



Rep. Kelly M. Cassidy

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10400HB1302ham002

LRB104 05519 RLC 24823 a

1 AMENDMENT TO HOUSE BILL 1302

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 1302 by replacing  
3 everything after the enacting clause with the following:

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 (e) 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

1 mercantile establishment where the violation occurred and  
2 to the point of contact as provided by the retail  
3 mercantile establishment. The point of contact may be any  
4 employee of the retail mercantile establishment or  
5 representative as provided by the retail mercantile  
6 establishment;

7 (2) to communicate with the prosecution;

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

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

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

17 (b) Unless a retail mercantile establishment refuses to  
18 file a report regarding the incident, the law enforcement  
19 agency having jurisdiction shall file a report concerning the  
20 incident with the State's Attorney. No law enforcement agent  
21 shall discourage or attempt to discourage a retail mercantile  
22 establishment from filing a police report concerning the  
23 incident. Upon the request of the retail mercantile  
24 establishment, the law enforcement agency having jurisdiction  
25 shall provide a free copy of the police report concerning the  
26 incident, as soon as practicable, but in no event later than 5

1 business days after the request. The Illinois Law Enforcement  
2 Training Standards Board shall not consider any allegation of  
3 a violation of this subsection that is contained in a  
4 complaint made under Section 1-35 of the Police and Community  
5 Relations Improvement Act.

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

7 Section 10. The Code of Criminal Procedure of 1963 is  
8 amended by changing Sections 112A-29 and 116-2.1 as follows:

9 (725 ILCS 5/112A-29) (from Ch. 38, par. 112A-29)

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

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

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

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

1 (Source: P.A. 87-1186.)

2 (725 ILCS 5/116-2.1)

3 Sec. 116-2.1. Motion to vacate ~~prostitution~~ convictions  
4 for offenses committed as a result of the defendants having  
5 been human ~~sex~~ trafficking victims.

6 (a) A motion under this Section may be filed at any time  
7 following the entry of a verdict or finding of guilty for one  
8 or more offenses reported to have been committed as a result of  
9 ~~where the conviction was under Section 11-14 (prostitution) or~~  
10 ~~Section 11-14.2 (first offender, felony prostitution) of the~~  
11 ~~Criminal Code of 1961 or the Criminal Code of 2012 or a similar~~  
12 ~~local ordinance and the defendant defendant's participation in~~  
13 ~~the offense was a result of~~ having been a trafficking victim  
14 under Section 10-9 (involuntary servitude, involuntary sexual  
15 servitude of a minor, or trafficking in persons) of the  
16 Criminal Code of 1961 or the Criminal Code of 2012; or a victim  
17 of a severe form of trafficking under the federal Trafficking  
18 Victims Protection Act (22 U.S.C. Section 7102(13)); provided  
19 that:

20 (1) a motion under this Section shall state why the  
21 facts giving rise to this motion were not presented to the  
22 trial court, ~~and shall be made with due diligence, after~~  
23 ~~the defendant has ceased to be a victim of such~~  
24 ~~trafficking or has sought services for victims of such~~  
25 ~~trafficking,~~ subject to reasonable concerns for the safety

1 of the defendant, family members of the defendant, or  
2 other victims of such trafficking that may be jeopardized  
3 by the bringing of such motion, or for other reasons  
4 consistent with the purpose of this Section; and

5 (2) reasonable notice of the motion shall be served  
6 upon the State.

7 (b) The court may grant the motion if, in the discretion of  
8 the court, the violation was a result of the defendant having  
9 been a victim of human trafficking. Determination of the  
10 motion under this Section shall be by a preponderance of the  
11 evidence. Evidence of such may include, but is not limited to:

12 (1) certified records of federal or State court  
13 proceedings which demonstrate that the defendant was a  
14 victim of a trafficker charged with a trafficking offense  
15 under Section 10-9 of the Criminal Code of 1961 or the  
16 Criminal Code of 2012, or under 22 U.S.C. Chapter 78;

17 (2) certified records of "approval notices" or "law  
18 enforcement certifications" generated from federal  
19 immigration proceedings available to such victims; or

20 (3) a sworn statement from a trained professional  
21 staff of a victim services organization, an attorney, a  
22 member of the clergy, or a medical or other professional  
23 from whom the defendant has sought assistance in  
24 addressing the trauma associated with being trafficked.

25 Alternatively, the court may consider such other evidence  
26 as it deems of sufficient credibility and probative value in

1 determining whether the defendant is a trafficking victim or  
2 victim of a severe form of trafficking.

3 (c) If the court grants a motion under this Section, it  
4 must vacate the conviction and may take such additional action  
5 as is appropriate in the circumstances.

6 (d) Regardless of whether the court grants a motion under  
7 this Section, it may permit the defendant to file an expedited  
8 petition for expungement or sealing pursuant to subsection (h)  
9 of Section 5.2 of the Criminal Identification Act to be heard  
10 whenever possible before the same judge to whom the motion to  
11 vacate his or her conviction was presented upon 30 days'  
12 notice to those entitled to notification of expungement or  
13 sealing proceedings pursuant to paragraph (4) of subsection  
14 (d) of Section 5.2 of the Criminal Identification Act. With  
15 the exception of this expedited notice period and timeline for  
16 hearing, any petition to seal or expunge records shall be  
17 governed entirely by the provisions of the Criminal  
18 Identification Act.

19 (e) If the court grants a motion for an expedited petition  
20 under this Section, the petition shall be filed with the clerk  
21 of the court. All other service of orders shall be directed as  
22 outlined in subsection (d) of Section 5.2 of the Criminal  
23 Identification Act.

24 (Source: P.A. 97-267, eff. 1-1-12; 97-897, eff. 1-1-13;  
25 97-1150, eff. 1-25-13.)

1           Section 15. 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 20. 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.)".