



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

SB0149

Introduced 1/17/2025, by Sen. Michael E. Hastings

SYNOPSIS AS INTRODUCED:

725 ILCS 5/114-13	from Ch. 38, par. 114-13
725 ILCS 120/4	from Ch. 38, par. 1404
725 ILCS 120/4.5	

Amends the Code of Criminal Procedure of 1963. Provides that victims shall be provided access to all discovery materials, including, but not limited to, police reports, relevant cellular communication data, and communications between parties, upon request, in accordance with the Crime Victims' Rights provision of the Bill of Rights Article of the Illinois Constitution and the Rights of Crime Victims and Witnesses Act to aid in their protection against future harm and preparation for civil litigation. Amends the Rights of Crime Victims and Witnesses Act. Provides that crime victims shall have the right to discovery information, upon request, for protection and civil litigation preparation. Provides that victims of crimes shall have the right to request and receive, upon request, discovery information that is directly relevant to the criminal case and pertinent to the victim's involvement in the case. Establishes procedures for the victim to obtain discovery information. Provides that the disclosure of discovery materials must be done in a manner that safeguards the victim's personal safety and privacy, especially in cases in which there is a known risk of further harm or retaliation by the defendant or others involved in the case. Provides that discovery materials disclosed may only be used for the purpose of understanding the criminal case and preparing for potential civil litigation. Provides that the information may not be disclosed to third parties or used for any purpose unrelated to the criminal proceedings or related civil litigation. Provides that failure of law enforcement or the office of the prosecuting attorney to comply with the disclosure of discovery materials within the required time frame may result in a civil penalty of up to \$50,000, or disciplinary action, or both, as determined by the appropriate oversight body. Effective immediately.

LRB104 07858 RLC 17904 b

1 AN ACT concerning criminal law.

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

4 Section 5. The Code of Criminal Procedure of 1963 is
5 amended by changing Section 114-13 as follows:

6 (725 ILCS 5/114-13) (from Ch. 38, par. 114-13)

7 Sec. 114-13. Discovery in criminal cases.

8 (a) Discovery procedures in criminal cases shall be in
9 accordance with Supreme Court Rules.

10 (a-1) Victims shall be provided access to all discovery
11 materials, including, but not limited to, police reports,
12 relevant cellular communication data, and communications
13 between parties, upon request, in accordance with Section 8.1
14 of Article I of the Illinois Constitution, paragraph (11) of
15 subsection (a) of Section 4 of the Rights of Crime Victims and
16 Witnesses Act, and paragraph (17) of subsection (c-5) of
17 Section 4.5 of the Rights of Crime Victims and Witnesses Act to
18 aid in their protection against future harm and preparation
19 for civil litigation.

20 (b) Any public investigative, law enforcement, or other
21 public agency responsible for investigating any homicide
22 offense or participating in an investigation of any homicide
23 offense, other than defense investigators, shall provide to

1 the authority prosecuting the offense all investigative
2 material, including but not limited to reports, memoranda, and
3 field notes, that have been generated by or have come into the
4 possession of the investigating agency concerning the homicide
5 offense being investigated. In addition, the investigating
6 agency shall provide to the prosecuting authority any material
7 or information, including but not limited to reports,
8 memoranda, and field notes, within its possession or control
9 that would tend to negate the guilt of the accused of the
10 offense charged or reduce his or her punishment for the
11 homicide offense. Every investigative and law enforcement
12 agency in this State shall adopt policies to ensure compliance
13 with these standards. Any investigative, law enforcement, or
14 other public agency responsible for investigating any
15 "non-homicide felony" offense or participating in an
16 investigation of any "non-homicide felony" offense, other than
17 defense investigators, shall provide to the authority
18 prosecuting the offense all investigative material, including
19 but not limited to reports and memoranda that have been
20 generated by or have come into the possession of the
21 investigating agency concerning the "non-homicide felony"
22 offense being investigated. In addition, the investigating
23 agency shall provide to the prosecuting authority any material
24 or information, including but not limited to reports and
25 memoranda, within its possession or control that would tend to
26 negate the guilt of the accused of the "non-homicide felony"

1 offense charged or reduce his or her punishment for the
2 "non-homicide felony" offense. This obligation to furnish
3 exculpatory evidence exists whether the information was
4 recorded or documented in any form. Every investigative and
5 law enforcement agency in this State shall adopt policies to
6 ensure compliance with these standards.

7 (Source: P.A. 93-605, eff. 11-19-03.)

8 Section 10. The Rights of Crime Victims and Witnesses Act
9 is amended by changing Sections 4 and 4.5 as follows:

10 (725 ILCS 120/4) (from Ch. 38, par. 1404)

11 Sec. 4. Rights of crime victims.

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

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

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

21 (1.6) Except as otherwise provided in Section 9.5 of
22 the Criminal Identification Act or Section 3-3013 of the
23 Counties Code, whenever a person's DNA profile is
24 collected due to the person being a victim of a crime, as

1 identified by law enforcement, that specific profile
2 collected in conjunction with that criminal investigation
3 shall not be entered into any DNA database. Nothing in
4 this paragraph (1.6) shall be interpreted to contradict
5 rules and regulations developed by the Federal Bureau of
6 Investigation relating to the National DNA Index System or
7 Combined DNA Index System.

8 (2) The right to timely notification of all court
9 proceedings.

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

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

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

17 (6) The right to the timely disposition of the case
18 following the arrest of the accused.

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

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

25 (8) The right to be present at the trial and all other
26 court proceedings on the same basis as the accused, unless

1 the victim is to testify and the court determines that the
2 victim's testimony would be materially affected if the
3 victim hears other testimony at the trial.

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

8 (10) The right to restitution.

9 (11) The right to discovery information upon request
10 for protection and civil litigation preparation as
11 provided in paragraph (17) of subsection (c-5) of Section
12 4.5.

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

1 information and an explanation of the rights of crime victims
2 and compensation set forth in this Act.

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

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

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

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

21 (725 ILCS 120/4.5)

22 Sec. 4.5. Procedures to implement the rights of crime
23 victims. To afford crime victims their rights, law
24 enforcement, prosecutors, judges, and corrections will provide
25 information, as appropriate, of the following procedures:

1 (a) At the request of the crime victim, law enforcement
2 authorities investigating the case shall provide notice of the
3 status of the investigation, except where the State's Attorney
4 determines that disclosure of such information would
5 unreasonably interfere with the investigation, until such time
6 as the alleged assailant is apprehended or the investigation
7 is closed.

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

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

14 (1) shall provide notice of the filing of an
15 information, the return of an indictment, or the filing of
16 a petition to adjudicate a minor as a delinquent for a
17 violent crime;

18 (2) shall provide timely notice of the date, time, and
19 place of court proceedings; of any change in the date,
20 time, and place of court proceedings; and of any
21 cancellation of court proceedings. Notice shall be
22 provided in sufficient time, wherever possible, for the
23 victim to make arrangements to attend or to prevent an
24 unnecessary appearance at court proceedings;

25 (3) or victim advocate personnel shall provide
26 information of social services and financial assistance

1 available for victims of crime, including information of
2 how to apply for these services and assistance;

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

7 (4) shall assist in having any stolen or other
8 personal property held by law enforcement authorities for
9 evidentiary or other purposes returned as expeditiously as
10 possible, pursuant to the procedures set out in Section
11 115-9 of the Code of Criminal Procedure of 1963;

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

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

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

1 means;

2 (8) (blank);

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

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

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

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

1 immediate family and household members to submit
2 information to the preparer of the presentence report
3 about the effect the offense has had on the victim and the
4 person;

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

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

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

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

25 (14) shall explain in nontechnical language the
26 details of any plea or verdict of a defendant, or any

1 adjudication of a juvenile as a delinquent;

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

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

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

25 (18) shall provide timely notice of any request for
26 post-conviction review filed by the defendant under

1 Article 122 of the Code of Criminal Procedure of 1963, and
2 of the date, time and place of any hearing concerning the
3 petition. Whenever possible, notice of the hearing shall
4 be given within 48 hours of the court's scheduling of the
5 hearing;

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

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

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

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

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

26 (1) Written notice. A victim may complete a written

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

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

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

1 (4) Assertion of and enforcement of rights.

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

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

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

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

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

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

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

1 the Illinois Constitution and in this Act;

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

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

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

1 or in the docket entry, and the victim may appeal the
2 circuit court's decision to the appellate court. The
3 court shall issue prompt rulings regarding victims'
4 rights. Proceedings seeking to enforce victims' rights
5 shall not be stayed or subject to unreasonable delay
6 via continuances.

7 (5) Violation of rights and remedies.

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

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

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

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

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

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

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

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

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

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

23 The prosecuting attorney, the victim, and the
24 advocate's attorney shall be allowed to be present at
25 the ex parte in camera proceeding. If, after
26 conducting the ex parte in camera hearing, the court

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

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

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

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

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

1 been called by the defendant or the defendant has
2 rested. The court shall allow the support person to
3 testify in the State's rebuttal.

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

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

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

1 another person as a support person.

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

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

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

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

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

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

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

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

24 (11) Right to timely disposition of the case. A victim
25 has the right to timely disposition of the case so as to
26 minimize the stress, cost, and inconvenience resulting

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

23 (12) Right to Restitution.

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

1 judgment of restitution at the time of sentencing.

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

1 proceedings. If the defendant files an objection and
2 either party requests a hearing, the court shall
3 schedule a hearing.

4 (13) Access to presentence reports.

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

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

12 (ii) any evaluation prepared under subsection

13 (b) or (b-5) of Section 5-3-2; and

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

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

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

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

1 court proceeding constitutes indirect criminal
2 contempt of court.

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

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

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

1 (17) Right to discovery information upon request for
2 protection and civil litigation preparation.

3 (A) In addition to the rights afforded to victims
4 under Section 8.1 of Article I of the Illinois
5 Constitution, victims of crimes shall have the right
6 to request and receive, upon request, discovery
7 information that is directly relevant to the criminal
8 case and pertinent to the victim's involvement in the
9 case. This access is provided to aid victims in
10 protecting themselves from future harm and to assist
11 in their preparation for potential civil litigation.

12 (B) Discovery information includes, but is not
13 limited to:

14 (i) all reports generated by law enforcement
15 agencies related to the investigation of the
16 crime;

17 (ii) cellular data, including, but not limited
18 to, text messages, phone call records, and other
19 communications that are directly relevant to the
20 crime and victim; and

21 (iii) all communications, including emails,
22 text messages, social media exchanges, and other
23 forms of communication that involve the victim and
24 any parties related to the case, including
25 defendants, co-defendants, witnesses, law
26 enforcement, or attorneys.

1 (C) Certain sensitive materials, such as
2 confidential law enforcement methods, protected
3 witness statements, and materials related to minors
4 may be withheld if disclosure would jeopardize the
5 investigation or the safety of others.

6 (D) Victims shall be provided with the requested
7 discovery information within a reasonable period, but
8 no later than 30 days following the submission of the
9 request, unless a court orders a delay or exemption
10 for just cause.

11 (E) Law enforcement and the office of the
12 prosecuting attorney must provide written notice to
13 victims informing them of their rights to access
14 relevant discovery materials within 10 days of the
15 filing of charges.

16 (F) Victims who request discovery materials shall
17 be offered assistance from victim advocates or legal
18 aid services to help them understand and interpret the
19 materials provided.

20 (G) The disclosure of discovery materials must be
21 done in a manner that safeguards the victim's personal
22 safety and privacy, especially in cases in which there
23 is a known risk of further harm or retaliation by the
24 defendant or others involved in the case.

25 (H) Discovery materials disclosed under this
26 paragraph (17) may only be used for the purpose of

1 understanding the criminal case and preparing for
2 potential civil litigation. The information may not be
3 disclosed to third parties or used for any purpose
4 unrelated to the criminal proceedings or related civil
5 litigation.

6 (I) Failure of law enforcement or the office of
7 the prosecuting attorney to comply with the disclosure
8 of discovery materials within the required time frame
9 may result in a civil penalty of up to \$50,000, or
10 disciplinary action, or both, as determined by the
11 appropriate oversight body.

12 (d) Procedures after the imposition of sentence.

13 (1) The Prisoner Review Board shall inform a victim or
14 any other concerned citizen, upon written request, of the
15 prisoner's release on parole, mandatory supervised
16 release, electronic detention, work release, international
17 transfer or exchange, or by the custodian, other than the
18 Department of Juvenile Justice, of the discharge of any
19 individual who was adjudicated a delinquent for a crime
20 from State custody and by the sheriff of the appropriate
21 county of any such person's final discharge from county
22 custody. The Prisoner Review Board, upon written request,
23 shall provide to a victim or any other concerned citizen a
24 recent photograph of any person convicted of a felony,
25 upon his or her release from custody. The Prisoner Review
26 Board, upon written request, shall inform a victim or any

1 other concerned citizen when feasible at least 7 days
2 prior to the prisoner's release on furlough of the times
3 and dates of such furlough. Upon written request by the
4 victim or any other concerned citizen, the State's
5 Attorney shall notify the person once of the times and
6 dates of release of a prisoner sentenced to periodic
7 imprisonment. Notification shall be based on the most
8 recent information as to the victim's or other concerned
9 citizen's residence or other location available to the
10 notifying authority.

11 (2) When the defendant has been committed to the
12 Department of Human Services pursuant to Section 5-2-4 or
13 any other provision of the Unified Code of Corrections,
14 the victim may request to be notified by the releasing
15 authority of the approval by the court of an on-grounds
16 pass, a supervised off-grounds pass, an unsupervised
17 off-grounds pass, or conditional release; the release on
18 an off-grounds pass; the return from an off-grounds pass;
19 transfer to another facility; conditional release; escape;
20 death; or final discharge from State custody. The
21 Department of Human Services shall establish and maintain
22 a statewide telephone number to be used by victims to make
23 notification requests under these provisions and shall
24 publicize this telephone number on its website and to the
25 State's Attorney of each county.

26 (3) In the event of an escape from State custody, the

1 Department of Corrections or the Department of Juvenile
2 Justice immediately shall notify the Prisoner Review Board
3 of the escape and the Prisoner Review Board shall notify
4 the victim. The notification shall be based upon the most
5 recent information as to the victim's residence or other
6 location available to the Board. When no such information
7 is available, the Board shall make all reasonable efforts
8 to obtain the information and make the notification. When
9 the escapee is apprehended, the Department of Corrections
10 or the Department of Juvenile Justice immediately shall
11 notify the Prisoner Review Board and the Board shall
12 notify the victim.

13 (4) The victim of the crime for which the prisoner has
14 been sentenced has the right to register with the Prisoner
15 Review Board's victim registry. Victims registered with
16 the Board shall receive reasonable written notice not less
17 than 30 days prior to the parole hearing or target
18 aftercare release date. The victim has the right to submit
19 a victim statement for consideration by the Prisoner
20 Review Board or the Department of Juvenile Justice in
21 writing, on film, videotape, or other electronic means, or
22 in the form of a recording prior to the parole hearing or
23 target aftercare release date, or in person at the parole
24 hearing or aftercare release protest hearing, or by
25 calling the toll-free number established in subsection (f)
26 of this Section. The victim shall be notified within 7

1 days after the prisoner has been granted parole or
2 aftercare release and shall be informed of the right to
3 inspect the registry of parole decisions, established
4 under subsection (g) of Section 3-3-5 of the Unified Code
5 of Corrections. The provisions of this paragraph (4) are
6 subject to the Open Parole Hearings Act. Victim statements
7 provided to the Board shall be confidential and
8 privileged, including any statements received prior to
9 January 1, 2020 (the effective date of Public Act
10 101-288), except if the statement was an oral statement
11 made by the victim at a hearing open to the public.

12 (4-1) The crime victim has the right to submit a
13 victim statement for consideration by the Prisoner Review
14 Board or the Department of Juvenile Justice prior to or at
15 a hearing to determine the conditions of mandatory
16 supervised release of a person sentenced to a determinate
17 sentence or at a hearing on revocation of mandatory
18 supervised release of a person sentenced to a determinate
19 sentence. A victim statement may be submitted in writing,
20 on film, videotape, or other electronic means, or in the
21 form of a recording, or orally at a hearing, or by calling
22 the toll-free number established in subsection (f) of this
23 Section. Victim statements provided to the Board shall be
24 confidential and privileged, including any statements
25 received prior to January 1, 2020 (the effective date of
26 Public Act 101-288), except if the statement was an oral

1 statement made by the victim at a hearing open to the
2 public.

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

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

22 (6) At the written or oral request of the victim of the
23 crime for which the prisoner was sentenced or the State's
24 Attorney of the county where the person seeking parole or
25 aftercare release was prosecuted, the Prisoner Review
26 Board or Department of Juvenile Justice shall notify the

1 victim and the State's Attorney of the county where the
2 person seeking parole or aftercare release was prosecuted
3 of the death of the prisoner if the prisoner died while on
4 parole or aftercare release or mandatory supervised
5 release.

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

17 (8) When a defendant has been convicted of a sex
18 offense as defined in Section 2 of the Sex Offender
19 Registration Act and has been sentenced to the Department
20 of Corrections or the Department of Juvenile Justice, the
21 Prisoner Review Board or the Department of Juvenile
22 Justice shall notify the victim of the sex offense of the
23 prisoner's eligibility for release on parole, aftercare
24 release, mandatory supervised release, electronic
25 detention, work release, international transfer or
26 exchange, or by the custodian of the discharge of any

1 individual who was adjudicated a delinquent for a sex
2 offense from State custody and by the sheriff of the
3 appropriate county of any such person's final discharge
4 from county custody. The notification shall be made to the
5 victim at least 30 days, whenever possible, before release
6 of the sex offender.

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

12 (f) The Prisoner Review Board shall establish a toll-free
13 number that may be accessed by the crime victim to present a
14 victim statement to the Board in accordance with paragraphs
15 (4), (4-1), and (4-2) of subsection (d).

16 (Source: P.A. 101-81, eff. 7-12-19; 101-288, eff. 1-1-20;
17 101-652, eff. 1-1-23; 102-22, eff. 6-25-21; 102-558, eff.
18 8-20-21; 102-813, eff. 5-13-22.)

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