Welch

SYNOPSIS AS INTRODUCED:

New Act
30 ILCS 105/5.826 new

Creates the Gang Crime Witness Protection Act of 2013. Provides that the Department of State Police shall establish and administer a program to assist victims and witnesses who are actively aiding in the prosecution of perpetrators of gang crime, and appropriate related persons. Financial assistance may be provided, upon application by a State's Attorney or the Attorney General, or a chief executive of a police agency with the approval from the State's Attorney or Attorney General, investigating or prosecuting a gang crime occurring under the State's Attorney's or Attorney General's respective jurisdiction, from funds deposited in the Gang Crime Witness Protection Program Fund and appropriated from that Fund for the purposes of the Act. Provides that within 30 days after the effective date of the Act, all moneys in the Gang Crime Witness Protection Fund shall be transferred into the Gang Crime Witness Protection Program Fund. Provides that the program shall begin operation on July 1, 2013. Amends the State Finance Act. Creates the Gang Crime Witness Protection Program Fund in the State treasury. Effective immediately.

LRB098 05568 RLC 35605 b

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 1. Short title. This Act may be cited as the Gang
5 Crime Witness Protection Act of 2013.

6 Section 5. Definition. As used in this Act, "gang crime"
7 means any criminal offense committed by a member of a "gang" as
8 that term is defined in Section 10 of the Illinois Streetgang
9 Terrorism Omnibus Prevention Act when the offense is in
10 furtherance of any activity, enterprise, pursuit, or
11 undertaking of a gang.

12 Section 10. Program. The Department of State Police shall
13 establish and administer a program to assist victims and
14 witnesses who are actively aiding in the prosecution of
15 perpetrators of gang crime, and appropriate related persons.
16 Financial assistance may be provided, upon application by a
17 State's Attorney or the Attorney General, or a chief executive
18 of a police agency with the approval from the State's Attorney
19 or Attorney General, investigating or prosecuting a gang crime
20 occurring under the State's Attorney's or Attorney General's
21 respective jurisdiction, from funds deposited in the Gang Crime
22 Witness Protection Fund and appropriated from that Fund for the

1 purposes of this Act.

2 Section 15. Funding. The Department of State Police, in
3 consultation with the Attorney General, shall adopt rules for
4 the implementation of the Gang Crime Witness Protection
5 Program. Assistance shall be subject to the following
6 limitations:

7 (a) Funds shall be limited to payment of the following:

8 (1) temporary living costs;

9 (2) moving expenses;

10 (3) rent;

11 (4) security deposits; and

12 (5) other appropriate expenses of relocation or
13 transition.

14 (b) Approval of applications made by State's Attorneys
15 shall be conditioned upon county funding for costs at a
16 level of at least 25%, unless this requirement is waived by
17 the administrator, in accordance with adopted rules, for
18 good cause shown.

19 (c) Counties providing assistance consistent with the
20 limitations in this Act may apply for reimbursement of up
21 to 75% of their costs.

22 (d) No more than 50% of funding available in any given
23 fiscal year may be used for costs associated with any
24 single county.

1 Section 20. Gang Crime Witness Protection Program Fund.
2 There is created in the State Treasury the Gang Crime Witness
3 Protection Program Fund into which shall be deposited
4 appropriated funds, grants, or other funds made available to
5 the Department of State Police to assist State's Attorneys and
6 the Attorney General in protecting victims and witnesses who
7 are aiding in the prosecution of perpetrators of gang crime,
8 and appropriate related persons. Within 30 days after the
9 effective date of this Act, all moneys in the Gang Crime
10 Witness Protection Fund shall be transferred into the Gang
11 Crime Witness Protection Program Fund.

12 Section 25. Period of operation. The program created by
13 this Act shall begin operation on July 1, 2013.

14 Section 90. The State Finance Act is amended by adding
15 Section 5.826 as follows:

16 (30 ILCS 105/5.826 new)

17 Sec. 5.826. The Gang Crime Witness Protection Program Fund.

18 Section 99. Effective date. This Act takes effect upon
19 becoming law.