

1 AN ACT concerning victim rights.

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

4 Section 5. The Criminal Code of 2012 is amended by  
5 changing Section 16-25.2 as follows:

6 (720 ILCS 5/16-25.2)

7 Sec. 16-25.2. Retail loss prevention report and notice  
8 requirements.

9 (a) A retail mercantile establishment that is a victim of  
10 a violation of Section 16-25, 16-25.1, 17-10.6, or 25-4 shall  
11 have the right:

12 (1) to timely notification of all court proceedings ~~as~~  
13 ~~defined under subsection (c) of Section 3 of the Rights of~~  
14 ~~Crime Victims and Witnesses Act.~~ Timely notice shall  
15 include 7 days' notice of any court proceedings. Timely  
16 notice shall be sent to the location of the retail  
17 mercantile establishment where the violation occurred and  
18 to the point of contact as provided by the retail  
19 mercantile establishment. The point of contact may be any  
20 employee of the retail mercantile establishment or  
21 representative as provided by the retail mercantile  
22 establishment;

23 (2) to communicate with the prosecution;

1           (3) to be reasonably heard at any post-arraignment  
2           court proceeding in which a right of the victim is at issue  
3           and any court proceeding involving a post-arraignment  
4           release decision, plea, or sentencing;

5           (4) to be notified of the conviction, the sentence,  
6           the imprisonment, and the release of the accused; and

7           (5) to have present at all court proceedings subject  
8           to the rules of evidence an advocate of the retail  
9           mercantile establishment's choice.

10          (b) Unless a retail mercantile establishment refuses to  
11          file a report regarding the incident, the law enforcement  
12          agency having jurisdiction shall file a report concerning the  
13          incident with the State's Attorney. No law enforcement agent  
14          shall discourage or attempt to discourage a retail mercantile  
15          establishment from filing a police report concerning the  
16          incident. Upon the request of the retail mercantile  
17          establishment, the law enforcement agency having jurisdiction  
18          shall provide a free copy of the police report concerning the  
19          incident, as soon as practicable, but in no event later than 5  
20          business days after the request. The Illinois Law Enforcement  
21          Training Standards Board shall not consider any allegation of  
22          a violation of this subsection that is contained in a  
23          complaint made under Section 1-35 of the Police and Community  
24          Relations Improvement Act.

25          (c) For purposes of this Section, "court proceeding" means  
26          the preliminary hearing; any post-arraignment hearing the

1 effect of which may be the release of the defendant from  
2 custody or to alter the conditions of pretrial release; the  
3 trial; the sentencing; any oral argument or hearing before an  
4 Illinois appellate court; any hearing for conditional release;  
5 any hearing related to a modification of sentence; any  
6 probation revocation hearing; any aftercare release or parole  
7 hearing; any post-conviction relief proceeding; and any habeas  
8 corpus proceeding.

9 (Source: P.A. 102-757, eff. 5-13-22.)

10 Section 10. The Code of Criminal Procedure of 1963 is  
11 amended by changing Section 112A-29 as follows:

12 (725 ILCS 5/112A-29) (from Ch. 38, par. 112A-29)

13 Sec. 112A-29. Reports by law enforcement officers.

14 (a) Every law enforcement officer investigating an alleged  
15 incident of abuse between family or household members shall  
16 make a written police report of any bona fide allegation and  
17 the disposition of such investigation. The police report shall  
18 include the victim's statements as to the frequency and  
19 severity of prior incidents of abuse by the same family or  
20 household member and the number of prior calls for police  
21 assistance to prevent such further abuse.

22 (b) Every police report completed pursuant to this Section  
23 shall be recorded and compiled as a domestic crime within the  
24 meaning of Section 5.1 of the Criminal Identification Act.

1       (c) A law enforcement officer shall not discourage or  
2       attempt to discourage a victim from filing a police report  
3       concerning an incident of abuse.

4       (Source: P.A. 87-1186.)

5       Section 15. The Rights of Crime Victims and Witnesses Act  
6       is amended by changing Sections 3, 4 and 4.5 as follows:

7       (725 ILCS 120/3) (from Ch. 38, par. 1403)

8       Sec. 3. The terms used in this Act shall have the following  
9       meanings:

10       (a) "Crime victim" or "victim" means: (1) any natural  
11       person determined by the prosecutor or the court to have  
12       suffered direct physical or psychological harm as a result of  
13       a violent crime perpetrated or attempted against that person  
14       or direct physical or psychological harm as a result of (i) a  
15       violation of Section 11-501 of the Illinois Vehicle Code or  
16       similar provision of a local ordinance or (ii) a violation of  
17       Section 9-3 of the Criminal Code of 1961 or the Criminal Code  
18       of 2012; (2) in the case of a crime victim who is under 18  
19       years of age or an adult victim who is incompetent or  
20       incapacitated, both parents, legal guardians, foster parents,  
21       or a single adult representative; (3) in the case of an adult  
22       deceased victim, 2 representatives who may be the spouse,  
23       parent, child or sibling of the victim, or the representative  
24       of the victim's estate; and (4) an immediate family member of a

1 victim under clause (1) of this paragraph (a) chosen by the  
2 victim. If the victim is 18 years of age or over, the victim  
3 may choose any person to be the victim's representative. In no  
4 event shall the defendant or any person who aided and abetted  
5 in the commission of the crime be considered a victim, a crime  
6 victim, or a representative of the victim.

7 A board, agency, or other governmental entity making  
8 decisions regarding an offender's release, sentence reduction,  
9 or clemency can determine additional persons are victims for  
10 the purpose of its proceedings.

11 (a-3) "Advocate" means a person whose communications with  
12 the victim are privileged under Section 8-802.1 or 8-802.2 of  
13 the Code of Civil Procedure, or Section 227 of the Illinois  
14 Domestic Violence Act of 1986.

15 (a-5) "Confer" means to consult together, share  
16 information, compare opinions and carry on a discussion or  
17 deliberation.

18 (a-6) "DNA database" means a collection of DNA profiles  
19 from forensic casework or specimens from anonymous,  
20 identified, and unidentified sources that is created to search  
21 DNA records against each other to develop investigative leads  
22 among forensic cases.

23 (a-7) "Sentence" includes, but is not limited to, the  
24 imposition of sentence, a request for a reduction in sentence,  
25 parole, mandatory supervised release, aftercare release, early  
26 release, inpatient treatment, outpatient treatment,

1 conditional release after a finding that the defendant is not  
2 guilty by reason of insanity, clemency, or a proposal that  
3 would reduce the defendant's sentence or result in the  
4 defendant's release. "Early release" refers to a discretionary  
5 release.

6 (a-9) "Sentencing" includes, but is not limited to, the  
7 imposition of sentence and a request for a reduction in  
8 sentence, parole, mandatory supervised release, aftercare  
9 release, early release, consideration of inpatient treatment  
10 or outpatient treatment, or conditional release after a  
11 finding that the defendant is not guilty by reason of  
12 insanity.

13 (a-10) "Status hearing" means a hearing designed to  
14 provide information to the court, at which no motion of a  
15 substantive nature and no constitutional or statutory right of  
16 a crime victim is implicated or at issue.

17 (b) "Witness" means: any person who personally observed  
18 the commission of a crime and who will testify on behalf of the  
19 State of Illinois; or a person who will be called by the  
20 prosecution to give testimony establishing a necessary nexus  
21 between the offender and the violent crime.

22 (c) "Violent crime" means: (1) any felony in which force  
23 or threat of force was used against the victim; (2) any offense  
24 involving sexual exploitation, sexual conduct, or sexual  
25 penetration; (3) a violation of Section 11-20.1, 11-20.1B,  
26 11-20.3, 11-23, or 11-23.5 of the Criminal Code of 1961 or the

1 Criminal Code of 2012; (4) domestic battery or stalking; (5)  
2 violation of an order of protection, a civil no contact order,  
3 or a stalking no contact order; (6) any misdemeanor which  
4 results in death or great bodily harm to the victim; or (7) any  
5 violation of Section 9-3 of the Criminal Code of 1961 or the  
6 Criminal Code of 2012, or Section 11-501 of the Illinois  
7 Vehicle Code, or a similar provision of a local ordinance, if  
8 the violation resulted in personal injury or death. "Violent  
9 crime" includes any action committed by a juvenile that would  
10 be a violent crime if committed by an adult. For the purposes  
11 of this paragraph, "personal injury" shall include any Type A  
12 injury as indicated on the traffic crash report completed by a  
13 law enforcement officer that requires immediate professional  
14 attention in either a doctor's office or medical facility. A  
15 type A injury shall include severely bleeding wounds,  
16 distorted extremities, and injuries that require the injured  
17 party to be carried from the scene.

18 (d) (Blank).

19 (e) "Court proceedings" includes, but is not limited to,  
20 the preliminary hearing, any post-arraignment hearing the  
21 effect of which may be the release of the defendant from  
22 custody or to alter the conditions of pretrial release ~~bond~~,  
23 change of plea hearing, the trial, any pretrial or post-trial  
24 hearing, sentencing, any oral argument or hearing before an  
25 Illinois appellate court, any hearing under the Mental Health  
26 and Developmental Disabilities Code or Section 5-2-4 of the

1 Unified Code of Corrections after a finding that the defendant  
2 is not guilty by reason of insanity, including a hearing for  
3 conditional release, any hearing related to a modification of  
4 sentence, probation revocation hearing, aftercare release or  
5 parole hearings, post-conviction relief proceedings, habeas  
6 corpus proceedings and clemency proceedings related to the  
7 defendant's conviction or sentence. For purposes of the  
8 victim's right to be present, "court proceedings" does not  
9 include (1) grand jury proceedings, (2) status hearings, or  
10 (3) the issuance of an order or decision of an Illinois court  
11 that dismisses a charge, reverses a conviction, reduces a  
12 sentence, or releases an offender under a court rule.

13 (f) "Concerned citizen" includes relatives of the victim,  
14 friends of the victim, witnesses to the crime, or any other  
15 person associated with the victim or prisoner.

16 (g) "Victim's attorney" means an attorney retained by the  
17 victim for the purposes of asserting the victim's  
18 constitutional and statutory rights. An attorney retained by  
19 the victim means an attorney who is hired to represent the  
20 victim at the victim's expense or an attorney who has agreed to  
21 provide pro bono representation. Nothing in this statute  
22 creates a right to counsel at public expense for a victim.

23 (h) "Support person" means a person chosen by a victim to  
24 be present at court proceedings.

25 (Source: P.A. 102-982, eff. 7-1-23; 102-1104, eff. 1-1-23;  
26 103-792, eff. 1-1-25.)



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 (1.6) Except as otherwise provided in Section 9.5 of  
13 the Criminal Identification Act or Section 3-3013 of the  
14 Counties Code, whenever a person's DNA profile is  
15 collected due to the person being a victim of a crime, as  
16 identified by law enforcement, that specific profile  
17 collected in conjunction with that criminal investigation  
18 shall not be entered into any DNA database. Nothing in  
19 this paragraph (1.6) shall be interpreted to contradict  
20 rules and regulations developed by the Federal Bureau of  
21 Investigation relating to the National DNA Index System or  
22 Combined DNA Index System.

23 (2) The right to timely notification of all court  
24 proceedings. Timely notification shall include 7 days'  
25 notice of all court proceedings.

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

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

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

8           (6) The right to the timely disposition of the case  
9 following the arrest of the accused.

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

12          (7.5) The right to have the safety of the victim and  
13 the victim's family considered in determining whether to  
14 release the defendant and setting conditions of release  
15 after arrest and conviction.

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

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

25          (10) The right to restitution.

26          (b) Any law enforcement agency that investigates an

1 offense committed in this State shall provide a crime victim  
2 with a written statement and explanation of the rights of  
3 crime victims under this amendatory Act of the 99th General  
4 Assembly within 48 hours of law enforcement's initial contact  
5 with a victim. The statement shall include information about  
6 crime victim compensation, including how to contact the Office  
7 of the Illinois Attorney General to file a claim, and  
8 appropriate referrals to local and State programs that provide  
9 victim services. The content of the statement shall be  
10 provided to law enforcement by the Attorney General. Law  
11 enforcement shall also provide a crime victim with a sign-off  
12 sheet that the victim shall sign and date as an  
13 acknowledgement that he or she has been furnished with  
14 information and an explanation of the rights of crime victims  
15 and compensation set forth in this Act.

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

21 (c) The Clerk of the Circuit Court shall post the rights of  
22 crime victims set forth in Article I, Section 8.1(a) of the  
23 Illinois Constitution and subsection (a) of this Section  
24 within 3 feet of the door to any courtroom where criminal  
25 proceedings are conducted. The clerk may also post the rights  
26 in other locations in the courthouse.

1 (d) At any point, the victim has the right to retain a  
2 victim's attorney who may be present during all stages of any  
3 interview, investigation, or other interaction with  
4 representatives of the criminal justice system. Treatment of  
5 the victim should not be affected or altered in any way as a  
6 result of the victim's decision to exercise this right.

7 (Source: P.A. 103-792, eff. 1-1-25.)

8 (725 ILCS 120/4.5)

9 Sec. 4.5. Procedures to implement the rights of crime  
10 victims. To afford crime victims their rights, law  
11 enforcement, prosecutors, judges, and corrections will provide  
12 information, as appropriate, of the following procedures:

13 (a) At the request of the crime victim, law enforcement  
14 authorities investigating the case shall provide notice of the  
15 status of the investigation, except where the State's Attorney  
16 determines that disclosure of such information would  
17 unreasonably interfere with the investigation, until such time  
18 as the alleged assailant is apprehended or the investigation  
19 is closed.

20 (a-5) When law enforcement authorities reopen a closed  
21 case to resume investigating, they shall provide notice of the  
22 reopening of the case, except where the State's Attorney  
23 determines that disclosure of such information would  
24 unreasonably interfere with the investigation.

25 (b) The office of the State's Attorney:

1           (1) shall provide notice of the filing of an  
2 information, the return of an indictment, or the filing of  
3 a petition to adjudicate a minor as a delinquent for a  
4 violent crime;

5           (2) shall provide 7 days' ~~timely~~ notice of the date,  
6 time, and place of court proceedings; of any change in the  
7 date, time, and place of court proceedings; and of any  
8 cancellation of court proceedings. For preliminary  
9 hearings and hearings regarding pretrial release or that  
10 alter the conditions of pretrial release only, if giving  
11 the victim 7 days' notice is impossible, fewer days may be  
12 timely, so long as the notice is provided as soon as  
13 practicable and in advance of the proceeding. Notice shall  
14 be provided in sufficient time, wherever possible, for the  
15 victim to make arrangements to attend or to prevent an  
16 unnecessary appearance at court proceedings;

17           (3) or victim advocate personnel shall provide  
18 information of social services and financial assistance  
19 available for victims of crime, including information of  
20 how to apply for these services and assistance;

21           (3.5) or victim advocate personnel shall provide  
22 information about available victim services, including  
23 referrals to programs, counselors, and agencies that  
24 assist a victim to deal with trauma, loss, and grief;

25           (4) shall assist in having any stolen or other  
26 personal property held by law enforcement authorities for

1       evidentiary or other purposes returned as expeditiously as  
2       possible, pursuant to the procedures set out in Section  
3       115-9 of the Code of Criminal Procedure of 1963;

4       (5) or victim advocate personnel shall provide  
5       appropriate employer intercession services to ensure that  
6       employers of victims will cooperate with the criminal  
7       justice system in order to minimize an employee's loss of  
8       pay and other benefits resulting from court appearances;

9       (6) shall provide, whenever possible, a secure waiting  
10      area during court proceedings that does not require  
11      victims to be in close proximity to defendants or  
12      juveniles accused of a violent crime, and their families  
13      and friends;

14      (7) shall provide notice to the crime victim of the  
15      right to have a translator present at all court  
16      proceedings and, in compliance with the federal Americans  
17      with Disabilities Act of 1990, the right to communications  
18      access through a sign language interpreter or by other  
19      means;

20      (8) (blank);

21      (8.5) shall inform the victim of the right to be  
22      present at all court proceedings, unless the victim is to  
23      testify and the court determines that the victim's  
24      testimony would be materially affected if the victim hears  
25      other testimony at trial;

26      (9) shall inform the victim of the right to have

1 present at all court proceedings, subject to the rules of  
2 evidence and confidentiality, an advocate and other  
3 support person of the victim's choice;

4 (9.3) shall inform the victim of the right to retain  
5 an attorney, at the victim's own expense, who, upon  
6 written notice filed with the clerk of the court and  
7 State's Attorney, is to receive copies of all notices,  
8 motions, and court orders filed thereafter in the case, in  
9 the same manner as if the victim were a named party in the  
10 case;

11 (9.5) shall inform the victim of (A) the victim's  
12 right under Section 6 of this Act to make a statement at  
13 the sentencing hearing; (B) the right of the victim's  
14 spouse, guardian, parent, grandparent, and other immediate  
15 family and household members under Section 6 of this Act  
16 to present a statement at sentencing; and (C) if a  
17 presentence report is to be prepared, the right of the  
18 victim's spouse, guardian, parent, grandparent, and other  
19 immediate family and household members to submit  
20 information to the preparer of the presentence report  
21 about the effect the offense has had on the victim and the  
22 person;

23 (10) at the sentencing shall make a good faith attempt  
24 to explain the minimum amount of time during which the  
25 defendant may actually be physically imprisoned. The  
26 Office of the State's Attorney shall further notify the

1 crime victim of the right to request from the Prisoner  
2 Review Board or Department of Juvenile Justice information  
3 concerning the release of the defendant;

4 (11) shall request restitution at sentencing and as  
5 part of a plea agreement if the victim requests  
6 restitution;

7 (12) shall, upon the court entering a verdict of not  
8 guilty by reason of insanity, inform the victim of the  
9 notification services available from the Department of  
10 Human Services, including the statewide telephone number,  
11 under subparagraph (d) (2) of this Section;

12 (13) shall provide notice within a reasonable time  
13 after receipt of notice from the custodian, of the release  
14 of the defendant on pretrial release or personal  
15 recognizance or the release from detention of a minor who  
16 has been detained;

17 (14) shall explain in nontechnical language the  
18 details of any plea or verdict of a defendant, or any  
19 adjudication of a juvenile as a delinquent;

20 (15) shall make all reasonable efforts to consult with  
21 the crime victim before the Office of the State's Attorney  
22 makes an offer of a plea bargain to the defendant or enters  
23 into negotiations with the defendant concerning a possible  
24 plea agreement, and shall consider the written statement,  
25 if prepared prior to entering into a plea agreement. The  
26 right to consult with the prosecutor does not include the



1 right to veto a plea agreement or to insist the case go to  
2 trial. If the State's Attorney has not consulted with the  
3 victim prior to making an offer or entering into plea  
4 negotiations with the defendant, the Office of the State's  
5 Attorney shall notify the victim of the offer or the  
6 negotiations within 2 business days and confer with the  
7 victim;

8 (16) shall provide notice of the ultimate disposition  
9 of the cases arising from an indictment or an information,  
10 or a petition to have a juvenile adjudicated as a  
11 delinquent for a violent crime;

12 (17) shall provide notice of any appeal taken by the  
13 defendant and information on how to contact the  
14 appropriate agency handling the appeal, and how to request  
15 notice of any hearing, oral argument, or decision of an  
16 appellate court;

17 (18) shall provide timely notice of any request for  
18 post-conviction review filed by the defendant under  
19 Article 122 of the Code of Criminal Procedure of 1963, and  
20 of the date, time and place of any hearing concerning the  
21 petition. Whenever possible, notice of the hearing shall  
22 be given within 48 hours of the court's scheduling of the  
23 hearing;

24 (19) shall forward a copy of any statement presented  
25 under Section 6 to the Prisoner Review Board or Department  
26 of Juvenile Justice to be considered in making a

1 determination under Section 3-2.5-85 or subsection (b) of  
2 Section 3-3-8 of the Unified Code of Corrections;

3 (20) shall, within a reasonable time, offer to meet  
4 with the crime victim regarding the decision of the  
5 State's Attorney not to charge an offense, and shall meet  
6 with the victim, if the victim agrees. The victim has a  
7 right to have an attorney, advocate, and other support  
8 person of the victim's choice attend this meeting with the  
9 victim; and

10 (21) shall give the crime victim timely notice of any  
11 decision not to pursue charges and consider the safety of  
12 the victim when deciding how to give such notice.

13 (c) The court shall ensure that the rights of the victim  
14 are afforded.

15 (c-5) The following procedures shall be followed to afford  
16 victims the rights guaranteed by Article I, Section 8.1 of the  
17 Illinois Constitution:

18 (1) Written notice. A victim may complete a written  
19 notice of intent to assert rights on a form prepared by the  
20 Office of the Attorney General and provided to the victim  
21 by the State's Attorney. The victim may at any time  
22 provide a revised written notice to the State's Attorney.  
23 The State's Attorney shall file the written notice with  
24 the court. At the beginning of any court proceeding in  
25 which the right of a victim may be at issue, the court and  
26 prosecutor shall review the written notice to determine

1       whether the victim has asserted the right that may be at  
2       issue.

3       (2) Victim's retained attorney. A victim's attorney  
4       shall file an entry of appearance limited to assertion of  
5       the victim's rights. Upon the filing of the entry of  
6       appearance and service on the State's Attorney and the  
7       defendant, the attorney is to receive copies of all  
8       notices, motions and court orders filed thereafter in the  
9       case.

10       (3) Standing. The victim has standing to assert the  
11       rights enumerated in subsection (a) of Article I, Section  
12       8.1 of the Illinois Constitution and the statutory rights  
13       under Section 4 of this Act in any court exercising  
14       jurisdiction over the criminal case. The prosecuting  
15       attorney, a victim, or the victim's retained attorney may  
16       assert the victim's rights. The defendant in the criminal  
17       case has no standing to assert a right of the victim in any  
18       court proceeding, including on appeal.

19       (4) Assertion of and enforcement of rights.

20       (A) The prosecuting attorney shall assert a  
21       victim's right or request enforcement of a right by  
22       filing a motion or by orally asserting the right or  
23       requesting enforcement in open court in the criminal  
24       case outside the presence of the jury. The prosecuting  
25       attorney shall consult with the victim and the  
26       victim's attorney regarding the assertion or

1 enforcement of a right. If the prosecuting attorney  
2 decides not to assert or enforce a victim's right, the  
3 prosecuting attorney shall notify the victim or the  
4 victim's attorney in sufficient time to allow the  
5 victim or the victim's attorney to assert the right or  
6 to seek enforcement of a right.

7 (B) If the prosecuting attorney elects not to  
8 assert a victim's right or to seek enforcement of a  
9 right, the victim or the victim's attorney may assert  
10 the victim's right or request enforcement of a right  
11 by filing a motion or by orally asserting the right or  
12 requesting enforcement in open court in the criminal  
13 case outside the presence of the jury.

14 (C) If the prosecuting attorney asserts a victim's  
15 right or seeks enforcement of a right, unless the  
16 prosecuting attorney objects or the trial court does  
17 not allow it, the victim or the victim's attorney may  
18 be heard regarding the prosecuting attorney's motion  
19 or may file a simultaneous motion to assert or request  
20 enforcement of the victim's right. If the victim or  
21 the victim's attorney was not allowed to be heard at  
22 the hearing regarding the prosecuting attorney's  
23 motion, and the court denies the prosecuting  
24 attorney's assertion of the right or denies the  
25 request for enforcement of a right, the victim or  
26 victim's attorney may file a motion to assert the

1 victim's right or to request enforcement of the right  
2 within 10 days of the court's ruling. The motion need  
3 not demonstrate the grounds for a motion for  
4 reconsideration. The court shall rule on the merits of  
5 the motion.

6 (D) The court shall take up and decide any motion  
7 or request asserting or seeking enforcement of a  
8 victim's right without delay, unless a specific time  
9 period is specified by law or court rule. The reasons  
10 for any decision denying the motion or request shall  
11 be clearly stated on the record.

12 (E) No later than January 1, 2023, the Office of  
13 the Attorney General shall:

14 (i) designate an administrative authority  
15 within the Office of the Attorney General to  
16 receive and investigate complaints relating to the  
17 provision or violation of the rights of a crime  
18 victim as described in Article I, Section 8.1 of  
19 the Illinois Constitution and in this Act;

20 (ii) create and administer a course of  
21 training for employees and offices of the State of  
22 Illinois that fail to comply with provisions of  
23 Illinois law pertaining to the treatment of crime  
24 victims as described in Article I, Section 8.1 of  
25 the Illinois Constitution and in this Act as  
26 required by the court under Section 5 of this Act;

1                   and

2                   (iii)     have     the     authority     to     make  
3                   recommendations to employees and offices of the  
4                   State of Illinois to respond more effectively to  
5                   the needs of crime victims, including regarding  
6                   the violation of the rights of a crime victim.

7                   (F) Crime victims' rights may also be asserted by  
8                   filing a complaint for mandamus, injunctive, or  
9                   declaratory relief in the jurisdiction in which the  
10                  victim's right is being violated or where the crime is  
11                  being prosecuted. For complaints or motions filed by  
12                  or on behalf of the victim, the clerk of court shall  
13                  waive filing fees that would otherwise be owed by the  
14                  victim for any court filing with the purpose of  
15                  enforcing crime victims' rights. If the court denies  
16                  the relief sought by the victim, the reasons for the  
17                  denial shall be clearly stated on the record in the  
18                  transcript of the proceedings, in a written opinion,  
19                  or in the docket entry, and the victim may appeal the  
20                  circuit court's decision to the appellate court. The  
21                  court shall issue prompt rulings regarding victims'  
22                  rights. Proceedings seeking to enforce victims' rights  
23                  shall not be stayed or subject to unreasonable delay  
24                  via continuances.

25                  (5) Violation of rights and remedies.

26                  (A) If the court determines that a victim's right

1           has been violated, the court shall determine the  
2           appropriate remedy for the violation of the victim's  
3           right by hearing from the victim and the parties,  
4           considering all factors relevant to the issue, and  
5           then awarding appropriate relief to the victim.

6           (A-5) Consideration of an issue of a substantive  
7           nature or an issue that implicates the constitutional  
8           or statutory right of a victim at a court proceeding  
9           labeled as a status hearing shall constitute a per se  
10          violation of a victim's right.

11          (B) The appropriate remedy shall include only  
12          actions necessary to provide the victim the right to  
13          which the victim was entitled. Remedies may include,  
14          but are not limited to: injunctive relief requiring  
15          the victim's right to be afforded; declaratory  
16          judgment recognizing or clarifying the victim's  
17          rights; a writ of mandamus; and may include reopening  
18          previously held proceedings; however, in no event  
19          shall the court vacate a conviction. Any remedy shall  
20          be tailored to provide the victim an appropriate  
21          remedy without violating any constitutional right of  
22          the defendant. In no event shall the appropriate  
23          remedy to the victim be a new trial or damages.

24          The court shall impose a mandatory training course  
25          provided by the Attorney General for the employee under  
26          item (ii) of subparagraph (E) of paragraph (4), which must

1 be successfully completed within 6 months of the entry of  
2 the court order.

3 This paragraph (5) takes effect January 2, 2023.

4 (6) Right to be heard. Whenever a victim has the right  
5 to be heard, the court shall allow the victim to exercise  
6 the right in any reasonable manner the victim chooses.

7 (7) Right to attend trial. A party must file a written  
8 motion to exclude a victim from trial at least 60 days  
9 prior to the date set for trial. The motion must state with  
10 specificity the reason exclusion is necessary to protect a  
11 constitutional right of the party, and must contain an  
12 offer of proof. The court shall rule on the motion within  
13 30 days. If the motion is granted, the court shall set  
14 forth on the record the facts that support its finding  
15 that the victim's testimony will be materially affected if  
16 the victim hears other testimony at trial.

17 (8) Right to have advocate and support person present  
18 at court proceedings.

19 (A) A party who intends to call an advocate as a  
20 witness at trial must seek permission of the court  
21 before the subpoena is issued. The party must file a  
22 written motion at least 90 days before trial that sets  
23 forth specifically the issues on which the advocate's  
24 testimony is sought and an offer of proof regarding  
25 (i) the content of the anticipated testimony of the  
26 advocate; and (ii) the relevance, admissibility, and



1 materiality of the anticipated testimony. The court  
2 shall consider the motion and make findings within 30  
3 days of the filing of the motion. If the court finds by  
4 a preponderance of the evidence that: (i) the  
5 anticipated testimony is not protected by an absolute  
6 privilege; and (ii) the anticipated testimony contains  
7 relevant, admissible, and material evidence that is  
8 not available through other witnesses or evidence, the  
9 court shall issue a subpoena requiring the advocate to  
10 appear to testify at an in camera hearing. The  
11 prosecuting attorney and the victim shall have 15 days  
12 to seek appellate review before the advocate is  
13 required to testify at an ex parte in camera  
14 proceeding.

15 The prosecuting attorney, the victim, and the  
16 advocate's attorney shall be allowed to be present at  
17 the ex parte in camera proceeding. If, after  
18 conducting the ex parte in camera hearing, the court  
19 determines that due process requires any testimony  
20 regarding confidential or privileged information or  
21 communications, the court shall provide to the  
22 prosecuting attorney, the victim, and the advocate's  
23 attorney a written memorandum on the substance of the  
24 advocate's testimony. The prosecuting attorney, the  
25 victim, and the advocate's attorney shall have 15 days  
26 to seek appellate review before a subpoena may be

1           issued for the advocate to testify at trial. The  
2           presence of the prosecuting attorney at the ex parte  
3           in camera proceeding does not make the substance of  
4           the advocate's testimony that the court has ruled  
5           inadmissible subject to discovery.

6           (B) If a victim has asserted the right to have a  
7           support person present at the court proceedings, the  
8           victim shall provide the name of the person the victim  
9           has chosen to be the victim's support person to the  
10          prosecuting attorney, within 60 days of trial. The  
11          prosecuting attorney shall provide the name to the  
12          defendant. If the defendant intends to call the  
13          support person as a witness at trial, the defendant  
14          must seek permission of the court before a subpoena is  
15          issued. The defendant must file a written motion at  
16          least 45 days prior to trial that sets forth  
17          specifically the issues on which the support person  
18          will testify and an offer of proof regarding: (i) the  
19          content of the anticipated testimony of the support  
20          person; and (ii) the relevance, admissibility, and  
21          materiality of the anticipated testimony.

22          If the prosecuting attorney intends to call the  
23          support person as a witness during the State's  
24          case-in-chief, the prosecuting attorney shall inform  
25          the court of this intent in the response to the  
26          defendant's written motion. The victim may choose a

1 different person to be the victim's support person.  
2 The court may allow the defendant to inquire about  
3 matters outside the scope of the direct examination  
4 during cross-examination. If the court allows the  
5 defendant to do so, the support person shall be  
6 allowed to remain in the courtroom after the support  
7 person has testified. A defendant who fails to  
8 question the support person about matters outside the  
9 scope of direct examination during the State's  
10 case-in-chief waives the right to challenge the  
11 presence of the support person on appeal. The court  
12 shall allow the support person to testify if called as  
13 a witness in the defendant's case-in-chief or the  
14 State's rebuttal.

15 If the court does not allow the defendant to  
16 inquire about matters outside the scope of the direct  
17 examination, the support person shall be allowed to  
18 remain in the courtroom after the support person has  
19 been called by the defendant or the defendant has  
20 rested. The court shall allow the support person to  
21 testify in the State's rebuttal.

22 If the prosecuting attorney does not intend to  
23 call the support person in the State's case-in-chief,  
24 the court shall verify with the support person whether  
25 the support person, if called as a witness, would  
26 testify as set forth in the offer of proof. If the

1 court finds that the support person would testify as  
2 set forth in the offer of proof, the court shall rule  
3 on the relevance, materiality, and admissibility of  
4 the anticipated testimony. If the court rules the  
5 anticipated testimony is admissible, the court shall  
6 issue the subpoena. The support person may remain in  
7 the courtroom after the support person testifies and  
8 shall be allowed to testify in rebuttal.

9 If the court excludes the victim's support person  
10 during the State's case-in-chief, the victim shall be  
11 allowed to choose another support person to be present  
12 in court.

13 If the victim fails to designate a support person  
14 within 60 days of trial and the defendant has  
15 subpoenaed the support person to testify at trial, the  
16 court may exclude the support person from the trial  
17 until the support person testifies. If the court  
18 excludes the support person the victim may choose  
19 another person as a support person.

20 (9) Right to notice and hearing before disclosure of  
21 confidential or privileged information or records.

22 (A) A defendant who seeks to subpoena testimony or  
23 records of or concerning the victim that are  
24 confidential or privileged by law must seek permission  
25 of the court before the subpoena is issued. The  
26 defendant must file a written motion and an offer of

1 proof regarding the relevance, admissibility and  
2 materiality of the testimony or records. If the court  
3 finds by a preponderance of the evidence that:

4 (i) the testimony or records are not protected  
5 by an absolute privilege and

6 (ii) the testimony or records contain  
7 relevant, admissible, and material evidence that  
8 is not available through other witnesses or  
9 evidence, the court shall issue a subpoena  
10 requiring the witness to appear in camera or a  
11 sealed copy of the records be delivered to the  
12 court to be reviewed in camera. If, after  
13 conducting an in camera review of the witness  
14 statement or records, the court determines that  
15 due process requires disclosure of any potential  
16 testimony or any portion of the records, the court  
17 shall provide copies of the records that it  
18 intends to disclose to the prosecuting attorney  
19 and the victim. The prosecuting attorney and the  
20 victim shall have 30 days to seek appellate review  
21 before the records are disclosed to the defendant,  
22 used in any court proceeding, or disclosed to  
23 anyone or in any way that would subject the  
24 testimony or records to public review. The  
25 disclosure of copies of any portion of the  
26 testimony or records to the prosecuting attorney

1           under this Section does not make the records  
2           subject to discovery or required to be provided to  
3           the defendant.

4           (B) A prosecuting attorney who seeks to subpoena  
5           information or records concerning the victim that are  
6           confidential or privileged by law must first request  
7           the written consent of the crime victim. If the victim  
8           does not provide such written consent, including where  
9           necessary the appropriate signed document required for  
10          waiving privilege, the prosecuting attorney must serve  
11          the subpoena at least 21 days prior to the date a  
12          response or appearance is required to allow the  
13          subject of the subpoena time to file a motion to quash  
14          or request a hearing. The prosecuting attorney must  
15          also send a written notice to the victim at least 21  
16          days prior to the response date to allow the victim to  
17          file a motion or request a hearing. The notice to the  
18          victim shall inform the victim (i) that a subpoena has  
19          been issued for confidential information or records  
20          concerning the victim, (ii) that the victim has the  
21          right to request a hearing prior to the response date  
22          of the subpoena, and (iii) how to request the hearing.  
23          The notice to the victim shall also include a copy of  
24          the subpoena. If requested, a hearing regarding the  
25          subpoena shall occur before information or records are  
26          provided to the prosecuting attorney.

1           (10) Right to notice of court proceedings. If the  
2       victim is not present at a court proceeding in which a  
3       right of the victim is at issue, the court shall ask the  
4       prosecuting attorney whether the victim was notified of  
5       the time, place, and purpose of the court proceeding and  
6       that the victim had a right to be heard at the court  
7       proceeding. If the court determines that timely notice was  
8       not given or that the victim was not adequately informed  
9       of the nature of the court proceeding, the court shall not  
10      rule on any substantive issues, accept a plea, or impose a  
11      sentence and shall continue the hearing for the time  
12      necessary to notify the victim of the time, place and  
13      nature of the court proceeding. The time between court  
14      proceedings shall not be attributable to the State under  
15      Section 103-5 of the Code of Criminal Procedure of 1963.

16          (11) Right to timely disposition of the case. A victim  
17      has the right to timely disposition of the case so as to  
18      minimize the stress, cost, and inconvenience resulting  
19      from the victim's involvement in the case. Before ruling  
20      on a motion to continue trial or other court proceeding,  
21      the court shall inquire into the circumstances for the  
22      request for the delay and, if the victim has provided  
23      written notice of the assertion of the right to a timely  
24      disposition, and whether the victim objects to the delay.  
25      If the victim objects, the prosecutor shall inform the  
26      court of the victim's objections. If the prosecutor has

1 not conferred with the victim about the continuance, the  
2 prosecutor shall inform the court of the attempts to  
3 confer. If the court finds the attempts of the prosecutor  
4 to confer with the victim were inadequate to protect the  
5 victim's right to be heard, the court shall give the  
6 prosecutor at least 3 but not more than 5 business days to  
7 confer with the victim. In ruling on a motion to continue,  
8 the court shall consider the reasons for the requested  
9 continuance, the number and length of continuances that  
10 have been granted, the victim's objections and procedures  
11 to avoid further delays. If a continuance is granted over  
12 the victim's objection, the court shall specify on the  
13 record the reasons for the continuance and the procedures  
14 that have been or will be taken to avoid further delays.

15 (12) Right to Restitution.

16 (A) If the victim has asserted the right to  
17 restitution and the amount of restitution is known at  
18 the time of sentencing, the court shall enter the  
19 judgment of restitution at the time of sentencing.

20 (B) If the victim has asserted the right to  
21 restitution and the amount of restitution is not known  
22 at the time of sentencing, the prosecutor shall,  
23 within 5 days after sentencing, notify the victim what  
24 information and documentation related to restitution  
25 is needed and that the information and documentation  
26 must be provided to the prosecutor within 45 days



1           after sentencing. Failure to timely provide  
2           information and documentation related to restitution  
3           shall be deemed a waiver of the right to restitution.  
4           The prosecutor shall file and serve within 60 days  
5           after sentencing a proposed judgment for restitution  
6           and a notice that includes information concerning the  
7           identity of any victims or other persons seeking  
8           restitution, whether any victim or other person  
9           expressly declines restitution, the nature and amount  
10          of any damages together with any supporting  
11          documentation, a restitution amount recommendation,  
12          and the names of any co-defendants and their case  
13          numbers. Within 30 days after receipt of the proposed  
14          judgment for restitution, the defendant shall file any  
15          objection to the proposed judgment, a statement of  
16          grounds for the objection, and a financial statement.  
17          If the defendant does not file an objection, the court  
18          may enter the judgment for restitution without further  
19          proceedings. If the defendant files an objection and  
20          either party requests a hearing, the court shall  
21          schedule a hearing.

22          (13) Access to presentence reports.

23                 (A) The victim may request a copy of the  
24                 presentence report prepared under the Unified Code of  
25                 Corrections from the State's Attorney. The State's  
26                 Attorney shall redact the following information before

1 providing a copy of the report:

2 (i) the defendant's mental history and  
3 condition;

4 (ii) any evaluation prepared under subsection  
5 (b) or (b-5) of Section 5-3-2; and

6 (iii) the name, address, phone number, and  
7 other personal information about any other victim.

8 (B) The State's Attorney or the defendant may  
9 request the court redact other information in the  
10 report that may endanger the safety of any person.

11 (C) The State's Attorney may orally disclose to  
12 the victim any of the information that has been  
13 redacted if there is a reasonable likelihood that the  
14 information will be stated in court at the sentencing.

15 (D) The State's Attorney must advise the victim  
16 that the victim must maintain the confidentiality of  
17 the report and other information. Any dissemination of  
18 the report or information that was not stated at a  
19 court proceeding constitutes indirect criminal  
20 contempt of court.

21 (14) Appellate relief. If the trial court denies the  
22 relief requested, the victim, the victim's attorney, or  
23 the prosecuting attorney may file an appeal within 30 days  
24 of the trial court's ruling. The trial or appellate court  
25 may stay the court proceedings if the court finds that a  
26 stay would not violate a constitutional right of the

1 defendant. If the appellate court denies the relief  
2 sought, the reasons for the denial shall be clearly stated  
3 in a written opinion. In any appeal in a criminal case, the  
4 State may assert as error the court's denial of any crime  
5 victim's right in the proceeding to which the appeal  
6 relates.

7 (15) Limitation on appellate relief. In no case shall  
8 an appellate court provide a new trial to remedy the  
9 violation of a victim's right.

10 (16) The right to be reasonably protected from the  
11 accused throughout the criminal justice process and the  
12 right to have the safety of the victim and the victim's  
13 family considered in determining whether to release the  
14 defendant, and setting conditions of release after arrest  
15 and conviction. A victim of domestic violence, a sexual  
16 offense, or stalking may request the entry of a protective  
17 order under Article 112A of the Code of Criminal Procedure  
18 of 1963.

19 (d) Procedures after the imposition of sentence.

20 (1) The Prisoner Review Board shall inform a victim or  
21 any other concerned citizen, upon written request, of the  
22 prisoner's release on parole, mandatory supervised  
23 release, electronic detention, work release, international  
24 transfer or exchange, or by the custodian, other than the  
25 Department of Juvenile Justice, of the discharge of any  
26 individual who was adjudicated a delinquent for a crime

1 from State custody and by the sheriff of the appropriate  
2 county of any such person's final discharge from county  
3 custody. The Prisoner Review Board, upon written request,  
4 shall provide to a victim or any other concerned citizen a  
5 recent photograph of any person convicted of a felony,  
6 upon his or her release from custody. The Prisoner Review  
7 Board, upon written request, shall inform a victim or any  
8 other concerned citizen when feasible at least 7 days  
9 prior to the prisoner's release on furlough of the times  
10 and dates of such furlough. Upon written request by the  
11 victim or any other concerned citizen, the State's  
12 Attorney shall notify the person once of the times and  
13 dates of release of a prisoner sentenced to periodic  
14 imprisonment. Notification shall be based on the most  
15 recent information as to the victim's or other concerned  
16 citizen's residence or other location available to the  
17 notifying authority.

18 (2) When the defendant has been committed to the  
19 Department of Human Services pursuant to Section 5-2-4 or  
20 any other provision of the Unified Code of Corrections,  
21 the victim may request to be notified by the releasing  
22 authority of the approval by the court of an on-grounds  
23 pass, a supervised off-grounds pass, an unsupervised  
24 off-grounds pass, or conditional release; the release on  
25 an off-grounds pass; the return from an off-grounds pass;  
26 transfer to another facility; conditional release; escape;

1 death; or final discharge from State custody. The  
2 Department of Human Services shall establish and maintain  
3 a statewide telephone number to be used by victims to make  
4 notification requests under these provisions and shall  
5 publicize this telephone number on its website and to the  
6 State's Attorney of each county.

7 (3) In the event of an escape from State custody, the  
8 Department of Corrections or the Department of Juvenile  
9 Justice immediately shall notify the Prisoner Review Board  
10 of the escape and the Prisoner Review Board shall notify  
11 the victim. The notification shall be based upon the most  
12 recent information as to the victim's residence or other  
13 location available to the Board. When no such information  
14 is available, the Board shall make all reasonable efforts  
15 to obtain the information and make the notification. When  
16 the escapee is apprehended, the Department of Corrections  
17 or the Department of Juvenile Justice immediately shall  
18 notify the Prisoner Review Board and the Board shall  
19 notify the victim.

20 (4) The victim of the crime for which the prisoner has  
21 been sentenced has the right to register with the Prisoner  
22 Review Board's victim registry. Victims registered with  
23 the Board shall receive reasonable written notice not less  
24 than 30 days prior to the parole hearing or target  
25 aftercare release date. The victim has the right to submit  
26 a victim statement for consideration by the Prisoner

1 Review Board or the Department of Juvenile Justice in  
2 writing, on film, videotape, or other electronic means, or  
3 in the form of a recording prior to the parole hearing or  
4 target aftercare release date, or in person at the parole  
5 hearing or aftercare release protest hearing, or by  
6 calling the toll-free number established in subsection (f)  
7 of this Section. The victim shall be notified within 7  
8 days after the prisoner has been granted parole or  
9 aftercare release and shall be informed of the right to  
10 inspect the registry of parole decisions, established  
11 under subsection (g) of Section 3-3-5 of the Unified Code  
12 of Corrections. The provisions of this paragraph (4) are  
13 subject to the Open Parole Hearings Act. Victim statements  
14 provided to the Board shall be confidential and  
15 privileged, including any statements received prior to  
16 January 1, 2020 (the effective date of Public Act  
17 101-288), except if the statement was an oral statement  
18 made by the victim at a hearing open to the public.

19 (4-1) The crime victim has the right to submit a  
20 victim statement for consideration by the Prisoner Review  
21 Board or the Department of Juvenile Justice prior to or at  
22 a hearing to determine the conditions of mandatory  
23 supervised release of a person sentenced to a determinate  
24 sentence or at a hearing on revocation of mandatory  
25 supervised release of a person sentenced to a determinate  
26 sentence. A victim statement may be submitted in writing,

1 on film, videotape, or other electronic means, or in the  
2 form of a recording, or orally at a hearing, or by calling  
3 the toll-free number established in subsection (f) of this  
4 Section. Victim statements provided to the Board shall be  
5 confidential and privileged, including any statements  
6 received prior to January 1, 2020 (the effective date of  
7 Public Act 101-288), except if the statement was an oral  
8 statement made by the victim at a hearing open to the  
9 public.

10 (4-2) The crime victim has the right to submit a  
11 victim statement to the Prisoner Review Board for  
12 consideration at an executive clemency hearing as provided  
13 in Section 3-3-13 of the Unified Code of Corrections. A  
14 victim statement may be submitted in writing, on film,  
15 videotape, or other electronic means, or in the form of a  
16 recording prior to a hearing, or orally at a hearing, or by  
17 calling the toll-free number established in subsection (f)  
18 of this Section. Victim statements provided to the Board  
19 shall be confidential and privileged, including any  
20 statements received prior to January 1, 2020 (the  
21 effective date of Public Act 101-288), except if the  
22 statement was an oral statement made by the victim at a  
23 hearing open to the public.

24 (5) If a statement is presented under Section 6, the  
25 Prisoner Review Board or Department of Juvenile Justice  
26 shall inform the victim of any order of discharge pursuant

1 to Section 3-2.5-85 or 3-3-8 of the Unified Code of  
2 Corrections.

3 (6) At the written or oral request of the victim of the  
4 crime for which the prisoner was sentenced or the State's  
5 Attorney of the county where the person seeking parole or  
6 aftercare release was prosecuted, the Prisoner Review  
7 Board or Department of Juvenile Justice shall notify the  
8 victim and the State's Attorney of the county where the  
9 person seeking parole or aftercare release was prosecuted  
10 of the death of the prisoner if the prisoner died while on  
11 parole or aftercare release or mandatory supervised  
12 release.

13 (7) When a defendant who has been committed to the  
14 Department of Corrections, the Department of Juvenile  
15 Justice, or the Department of Human Services is released  
16 or discharged and subsequently committed to the Department  
17 of Human Services as a sexually violent person and the  
18 victim had requested to be notified by the releasing  
19 authority of the defendant's discharge, conditional  
20 release, death, or escape from State custody, the  
21 releasing authority shall provide to the Department of  
22 Human Services such information that would allow the  
23 Department of Human Services to contact the victim.

24 (8) When a defendant has been convicted of a sex  
25 offense as defined in Section 2 of the Sex Offender  
26 Registration Act and has been sentenced to the Department



1 of Corrections or the Department of Juvenile Justice, the  
2 Prisoner Review Board or the Department of Juvenile  
3 Justice shall notify the victim of the sex offense of the  
4 prisoner's eligibility for release on parole, aftercare  
5 release, mandatory supervised release, electronic  
6 detention, work release, international transfer or  
7 exchange, or by the custodian of the discharge of any  
8 individual who was adjudicated a delinquent for a sex  
9 offense from State custody and by the sheriff of the  
10 appropriate county of any such person's final discharge  
11 from county custody. The notification shall be made to the  
12 victim at least 30 days, whenever possible, before release  
13 of the sex offender.

14 (e) The officials named in this Section may satisfy some  
15 or all of their obligations to provide notices and other  
16 information through participation in a statewide victim and  
17 witness notification system established by the Attorney  
18 General under Section 8.5 of this Act.

19 (f) The Prisoner Review Board shall establish a toll-free  
20 number that may be accessed by the crime victim to present a  
21 victim statement to the Board in accordance with paragraphs  
22 (4), (4-1), and (4-2) of subsection (d).

23 (Source: P.A. 101-81, eff. 7-12-19; 101-288, eff. 1-1-20;  
24 101-652, eff. 1-1-23; 102-22, eff. 6-25-21; 102-558, eff.  
25 8-20-21; 102-813, eff. 5-13-22.)

1           Section 20. The Sexual Assault Incident Procedure Act is  
2           amended by changing Section 20 as follows:

3           (725 ILCS 203/20)

4           Sec. 20. Reports by law enforcement officers.

5           (a) A law enforcement officer shall complete a written  
6           police report upon receiving the following, regardless of  
7           where the incident occurred:

8                 (1) an allegation by a person that the person has been  
9                 sexually assaulted or sexually abused regardless of  
10                jurisdiction;

11               (2) information from hospital or medical personnel  
12               provided under Section 3.2 of the Criminal Identification  
13               Act; or

14               (3) information from a witness who personally observed  
15               what appeared to be a sexual assault or sexual abuse or  
16               attempted sexual assault or sexual abuse.

17           (b) The written report shall include the following, if  
18           known:

19                 (1) the victim's name or other identifier;

20                 (2) the victim's contact information;

21                 (3) time, date, and location of offense;

22                 (4) information provided by the victim;

23                 (5) the suspect's description and name, if known;

24                 (6) names of persons with information relevant to the  
25               time before, during, or after the sexual assault or sexual

1 abuse, and their contact information;

2 (7) names of medical professionals who provided a  
3 medical forensic examination of the victim and any  
4 information they provided about the sexual assault or  
5 sexual abuse;

6 (8) whether an Illinois State Police Sexual Assault  
7 Evidence Collection Kit was completed, the name and  
8 contact information for the hospital, and whether the  
9 victim consented to testing of the Evidence Collection Kit  
10 by law enforcement;

11 (9) whether a urine or blood sample was collected and  
12 whether the victim consented to testing of a toxicology  
13 screen by law enforcement;

14 (10) information the victim related to medical  
15 professionals during a medical forensic examination which  
16 the victim consented to disclosure to law enforcement; and

17 (11) other relevant information.

18 (c) If the sexual assault or sexual abuse occurred in  
19 another jurisdiction, the law enforcement officer taking the  
20 report must submit the report to the law enforcement agency  
21 having jurisdiction in person or via fax or email within 24  
22 hours of receiving information about the sexual assault or  
23 sexual abuse.

24 (d) Within 24 hours of receiving a report from a law  
25 enforcement agency in another jurisdiction in accordance with  
26 subsection (c), the law enforcement agency having jurisdiction

1 shall submit a written confirmation to the law enforcement  
2 agency that wrote the report. The written confirmation shall  
3 contain the name and identifier of the person and confirming  
4 receipt of the report and a name and contact phone number that  
5 will be given to the victim. The written confirmation shall be  
6 delivered in person or via fax or email.

7 (e) No law enforcement officer shall require a victim of  
8 sexual assault or sexual abuse to submit to an interview.

9 (f) No law enforcement agency may refuse to complete a  
10 written report as required by this Section on any ground. A law  
11 enforcement officer shall not discourage or attempt to  
12 discourage a victim from filing a police report concerning  
13 sexual assault or sexual abuse.

14 (g) All law enforcement agencies shall ensure that all  
15 officers responding to or investigating a complaint of sexual  
16 assault or sexual abuse have successfully completed training  
17 under Section 10.21 of the Illinois Police Training Act and  
18 Section 2605-51 of the Illinois State Police Law of the Civil  
19 Administrative Code of Illinois.

20 (Source: P.A. 102-538, eff. 8-20-21.)

21 Section 25. The Illinois Domestic Violence Act of 1986 is  
22 amended by changing Section 303 as follows:

23 (750 ILCS 60/303) (from Ch. 40, par. 2313-3)

24 Sec. 303. Reports by law enforcement officers.

1           (a) Every law enforcement officer investigating an alleged  
2 incident of abuse, neglect, or exploitation between family or  
3 household members shall make a written police report of any  
4 bona fide allegation and the disposition of such  
5 investigation. The police report shall include the victim's  
6 statements as to the frequency and severity of prior incidents  
7 of abuse, neglect, or exploitation by the same family or  
8 household member and the number of prior calls for police  
9 assistance to prevent such further abuse, neglect, or  
10 exploitation.

11           (b) Every police report completed pursuant to this Section  
12 shall be recorded and compiled as a domestic crime within the  
13 meaning of Section 5.1 of the Criminal Identification Act.

14           (c) No law enforcement officer may refuse to complete a  
15 written report for a bona fide allegation as required by this  
16 Section on any ground. No law enforcement officer shall  
17 discourage or attempt to discourage a victim from filing a  
18 police report concerning an incident of abuse, neglect, or  
19 exploitation.

20           (Source: P.A. 86-542; 87-1186.)