



Sen. Robert Peters

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LRB104 05519 RLC 26830 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 (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

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 (c) For purposes of this Section, "court proceeding" means  
7 the preliminary hearing; any post-arraignment hearing the  
8 effect of which may be the release of the defendant from  
9 custody or to alter the conditions of pretrial release; the  
10 trial; the sentencing; any oral argument or hearing before an  
11 Illinois appellate court; any hearing for conditional release;  
12 any hearing related to a modification of sentence; any  
13 probation revocation hearing; any aftercare release or parole  
14 hearing; any post-conviction relief proceeding; and any habeas  
15 corpus proceeding.

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

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

19 (725 ILCS 5/112A-29) (from Ch. 38, par. 112A-29)

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

21 (a) Every law enforcement officer investigating an alleged  
22 incident of abuse between family or household members shall  
23 make a written police report of any bona fide allegation and  
24 the disposition of such investigation. The police report shall

1 include the victim's statements as to the frequency and  
2 severity of prior incidents of abuse by the same family or  
3 household member and the number of prior calls for police  
4 assistance to prevent such further abuse.

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

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

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

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

14 (725 ILCS 120/3) (from Ch. 38, par. 1403)

15 Sec. 3. The terms used in this Act shall have the following  
16 meanings:

17 (a) "Crime victim" or "victim" means: (1) any natural  
18 person determined by the prosecutor or the court to have  
19 suffered direct physical or psychological harm as a result of  
20 a violent crime perpetrated or attempted against that person  
21 or direct physical or psychological harm as a result of (i) a  
22 violation of Section 11-501 of the Illinois Vehicle Code or  
23 similar provision of a local ordinance or (ii) a violation of  
24 Section 9-3 of the Criminal Code of 1961 or the Criminal Code

1 of 2012; (2) in the case of a crime victim who is under 18  
2 years of age or an adult victim who is incompetent or  
3 incapacitated, both parents, legal guardians, foster parents,  
4 or a single adult representative; (3) in the case of an adult  
5 deceased victim, 2 representatives who may be the spouse,  
6 parent, child or sibling of the victim, or the representative  
7 of the victim's estate; and (4) an immediate family member of a  
8 victim under clause (1) of this paragraph (a) chosen by the  
9 victim. If the victim is 18 years of age or over, the victim  
10 may choose any person to be the victim's representative. In no  
11 event shall the defendant or any person who aided and abetted  
12 in the commission of the crime be considered a victim, a crime  
13 victim, or a representative of the victim.

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

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

22 (a-5) "Confer" means to consult together, share  
23 information, compare opinions and carry on a discussion or  
24 deliberation.

25 (a-6) "DNA database" means a collection of DNA profiles  
26 from forensic casework or specimens from anonymous,

1 identified, and unidentified sources that is created to search  
2 DNA records against each other to develop investigative leads  
3 among forensic cases.

4 (a-7) "Sentence" includes, but is not limited to, the  
5 imposition of sentence, a request for a reduction in sentence,  
6 parole, mandatory supervised release, aftercare release, early  
7 release, inpatient treatment, outpatient treatment,  
8 conditional release after a finding that the defendant is not  
9 guilty by reason of insanity, clemency, or a proposal that  
10 would reduce the defendant's sentence or result in the  
11 defendant's release. "Early release" refers to a discretionary  
12 release.

13 (a-9) "Sentencing" includes, but is not limited to, the  
14 imposition of sentence and a request for a reduction in  
15 sentence, parole, mandatory supervised release, aftercare  
16 release, early release, consideration of inpatient treatment  
17 or outpatient treatment, or conditional release after a  
18 finding that the defendant is not guilty by reason of  
19 insanity.

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

24 (b) "Witness" means: any person who personally observed  
25 the commission of a crime and who will testify on behalf of the  
26 State of Illinois; or a person who will be called by the

1 prosecution to give testimony establishing a necessary nexus  
2 between the offender and the violent crime.

3 (c) "Violent crime" means: (1) any felony in which force  
4 or threat of force was used against the victim; (2) any offense  
5 involving sexual exploitation, sexual conduct, or sexual  
6 penetration; (3) a violation of Section 11-20.1, 11-20.1B,  
7 11-20.3, 11-23, or 11-23.5 of the Criminal Code of 1961 or the  
8 Criminal Code of 2012; (4) domestic battery or stalking; (5)  
9 violation of an order of protection, a civil no contact order,  
10 or a stalking no contact order; (6) any misdemeanor which  
11 results in death or great bodily harm to the victim; or (7) any  
12 violation of Section 9-3 of the Criminal Code of 1961 or the  
13 Criminal Code of 2012, or Section 11-501 of the Illinois  
14 Vehicle Code, or a similar provision of a local ordinance, if  
15 the violation resulted in personal injury or death. "Violent  
16 crime" includes any action committed by a juvenile that would  
17 be a violent crime if committed by an adult. For the purposes  
18 of this paragraph, "personal injury" shall include any Type A  
19 injury as indicated on the traffic crash report completed by a  
20 law enforcement officer that requires immediate professional  
21 attention in either a doctor's office or medical facility. A  
22 type A injury shall include severely bleeding wounds,  
23 distorted extremities, and injuries that require the injured  
24 party to be carried from the scene.

25 (d) (Blank).

26 (e) "Court proceedings" includes, but is not limited to,

1 the preliminary hearing, any post-arraignment hearing the  
2 effect of which may be the release of the defendant from  
3 custody or to alter the conditions of pretrial release bond,  
4 change of plea hearing, the trial, any pretrial or post-trial  
5 hearing, sentencing, any oral argument or hearing before an  
6 Illinois appellate court, any hearing under the Mental Health  
7 and Developmental Disabilities Code or Section 5-2-4 of the  
8 Unified Code of Corrections after a finding that the defendant  
9 is not guilty by reason of insanity, including a hearing for  
10 conditional release, any hearing related to a modification of  
11 sentence, probation revocation hearing, aftercare release or  
12 parole hearings, post-conviction relief proceedings, habeas  
13 corpus proceedings and clemency proceedings related to the  
14 defendant's conviction or sentence. For purposes of the  
15 victim's right to be present, "court proceedings" does not  
16 include (1) grand jury proceedings, (2) status hearings, or  
17 (3) the issuance of an order or decision of an Illinois court  
18 that dismisses a charge, reverses a conviction, reduces a  
19 sentence, or releases an offender under a court rule.

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

23 (g) "Victim's attorney" means an attorney retained by the  
24 victim for the purposes of asserting the victim's  
25 constitutional and statutory rights. An attorney retained by  
26 the victim means an attorney who is hired to represent the

1 victim at the victim's expense or an attorney who has agreed to  
2 provide pro bono representation. Nothing in this statute  
3 creates a right to counsel at public expense for a victim.

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

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

8 (725 ILCS 120/4) (from Ch. 38, par. 1404)

9 Sec. 4. Rights of crime victims.

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

11 (1) The right to be treated with fairness and respect  
12 for their dignity and privacy and to be free from  
13 harassment, intimidation, and abuse throughout the  
14 criminal justice process.

15 (1.5) The right to notice and to a hearing before a  
16 court ruling on a request for access to any of the victim's  
17 records, information, or communications which are  
18 privileged or confidential by law.

19 (1.6) Except as otherwise provided in Section 9.5 of  
20 the Criminal Identification Act or Section 3-3013 of the  
21 Counties Code, whenever a person's DNA profile is  
22 collected due to the person being a victim of a crime, as  
23 identified by law enforcement, that specific profile  
24 collected in conjunction with that criminal investigation  
25 shall not be entered into any DNA database. Nothing in

1       this paragraph (1.6) shall be interpreted to contradict  
2       rules and regulations developed by the Federal Bureau of  
3       Investigation relating to the National DNA Index System or  
4       Combined DNA Index System.

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

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

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

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

15      (6) The right to the timely disposition of the case  
16      following the arrest of the accused.

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

19      (7.5) The right to have the safety of the victim and  
20      the victim's family considered in determining whether to  
21      release the defendant and setting conditions of release  
22      after arrest and conviction.

23      (8) The right to be present at the trial and all other  
24      court proceedings on the same basis as the accused, unless  
25      the victim is to testify and the court determines that the  
26      victim's testimony would be materially affected if the

1 victim hears other testimony at the trial.

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

6 (10) The right to restitution.

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

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

1 the request.

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

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

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

15 (725 ILCS 120/4.5)

16 Sec. 4.5. Procedures to implement the rights of crime  
17 victims. To afford crime victims their rights, law  
18 enforcement, prosecutors, judges, and corrections will provide  
19 information, as appropriate, of the following procedures:

20 (a) At the request of the crime victim, law enforcement  
21 authorities investigating the case shall provide notice of the  
22 status of the investigation, except where the State's Attorney  
23 determines that disclosure of such information would  
24 unreasonably interfere with the investigation, until such time  
25 as the alleged assailant is apprehended or the investigation

1 is closed.

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

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

8 (1) shall provide notice of the filing of an  
9 information, the return of an indictment, or the filing of  
10 a petition to adjudicate a minor as a delinquent for a  
11 violent crime;

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

24 (3) or victim advocate personnel shall provide  
25 information of social services and financial assistance  
26 available for victims of crime, including information of

1       how to apply for these services and assistance;

2           (3.5) or victim advocate personnel shall provide  
3       information about available victim services, including  
4       referrals to programs, counselors, and agencies that  
5       assist a victim to deal with trauma, loss, and grief;

6           (4) shall assist in having any stolen or other  
7       personal property held by law enforcement authorities for  
8       evidentiary or other purposes returned as expeditiously as  
9       possible, pursuant to the procedures set out in Section  
10      115-9 of the Code of Criminal Procedure of 1963;

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

16          (6) shall provide, whenever possible, a secure waiting  
17      area during court proceedings that does not require  
18      victims to be in close proximity to defendants or  
19      juveniles accused of a violent crime, and their families  
20      and friends;

21          (7) shall provide notice to the crime victim of the  
22      right to have a translator present at all court  
23      proceedings and, in compliance with the federal Americans  
24      with Disabilities Act of 1990, the right to communications  
25      access through a sign language interpreter or by other  
26      means;

1 (8) (blank);

2 (8.5) shall inform the victim of the right to be  
3 present at all court proceedings, unless the victim is to  
4 testify and the court determines that the victim's  
5 testimony would be materially affected if the victim hears  
6 other testimony at trial;

7 (9) shall inform the victim of the right to have  
8 present at all court proceedings, subject to the rules of  
9 evidence and confidentiality, an advocate and other  
10 support person of the victim's choice;

11 (9.3) shall inform the victim of the right to retain  
12 an attorney, at the victim's own expense, who, upon  
13 written notice filed with the clerk of the court and  
14 State's Attorney, is to receive copies of all notices,  
15 motions, and court orders filed thereafter in the case, in  
16 the same manner as if the victim were a named party in the  
17 case;

18 (9.5) shall inform the victim of (A) the victim's  
19 right under Section 6 of this Act to make a statement at  
20 the sentencing hearing; (B) the right of the victim's  
21 spouse, guardian, parent, grandparent, and other immediate  
22 family and household members under Section 6 of this Act  
23 to present a statement at sentencing; and (C) if a  
24 presentence report is to be prepared, the right of the  
25 victim's spouse, guardian, parent, grandparent, and other  
26 immediate family and household members to submit

1 information to the preparer of the presentence report  
2 about the effect the offense has had on the victim and the  
3 person;

4 (10) at the sentencing shall make a good faith attempt  
5 to explain the minimum amount of time during which the  
6 defendant may actually be physically imprisoned. The  
7 Office of the State's Attorney shall further notify the  
8 crime victim of the right to request from the Prisoner  
9 Review Board or Department of Juvenile Justice information  
10 concerning the release of the defendant;

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

14 (12) shall, upon the court entering a verdict of not  
15 guilty by reason of insanity, inform the victim of the  
16 notification services available from the Department of  
17 Human Services, including the statewide telephone number,  
18 under subparagraph (d) (2) of this Section;

19 (13) shall provide notice within a reasonable time  
20 after receipt of notice from the custodian, of the release  
21 of the defendant on pretrial release or personal  
22 recognizance or the release from detention of a minor who  
23 has been detained;

24 (14) shall explain in nontechnical language the  
25 details of any plea or verdict of a defendant, or any  
26 adjudication of a juvenile as a delinquent;

1           (15) shall make all reasonable efforts to consult with  
2           the crime victim before the Office of the State's Attorney  
3           makes an offer of a plea bargain to the defendant or enters  
4           into negotiations with the defendant concerning a possible  
5           plea agreement, and shall consider the written statement,  
6           if prepared prior to entering into a plea agreement. The  
7           right to consult with the prosecutor does not include the  
8           right to veto a plea agreement or to insist the case go to  
9           trial. If the State's Attorney has not consulted with the  
10          victim prior to making an offer or entering into plea  
11          negotiations with the defendant, the Office of the State's  
12          Attorney shall notify the victim of the offer or the  
13          negotiations within 2 business days and confer with the  
14          victim;

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

19          (17) shall provide notice of any appeal taken by the  
20          defendant and information on how to contact the  
21          appropriate agency handling the appeal, and how to request  
22          notice of any hearing, oral argument, or decision of an  
23          appellate court;

24          (18) shall provide timely notice of any request for  
25          post-conviction review filed by the defendant under  
26          Article 122 of the Code of Criminal Procedure of 1963, and

1 of the date, time and place of any hearing concerning the  
2 petition. Whenever possible, notice of the hearing shall  
3 be given within 48 hours of the court's scheduling of the  
4 hearing;

5 (19) shall forward a copy of any statement presented  
6 under Section 6 to the Prisoner Review Board or Department  
7 of Juvenile Justice to be considered in making a  
8 determination under Section 3-2.5-85 or subsection (b) of  
9 Section 3-3-8 of the Unified Code of Corrections;

10 (20) shall, within a reasonable time, offer to meet  
11 with the crime victim regarding the decision of the  
12 State's Attorney not to charge an offense, and shall meet  
13 with the victim, if the victim agrees. The victim has a  
14 right to have an attorney, advocate, and other support  
15 person of the victim's choice attend this meeting with the  
16 victim; and

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

20 (c) The court shall ensure that the rights of the victim  
21 are afforded.

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

25 (1) Written notice. A victim may complete a written  
26 notice of intent to assert rights on a form prepared by the

1 Office of the Attorney General and provided to the victim  
2 by the State's Attorney. The victim may at any time  
3 provide a revised written notice to the State's Attorney.  
4 The State's Attorney shall file the written notice with  
5 the court. At the beginning of any court proceeding in  
6 which the right of a victim may be at issue, the court and  
7 prosecutor shall review the written notice to determine  
8 whether the victim has asserted the right that may be at  
9 issue.

10 (2) Victim's retained attorney. A victim's attorney  
11 shall file an entry of appearance limited to assertion of  
12 the victim's rights. Upon the filing of the entry of  
13 appearance and service on the State's Attorney and the  
14 defendant, the attorney is to receive copies of all  
15 notices, motions and court orders filed thereafter in the  
16 case.

17 (3) Standing. The victim has standing to assert the  
18 rights enumerated in subsection (a) of Article I, Section  
19 8.1 of the Illinois Constitution and the statutory rights  
20 under Section 4 of this Act in any court exercising  
21 jurisdiction over the criminal case. The prosecuting  
22 attorney, a victim, or the victim's retained attorney may  
23 assert the victim's rights. The defendant in the criminal  
24 case has no standing to assert a right of the victim in any  
25 court proceeding, including on appeal.

26 (4) Assertion of and enforcement of rights.

1           (A) The prosecuting attorney shall assert a  
2 victim's right or request enforcement of a right by  
3 filing a motion or by orally asserting the right or  
4 requesting enforcement in open court in the criminal  
5 case outside the presence of the jury. The prosecuting  
6 attorney shall consult with the victim and the  
7 victim's attorney regarding the assertion or  
8 enforcement of a right. If the prosecuting attorney  
9 decides not to assert or enforce a victim's right, the  
10 prosecuting attorney shall notify the victim or the  
11 victim's attorney in sufficient time to allow the  
12 victim or the victim's attorney to assert the right or  
13 to seek enforcement of a right.

14           (B) If the prosecuting attorney elects not to  
15 assert a victim's right or to seek enforcement of a  
16 right, the victim or the victim's attorney may assert  
17 the victim's right or request enforcement of a right  
18 by filing a motion or by orally asserting the right or  
19 requesting enforcement in open court in the criminal  
20 case outside the presence of the jury.

21           (C) If the prosecuting attorney asserts a victim's  
22 right or seeks enforcement of a right, unless the  
23 prosecuting attorney objects or the trial court does  
24 not allow it, the victim or the victim's attorney may  
25 be heard regarding the prosecuting attorney's motion  
26 or may file a simultaneous motion to assert or request

1 enforcement of the victim's right. If the victim or  
2 the victim's attorney was not allowed to be heard at  
3 the hearing regarding the prosecuting attorney's  
4 motion, and the court denies the prosecuting  
5 attorney's assertion of the right or denies the  
6 request for enforcement of a right, the victim or  
7 victim's attorney may file a motion to assert the  
8 victim's right or to request enforcement of the right  
9 within 10 days of the court's ruling. The motion need  
10 not demonstrate the grounds for a motion for  
11 reconsideration. The court shall rule on the merits of  
12 the motion.

13 (D) The court shall take up and decide any motion  
14 or request asserting or seeking enforcement of a  
15 victim's right without delay, unless a specific time  
16 period is specified by law or court rule. The reasons  
17 for any decision denying the motion or request shall  
18 be clearly stated on the record.

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

21 (i) designate an administrative authority  
22 within the Office of the Attorney General to  
23 receive and investigate complaints relating to the  
24 provision or violation of the rights of a crime  
25 victim as described in Article I, Section 8.1 of  
26 the Illinois Constitution and in this Act;

1           (ii) create and administer a course of  
2 training for employees and offices of the State of  
3 Illinois that fail to comply with provisions of  
4 Illinois law pertaining to the treatment of crime  
5 victims as described in Article I, Section 8.1 of  
6 the Illinois Constitution and in this Act as  
7 required by the court under Section 5 of this Act;  
8 and

9           (iii) have the authority to make  
10 recommendations to employees and offices of the  
11 State of Illinois to respond more effectively to  
12 the needs of crime victims, including regarding  
13 the violation of the rights of a crime victim.

14           (F) Crime victims' rights may also be asserted by  
15 filing a complaint for mandamus, injunctive, or  
16 declaratory relief in the jurisdiction in which the  
17 victim's right is being violated or where the crime is  
18 being prosecuted. For complaints or motions filed by  
19 or on behalf of the victim, the clerk of court shall  
20 waive filing fees that would otherwise be owed by the  
21 victim for any court filing with the purpose of  
22 enforcing crime victims' rights. If the court denies  
23 the relief sought by the victim, the reasons for the  
24 denial shall be clearly stated on the record in the  
25 transcript of the proceedings, in a written opinion,  
26 or in the docket entry, and the victim may appeal the

1 circuit court's decision to the appellate court. The  
2 court shall issue prompt rulings regarding victims'  
3 rights. Proceedings seeking to enforce victims' rights  
4 shall not be stayed or subject to unreasonable delay  
5 via continuances.

6 (5) Violation of rights and remedies.

7 (A) If the court determines that a victim's right  
8 has been violated, the court shall determine the  
9 appropriate remedy for the violation of the victim's  
10 right by hearing from the victim and the parties,  
11 considering all factors relevant to the issue, and  
12 then awarding appropriate relief to the victim.

13 (A-5) Consideration of an issue of a substantive  
14 nature or an issue that implicates the constitutional  
15 or statutory right of a victim at a court proceeding  
16 labeled as a status hearing shall constitute a per se  
17 violation of a victim's right.

18 (B) The appropriate remedy shall include only  
19 actions necessary to provide the victim the right to  
20 which the victim was entitled. Remedies may include,  
21 but are not limited to: injunctive relief requiring  
22 the victim's right to be afforded; declaratory  
23 judgment recognizing or clarifying the victim's  
24 rights; a writ of mandamus; and may include reopening  
25 previously held proceedings; however, in no event  
26 shall the court vacate a conviction. Any remedy shall

1 be tailored to provide the victim an appropriate  
2 remedy without violating any constitutional right of  
3 the defendant. In no event shall the appropriate  
4 remedy to the victim be a new trial or damages.

5 The court shall impose a mandatory training course  
6 provided by the Attorney General for the employee under  
7 item (ii) of subparagraph (E) of paragraph (4), which must  
8 be successfully completed within 6 months of the entry of  
9 the court order.

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

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

14 (7) Right to attend trial. A party must file a written  
15 motion to exclude a victim from trial at least 60 days  
16 prior to the date set for trial. The motion must state with  
17 specificity the reason exclusion is necessary to protect a  
18 constitutional right of the party, and must contain an  
19 offer of proof. The court shall rule on the motion within  
20 30 days. If the motion is granted, the court shall set  
21 forth on the record the facts that support its finding  
22 that the victim's testimony will be materially affected if  
23 the victim hears other testimony at trial.

24 (8) Right to have advocate and support person present  
25 at court proceedings.

26 (A) A party who intends to call an advocate as a

1 witness at trial must seek permission of the court  
2 before the subpoena is issued. The party must file a  
3 written motion at least 90 days before trial that sets  
4 forth specifically the issues on which the advocate's  
5 testimony is sought and an offer of proof regarding  
6 (i) the content of the anticipated testimony of the  
7 advocate; and (ii) the relevance, admissibility, and  
8 materiality of the anticipated testimony. The court  
9 shall consider the motion and make findings within 30  
10 days of the filing of the motion. If the court finds by  
11 a preponderance of the evidence that: (i) the  
12 anticipated testimony is not protected by an absolute  
13 privilege; and (ii) the anticipated testimony contains  
14 relevant, admissible, and material evidence that is  
15 not available through other witnesses or evidence, the  
16 court shall issue a subpoena requiring the advocate to  
17 appear to testify at an in camera hearing. The  
18 prosecuting attorney and the victim shall have 15 days  
19 to seek appellate review before the advocate is  
20 required to testify at an ex parte in camera  
21 proceeding.

22 The prosecuting attorney, the victim, and the  
23 advocate's attorney shall be allowed to be present at  
24 the ex parte in camera proceeding. If, after  
25 conducting the ex parte in camera hearing, the court  
26 determines that due process requires any testimony

1           regarding confidential or privileged information or  
2           communications, the court shall provide to the  
3           prosecuting attorney, the victim, and the advocate's  
4           attorney a written memorandum on the substance of the  
5           advocate's testimony. The prosecuting attorney, the  
6           victim, and the advocate's attorney shall have 15 days  
7           to seek appellate review before a subpoena may be  
8           issued for the advocate to testify at trial. The  
9           presence of the prosecuting attorney at the ex parte  
10          in camera proceeding does not make the substance of  
11          the advocate's testimony that the court has ruled  
12          inadmissible subject to discovery.

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

1 person; and (ii) the relevance, admissibility, and  
2 materiality of the anticipated testimony.

3 If the prosecuting attorney intends to call the  
4 support person as a witness during the State's  
5 case-in-chief, the prosecuting attorney shall inform  
6 the court of this intent in the response to the  
7 defendant's written motion. The victim may choose a  
8 different person to be the victim's support person.  
9 The court may allow the defendant to inquire about  
10 matters outside the scope of the direct examination  
11 during cross-examination. If the court allows the  
12 defendant to do so, the support person shall be  
13 allowed to remain in the courtroom after the support  
14 person has testified. A defendant who fails to  
15 question the support person about matters outside the  
16 scope of direct examination during the State's  
17 case-in-chief waives the right to challenge the  
18 presence of the support person on appeal. The court  
19 shall allow the support person to testify if called as  
20 a witness in the defendant's case-in-chief or the  
21 State's rebuttal.

22 If the court does not allow the defendant to  
23 inquire about matters outside the scope of the direct  
24 examination, the support person shall be allowed to  
25 remain in the courtroom after the support person has  
26 been called by the defendant or the defendant has

1           rested. The court shall allow the support person to  
2           testify in the State's rebuttal.

3           If the prosecuting attorney does not intend to  
4           call the support person in the State's case-in-chief,  
5           the court shall verify with the support person whether  
6           the support person, if called as a witness, would  
7           testify as set forth in the offer of proof. If the  
8           court finds that the support person would testify as  
9           set forth in the offer of proof, the court shall rule  
10          on the relevance, materiality, and admissibility of  
11          the anticipated testimony. If the court rules the  
12          anticipated testimony is admissible, the court shall  
13          issue the subpoena. The support person may remain in  
14          the courtroom after the support person testifies and  
15          shall be allowed to testify in rebuttal.

16          If the court excludes the victim's support person  
17          during the State's case-in-chief, the victim shall be  
18          allowed to choose another support person to be present  
19          in court.

20          If the victim fails to designate a support person  
21          within 60 days of trial and the defendant has  
22          subpoenaed the support person to testify at trial, the  
23          court may exclude the support person from the trial  
24          until the support person testifies. If the court  
25          excludes the support person the victim may choose  
26          another person as a support person.

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

3           (A) A defendant who seeks to subpoena testimony or  
4 records of or concerning the victim that are  
5 confidential or privileged by law must seek permission  
6 of the court before the subpoena is issued. The  
7 defendant must file a written motion and an offer of  
8 proof regarding the relevance, admissibility and  
9 materiality of the testimony or records. If the court  
10 finds by a preponderance of the evidence that:

11                 (i) the testimony or records are not protected  
12 by an absolute privilege and

13                 (ii) the testimony or records contain  
14 relevant, admissible, and material evidence that  
15 is not available through other witnesses or  
16 evidence, the court shall issue a subpoena  
17 requiring the witness to appear in camera or a  
18 sealed copy of the records be delivered to the  
19 court to be reviewed in camera. If, after  
20 conducting an in camera review of the witness  
21 statement or records, the court determines that  
22 due process requires disclosure of any potential  
23 testimony or any portion of the records, the court  
24 shall provide copies of the records that it  
25 intends to disclose to the prosecuting attorney  
26 and the victim. The prosecuting attorney and the

1 victim shall have 30 days to seek appellate review  
2 before the records are disclosed to the defendant,  
3 used in any court proceeding, or disclosed to  
4 anyone or in any way that would subject the  
5 testimony or records to public review. The  
6 disclosure of copies of any portion of the  
7 testimony or records to the prosecuting attorney  
8 under this Section does not make the records  
9 subject to discovery or required to be provided to  
10 the defendant.

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

1 concerning the victim, (ii) that the victim has the  
2 right to request a hearing prior to the response date  
3 of the subpoena, and (iii) how to request the hearing.  
4 The notice to the victim shall also include a copy of  
5 the subpoena. If requested, a hearing regarding the  
6 subpoena shall occur before information or records are  
7 provided to the prosecuting attorney.

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

23 (11) Right to timely disposition of the case. A victim  
24 has the right to timely disposition of the case so as to  
25 minimize the stress, cost, and inconvenience resulting  
26 from the victim's involvement in the case. Before ruling

1 on a motion to continue trial or other court proceeding,  
2 the court shall inquire into the circumstances for the  
3 request for the delay and, if the victim has provided  
4 written notice of the assertion of the right to a timely  
5 disposition, and whether the victim objects to the delay.  
6 If the victim objects, the prosecutor shall inform the  
7 court of the victim's objections. If the prosecutor has  
8 not conferred with the victim about the continuance, the  
9 prosecutor shall inform the court of the attempts to  
10 confer. If the court finds the attempts of the prosecutor  
11 to confer with the victim were inadequate to protect the  
12 victim's right to be heard, the court shall give the  
13 prosecutor at least 3 but not more than 5 business days to  
14 confer with the victim. In ruling on a motion to continue,  
15 the court shall consider the reasons for the requested  
16 continuance, the number and length of continuances that  
17 have been granted, the victim's objections and procedures  
18 to avoid further delays. If a continuance is granted over  
19 the victim's objection, the court shall specify on the  
20 record the reasons for the continuance and the procedures  
21 that have been or will be taken to avoid further delays.

22 (12) Right to Restitution.

23 (A) If the victim has asserted the right to  
24 restitution and the amount of restitution is known at  
25 the time of sentencing, the court shall enter the  
26 judgment of restitution at the time of sentencing.

1           (B) If the victim has asserted the right to  
2           restitution and the amount of restitution is not known  
3           at the time of sentencing, the prosecutor shall,  
4           within 5 days after sentencing, notify the victim what  
5           information and documentation related to restitution  
6           is needed and that the information and documentation  
7           must be provided to the prosecutor within 45 days  
8           after sentencing. Failure to timely provide  
9           information and documentation related to restitution  
10          shall be deemed a waiver of the right to restitution.  
11          The prosecutor shall file and serve within 60 days  
12          after sentencing a proposed judgment for restitution  
13          and a notice that includes information concerning the  
14          identity of any victims or other persons seeking  
15          restitution, whether any victim or other person  
16          expressly declines restitution, the nature and amount  
17          of any damages together with any supporting  
18          documentation, a restitution amount recommendation,  
19          and the names of any co-defendants and their case  
20          numbers. Within 30 days after receipt of the proposed  
21          judgment for restitution, the defendant shall file any  
22          objection to the proposed judgment, a statement of  
23          grounds for the objection, and a financial statement.  
24          If the defendant does not file an objection, the court  
25          may enter the judgment for restitution without further  
26          proceedings. If the defendant files an objection and

1           either party requests a hearing, the court shall  
2           schedule a hearing.

3           (13) Access to presentence reports.

4           (A) The victim may request a copy of the  
5           presentence report prepared under the Unified Code of  
6           Corrections from the State's Attorney. The State's  
7           Attorney shall redact the following information before  
8           providing a copy of the report:

9                   (i) the defendant's mental history and  
10           condition;

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

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

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

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

22           (D) The State's Attorney must advise the victim  
23           that the victim must maintain the confidentiality of  
24           the report and other information. Any dissemination of  
25           the report or information that was not stated at a  
26           court proceeding constitutes indirect criminal

1 contempt of court.

2 (14) Appellate relief. If the trial court denies the  
3 relief requested, the victim, the victim's attorney, or  
4 the prosecuting attorney may file an appeal within 30 days  
5 of the trial court's ruling. The trial or appellate court  
6 may stay the court proceedings if the court finds that a  
7 stay would not violate a constitutional right of the  
8 defendant. If the appellate court denies the relief  
9 sought, the reasons for the denial shall be clearly stated  
10 in a written opinion. In any appeal in a criminal case, the  
11 State may assert as error the court's denial of any crime  
12 victim's right in the proceeding to which the appeal  
13 relates.

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

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

26 (d) Procedures after the imposition of sentence.

1           (1) The Prisoner Review Board shall inform a victim or  
2           any other concerned citizen, upon written request, of the  
3           prisoner's release on parole, mandatory supervised  
4           release, electronic detention, work release, international  
5           transfer or exchange, or by the custodian, other than the  
6           Department of Juvenile Justice, of the discharge of any  
7           individual who was adjudicated a delinquent for a crime  
8           from State custody and by the sheriff of the appropriate  
9           county of any such person's final discharge from county  
10          custody. The Prisoner Review Board, upon written request,  
11          shall provide to a victim or any other concerned citizen a  
12          recent photograph of any person convicted of a felony,  
13          upon his or her release from custody. The Prisoner Review  
14          Board, upon written request, shall inform a victim or any  
15          other concerned citizen when feasible at least 7 days  
16          prior to the prisoner's release on furlough of the times  
17          and dates of such furlough. Upon written request by the  
18          victim or any other concerned citizen, the State's  
19          Attorney shall notify the person once of the times and  
20          dates of release of a prisoner sentenced to periodic  
21          imprisonment. Notification shall be based on the most  
22          recent information as to the victim's or other concerned  
23          citizen's residence or other location available to the  
24          notifying authority.

25          (2) When the defendant has been committed to the  
26          Department of Human Services pursuant to Section 5-2-4 or

1 any other provision of the Unified Code of Corrections,  
2 the victim may request to be notified by the releasing  
3 authority of the approval by the court of an on-grounds  
4 pass, a supervised off-grounds pass, an unsupervised  
5 off-grounds pass, or conditional release; the release on  
6 an off-grounds pass; the return from an off-grounds pass;  
7 transfer to another facility; conditional release; escape;  
8 death; or final discharge from State custody. The  
9 Department of Human Services shall establish and maintain  
10 a statewide telephone number to be used by victims to make  
11 notification requests under these provisions and shall  
12 publicize this telephone number on its website and to the  
13 State's Attorney of each county.

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

1           (4) The victim of the crime for which the prisoner has  
2       been sentenced has the right to register with the Prisoner  
3       Review Board's victim registry. Victims registered with  
4       the Board shall receive reasonable written notice not less  
5       than 30 days prior to the parole hearing or target  
6       aftercare release date. The victim has the right to submit  
7       a victim statement for consideration by the Prisoner  
8       Review Board or the Department of Juvenile Justice in  
9       writing, on film, videotape, or other electronic means, or  
10      in the form of a recording prior to the parole hearing or  
11      target aftercare release date, or in person at the parole  
12      hearing or aftercare release protest hearing, or by  
13      calling the toll-free number established in subsection (f)  
14      of this Section. The victim shall be notified within 7  
15      days after the prisoner has been granted parole or  
16      aftercare release and shall be informed of the right to  
17      inspect the registry of parole decisions, established  
18      under subsection (g) of Section 3-3-5 of the Unified Code  
19      of Corrections. The provisions of this paragraph (4) are  
20      subject to the Open Parole Hearings Act. Victim statements  
21      provided to the Board shall be confidential and  
22      privileged, including any statements received prior to  
23      January 1, 2020 (the effective date of Public Act  
24      101-288), except if the statement was an oral statement  
25      made by the victim at a hearing open to the public.

26           (4-1) The crime victim has the right to submit a

1 victim statement for consideration by the Prisoner Review  
2 Board or the Department of Juvenile Justice prior to or at  
3 a hearing to determine the conditions of mandatory  
4 supervised release of a person sentenced to a determinate  
5 sentence or at a hearing on revocation of mandatory  
6 supervised release of a person sentenced to a determinate  
7 sentence. A victim statement may be submitted in writing,  
8 on film, videotape, or other electronic means, or in the  
9 form of a recording, or orally at a hearing, or by calling  
10 the toll-free number established in subsection (f) of this  
11 Section. Victim statements provided to the Board shall be  
12 confidential and privileged, including any statements  
13 received prior to January 1, 2020 (the effective date of  
14 Public Act 101-288), except if the statement was an oral  
15 statement made by the victim at a hearing open to the  
16 public.

17 (4-2) The crime victim has the right to submit a  
18 victim statement to the Prisoner Review Board for  
19 consideration at an executive clemency hearing as provided  
20 in Section 3-3-13 of the Unified Code of Corrections. A  
21 victim statement may be submitted in writing, on film,  
22 videotape, or other electronic means, or in the form of a  
23 recording prior to a hearing, or orally at a hearing, or by  
24 calling the toll-free number established in subsection (f)  
25 of this Section. Victim statements provided to the Board  
26 shall be confidential and privileged, including any

1 statements received prior to January 1, 2020 (the  
2 effective date of Public Act 101-288), except if the  
3 statement was an oral statement made by the victim at a  
4 hearing open to the public.

5 (5) If a statement is presented under Section 6, the  
6 Prisoner Review Board or Department of Juvenile Justice  
7 shall inform the victim of any order of discharge pursuant  
8 to Section 3-2.5-85 or 3-3-8 of the Unified Code of  
9 Corrections.

10 (6) At the written or oral request of the victim of the  
11 crime for which the prisoner was sentenced or the State's  
12 Attorney of the county where the person seeking parole or  
13 aftercare release was prosecuted, the Prisoner Review  
14 Board or Department of Juvenile Justice shall notify the  
15 victim and the State's Attorney of the county where the  
16 person seeking parole or aftercare release was prosecuted  
17 of the death of the prisoner if the prisoner died while on  
18 parole or aftercare release or mandatory supervised  
19 release.

20 (7) When a defendant who has been committed to the  
21 Department of Corrections, the Department of Juvenile  
22 Justice, or the Department of Human Services is released  
23 or discharged and subsequently committed to the Department  
24 of Human Services as a sexually violent person and the  
25 victim had requested to be notified by the releasing  
26 authority of the defendant's discharge, conditional

1 release, death, or escape from State custody, the  
2 releasing authority shall provide to the Department of  
3 Human Services such information that would allow the  
4 Department of Human Services to contact the victim.

5 (8) When a defendant has been convicted of a sex  
6 offense as defined in Section 2 of the Sex Offender  
7 Registration Act and has been sentenced to the Department  
8 of Corrections or the Department of Juvenile Justice, the  
9 Prisoner Review Board or the Department of Juvenile  
10 Justice shall notify the victim of the sex offense of the  
11 prisoner's eligibility for release on parole, aftercare  
12 release, mandatory supervised release, electronic  
13 detention, work release, international transfer or  
14 exchange, or by the custodian of the discharge of any  
15 individual who was adjudicated a delinquent for a sex  
16 offense from State custody and by the sheriff of the  
17 appropriate county of any such person's final discharge  
18 from county custody. The notification shall be made to the  
19 victim at least 30 days, whenever possible, before release  
20 of the sex offender.

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

26 (f) The Prisoner Review Board shall establish a toll-free

1 number that may be accessed by the crime victim to present a  
2 victim statement to the Board in accordance with paragraphs  
3 (4), (4-1), and (4-2) of subsection (d).

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

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

9 (725 ILCS 203/20)

10 Sec. 20. Reports by law enforcement officers.

11 (a) A law enforcement officer shall complete a written  
12 police report upon receiving the following, regardless of  
13 where the incident occurred:

14 (1) an allegation by a person that the person has been  
15 sexually assaulted or sexually abused regardless of  
16 jurisdiction;

17 (2) information from hospital or medical personnel  
18 provided under Section 3.2 of the Criminal Identification  
19 Act; or

20 (3) information from a witness who personally observed  
21 what appeared to be a sexual assault or sexual abuse or  
22 attempted sexual assault or sexual abuse.

23 (b) The written report shall include the following, if  
24 known:

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

2 (2) the victim's contact information;

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

4 (4) information provided by the victim;

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

6 (6) names of persons with information relevant to the  
7 time before, during, or after the sexual assault or sexual  
8 abuse, and their contact information;

9 (7) names of medical professionals who provided a  
10 medical forensic examination of the victim and any  
11 information they provided about the sexual assault or  
12 sexual abuse;

13 (8) whether an Illinois State Police Sexual Assault  
14 Evidence Collection Kit was completed, the name and  
15 contact information for the hospital, and whether the  
16 victim consented to testing of the Evidence Collection Kit  
17 by law enforcement;

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

21 (10) information the victim related to medical  
22 professionals during a medical forensic examination which  
23 the victim consented to disclosure to law enforcement; and

24 (11) other relevant information.

25 (c) If the sexual assault or sexual abuse occurred in  
26 another jurisdiction, the law enforcement officer taking the

1 report must submit the report to the law enforcement agency  
2 having jurisdiction in person or via fax or email within 24  
3 hours of receiving information about the sexual assault or  
4 sexual abuse.

5 (d) Within 24 hours of receiving a report from a law  
6 enforcement agency in another jurisdiction in accordance with  
7 subsection (c), the law enforcement agency having jurisdiction  
8 shall submit a written confirmation to the law enforcement  
9 agency that wrote the report. The written confirmation shall  
10 contain the name and identifier of the person and confirming  
11 receipt of the report and a name and contact phone number that  
12 will be given to the victim. The written confirmation shall be  
13 delivered in person or via fax or email.

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

16 (f) No law enforcement agency may refuse to complete a  
17 written report as required by this Section on any ground. A law  
18 enforcement officer shall not discourage or attempt to  
19 discourage a victim from filing a police report concerning  
20 sexual assault or sexual abuse.

21 (g) All law enforcement agencies shall ensure that all  
22 officers responding to or investigating a complaint of sexual  
23 assault or sexual abuse have successfully completed training  
24 under Section 10.21 of the Illinois Police Training Act and  
25 Section 2605-51 of the Illinois State Police Law of the Civil  
26 Administrative Code of Illinois.

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

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

4 (750 ILCS 60/303) (from Ch. 40, par. 2313-3)

5 Sec. 303. Reports by law enforcement officers.

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

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

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

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