



Sen. Robert Peters

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1 AMENDMENT TO SENATE BILL 1587

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 1587 by replacing  
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the  
5 Homicide Victims' Families' Rights Act.

6 Section 5. Definitions. In this Act:

7 "Agency" means a law enforcement entity of a unit of local  
8 government that is vested by law or ordinance with the duty to  
9 maintain public order and to enforce criminal laws or  
10 ordinances. For purposes of this Act, "Agency" means a law  
11 enforcement entity that is located wholly within a county with  
12 a population of 3,000,000 or more.

13 "Applicable agency" means a law enforcement agency that is  
14 investigating or has investigated the murder of the victim.

15 "Open unresolved murder" means any criminal activity in  
16 which death occurred more than 3 years prior to the date of the

1 application under subsection (a) of Section 10, for which all  
2 probative investigative leads have been exhausted, and for  
3 which no likely perpetrator has been identified.

4 "Designated person" means (i) an immediate family member  
5 or (ii) a similarly situated person as the Attorney General  
6 shall by rule define. "Designated person" does not include any  
7 immediate family member or similarly situated person if such  
8 person was previously identified or is identified as a suspect  
9 in the open unresolved murder.

10 "Immediate family member" means a parent, parent-in-law,  
11 grandparent, grandparent-in-law, sibling, spouse, child,  
12 stepchild, foster parent, or guardian of a murder victim.

13 "Victim" means the victim of a murder.

14 Section 10. Case file review.

15 (a) An applicable agency shall review the case file  
16 regarding an open unresolved murder upon written application  
17 by a designated person to determine if a full reinvestigation  
18 would result in probative investigative leads.

19 (b) The case file review shall include, but is not limited  
20 to:

21 (1) an analysis of what investigative steps or  
22 follow-up steps may have been missed in the initial  
23 investigation;

24 (2) an assessment of whether witnesses should be  
25 interviewed or re-interviewed;

(3) a consultation with designated laboratory personnel as part of an assessment of physical evidence to determine if all appropriate forensic testing and analysis was performed in the first instance or if additional testing might produce information relevant to the investigation; and

(4) a modernization of the file to bring it up to current investigative standards to the extent it would help develop probative leads.

(c) The person or persons performing the review required by subsection (a) shall not have previously investigated the murder. This subsection (c) does not apply to law enforcement agencies located in municipalities that have fewer than 35,000 inhabitants.

(d) The applicable agency shall confirm in writing receipt of a request made under subsection (a).

(e) Only one case review shall be undertaken at any one time with respect to the same open unresolved murder victim.

(f) No later than 6 months after the receipt of the written application submitted pursuant to subsection (a), the applicable agency shall conclude its case file review and reach a conclusion whether a full reinvestigation under Section 25 is warranted.

(g) The applicable agency may extend the limit in subsection (f) for periods not to exceed 6 months if the agency makes a finding that the number of case files to be reviewed

1 make it impracticable to comply with said limit without  
2 unreasonably taking resources from other law enforcement  
3 activities.

4 For cases for which the time limit in subsection (f) is  
5 extended, the applicable agency shall provide notice and an  
6 explanation of its reasoning to the designated person who  
7 filed the written application under this Section.

8 (h) This Section does not apply to the Illinois State  
9 Police.

10 Section 15. Application. Each agency shall develop a  
11 written application to be used for designated persons to  
12 request a case file review under Section 10.

13 Section 20. Notice. Each agency shall provide notice of  
14 the rights under this Act to designated persons as soon as is  
15 practicable after being made aware of a murder.

16 Section 25. Full reinvestigation.

17 (a) The applicable agency shall conduct a full  
18 reinvestigation of the open unresolved murder if the review of  
19 the case file required by Section 10 concludes that a full  
20 reinvestigation of the open unresolved murder would result in  
21 probative investigative leads.

22 (b) A full reinvestigation shall include analyzing all  
23 evidence regarding the open unresolved murder at issue for the

1 purpose of developing probative investigative leads as to the  
2 perpetrator if, following the consultation with designated  
3 laboratory personnel pursuant to paragraph (3) of subsection  
4 (b) of Section 10, it has been determined that additional  
5 testing might provide new information relevant to the  
6 investigation.

7 (c) The person or persons performing the full  
8 reinvestigation required by subsection (a) shall not have  
9 previously investigated the murder, except for the case file  
10 review pursuant to Section 10, unless there is at least one  
11 other person performing the full reinvestigation who has not  
12 previously investigated the murder. This subsection (c) does  
13 not apply to law enforcement agencies located in  
14 municipalities that have fewer than 35,000 inhabitants.

15 (d) Only one full reinvestigation shall be undertaken at  
16 any one time with respect to the same open unresolved murder  
17 victim.

18 Section 30. Consultation and updates.

19 (a) The applicable agency shall consult with the  
20 designated person who filed the written application under  
21 Section 10 and provide him or her with periodic updates during  
22 the case file review and full reinvestigation.

23 (b) The applicable agency shall meet with the designated  
24 person and discuss the evidence to explain to the designated  
25 person who filed the written application under Section 10 its

1 decision whether to engage in the full reinvestigation  
2 provided for under Section 25 at the conclusion of the case  
3 file review. Evidence that is deemed confidential to the case  
4 may be withheld from being shared with the designated person.

5 (c) Notwithstanding the provisions of subsections (a) and  
6 (b), the agency may withhold information from the designated  
7 person if such disclosure is reasonably likely to negatively  
8 impact future court proceedings or other cases.

9 Section 35. Subsequent reviews.

10 (a) If a case file review is completed and a conclusion is  
11 reached not to conduct a full reinvestigation, no additional  
12 case file review shall be undertaken for a period of 5 years,  
13 unless there is newly discovered, materially significant  
14 evidence.

15 (b) If a full reinvestigation is done and a suspect is not  
16 identified at its conclusion, no additional case file review  
17 or full reinvestigation shall be undertaken for a period of 5  
18 years, unless there is newly discovered, materially  
19 significant new evidence.

20 Section 36. Family liaison officers.

21 (a) Each agency shall employ or designate a minimum number  
22 of family liaison officers proportionate to the average number  
23 of homicides in the agency's jurisdiction within the previous  
24 5 years of the date of employment with the maximum ratio of 40

1       homicides per each family liaison officer employed or  
2       designated. Each agency may establish a lower ratio for hiring  
3       or designating family liaison officers.

4               (b) The primary purpose of a family liaison officer is  
5       that of an investigator. A family liaison officer's role is to  
6       gather evidence and information from the family to contribute  
7       to the investigation and preserve its integrity. The family  
8       liaison officer shall also provide support and information, in  
9       a sensitive and compassionate manner, securing confidence and  
10      trust of families of victims of crime (primarily homicide),  
11      road fatality, mass disaster, or other critical incident,  
12      ensuring family members are given timely information in  
13      accordance with the needs of the investigation.

14               (c) The family liaison officer shall:

15                       (1) establish and maintain a supportive and ethical  
16       relationship with the family, building trust, in line with  
17       local and national guidance to gathering information and  
18       evidence;

19                       (2) act as a single point of contact between families  
20       and investigation teams when a homicide occurs to enable  
21       information to be shared which may assist in the  
22       investigation;

23                       (3) collect best evidence to enable identification of  
24       a reported missing person (high risk of criminality or  
25       vulnerability) or identify the deceased, and consider  
26       potential future viewing requirements and postmortem with

1                   the family to further the investigation;

2                   (4) provide information regarding additional services  
3                   available for families, including providing information  
4                   about open unresolved murders to support agencies, and  
5                   explain criminal justice and coroner's procedures, so that  
6                   they can access all available services and support;

7                   (5) contact the family at least once every 30 days for  
8                   the first 6 months the case is open then once per quarter  
9                   until the case becomes inactive. The family liaison  
10                  officer shall work closely with the lead investigator to  
11                  obtain substantive updates on the case prior to contacting  
12                  the family. The lead investigator has discretion over any  
13                  information shared with the family and shall communicate  
14                  with the family liaison accordingly. If the family liaison  
15                  officer is contacted by the family regarding an open case  
16                  at any time, the family liaison officer shall return the  
17                  call within 5 business days with all relevant information  
18                  regarding a police investigation, in line with the  
19                  strategy of the chief investigating officer or lead  
20                  investigator so that they are informed of progress;

21                  (6) obtain victimology and family personal statements  
22                  and any other material to enable the gathering of evidence  
23                  and to support the investigative process;

24                  (7) document any requests or complaints, or both, made  
25                  by the family, to be forwarded for the consideration of  
26                  the chief investigating officer or lead investigator;

(8) record all contact with the family to ensure compliance with this Act, the Criminal Identification Act, the Illinois Criminal Justice Information Act, the Missing Children Records Act, the Juvenile Court Act of 1987, the Code of Criminal Procedure of 1963, the Rights of Crime Victims and Witnesses Act, and the Police and Community Relations Improvement Act to maintain the integrity of the investigation;

(9) be the liaison between families and the coroner or medical examiner and chief investigating officer or lead investigator in relation to the Illinois Anatomical Gift Act; and

(10) track the case files required in Section 10, the date of review of the case file, confirm the receipt of the request of the case file, provide notice to the family if an extension of review has been made, and consult with the family on the investigation of the case.

(d) A family liaison officer may not be assigned to work patrol or attached to other special units while designated as a family liaison officer.

(e) The training of all family liaison officers shall include instruction on victim-centered, trauma-informed investigation as established by the Illinois Law Enforcement Training Standards Board.

(f) Except in emergencies or other exigent circumstances, a family liaison officer shall exclusively investigate

1 homicide cases.

2 Section 40. Data collection; annual report.

3 (a) Beginning 3 years after the effective date of this  
4 Act, the Illinois Criminal Justice Information Authority  
5 annually shall publish statistics regarding the number of open  
6 unresolved murders. The statistics published under this  
7 subsection at a minimum shall be broken down by the degree of  
8 murder, the type of weapon used in the murder, the location of  
9 the murder and by agency, in addition to the criteria set forth  
10 in subsection (b).

11 (b) Each applicable agency annually shall submit data to  
12 the Illinois Criminal Justice Information Authority regarding  
13 the open unresolved murders within its jurisdiction,  
14 including, but not limited to, the number of requests received  
15 under subsection (a) of Section 10, the number of extensions  
16 granted and an explanation of reasons provided under  
17 subsection (g) of Section 10, the number of full  
18 reinvestigations initiated and closed under Section 25, and  
19 the number of suspects identified, arrested, charged, and  
20 convicted for each open unresolved murder investigated by the  
21 applicable agency under this Act during the year reported. The  
22 data shall also include what cases are being solved and which  
23 cases are not being solved, identifying the age, race, and  
24 ethnicity of the victim whose case is being solved and not  
25 being solved and the cases that are being solved by

1       exceptional means.

2           (c) The Illinois Criminal Justice Information Authority  
3       shall submit an annual report to the General Assembly and the  
4       Governor compiling the information received by the Authority  
5       under subsection (b).

6           Section 45. Procedures to promote compliance.

7           (a) Not later than one year after the effective date of  
8       this Act, the head of each agency shall adopt rules to enforce  
9       the rights of designated persons and to ensure compliance by  
10      responsible officials with the obligations described in this  
11      Act.

12           (b) The rules adopted under subsection (a) shall:

13               (1) designate an administrative authority within the  
14       agency to receive and investigate complaints relating to  
15       the provision or violation of the rights of designated  
16       persons;

17               (2) require a course of training for employees of the  
18       agency regarding the rights provided under this Act;

19               (3) contain disciplinary sanctions, including  
20       suspension or termination from employment, for employees  
21       of the agency who willfully or wantonly fail to comply  
22       with this Act;

23               (4) establish a process for investigations into the  
24       conduct of persons no longer employed by a law enforcement  
25       agency when a complaint is filed and a process for

1       referrals for prosecution to the appropriate State's  
2       Attorney; and

3               (5) provide that the head of the agency, or the head of  
4       the agency's designee, shall be the final arbiter of the  
5       complaint, and that there shall be no judicial review of  
6       the final decision of the head of the agency by a  
7       complainant.

8       Section 50. Withholding information. Nothing in this Act  
9       shall require an agency to provide information that would  
10      endanger the safety of any person, unreasonably impede an  
11      ongoing investigation, violate a court order, or violate legal  
12      obligations regarding privacy.

13       Section 55. Multiple agencies.

14               (a) If there is more than one possible applicable agency,  
15       each applicable agency shall coordinate its case file review  
16       or full reinvestigation such that there is only one joint case  
17       file review or full reinvestigation occurring at a time in  
18       compliance with subsection (e) of Section 10 or subsection (d)  
19       of Section 25, as applicable.

20               (b) If an immediate family member believes there was bias  
21       demonstrated in the handling of the initial case, any case  
22       file review, or any full reinvestigation by any of the  
23       possible applicable agencies, the family member may  
24       communicate that concern to the Attorney General. The Attorney

1 General shall review the allegations made by the immediate  
2 family member to determine whether, in the interest of  
3 justice, another law enforcement agency should conduct the  
4 case file review or the full reinvestigation, as applicable.  
5 This subsection does not authorize the transfer of any case  
6 file review or full reinvestigation to the Illinois State  
7 Police, unless the Illinois State Police was involved in the  
8 initial investigation.

9 Section 60. Applicability. This Act applies to murders  
10 occurring on or after January 1, 1970.

11 Section 100. The Illinois Criminal Justice Information Act  
12 is amended by changing Section 7 as follows:

13 (20 ILCS 3930/7) (from Ch. 38, par. 210-7)

14 Sec. 7. Powers and duties. The Authority shall have the  
15 following powers, duties, and responsibilities:

16 (a) To develop and operate comprehensive information  
17 systems for the improvement and coordination of all  
18 aspects of law enforcement, prosecution, and corrections;

19 (b) To define, develop, evaluate, and correlate State  
20 and local programs and projects associated with the  
21 improvement of law enforcement and the administration of  
22 criminal justice;

23 (c) To act as a central repository and clearing house

1 for federal, state, and local research studies, plans,  
2 projects, proposals, and other information relating to all  
3 aspects of criminal justice system improvement and to  
4 encourage educational programs for citizen support of  
5 State and local efforts to make such improvements;

6 (d) To undertake research studies to aid in  
7 accomplishing its purposes;

8 (e) To monitor the operation of existing criminal  
9 justice information systems in order to protect the  
10 constitutional rights and privacy of individuals about  
11 whom criminal history record information has been  
12 collected;

13 (f) To provide an effective administrative forum for  
14 the protection of the rights of individuals concerning  
15 criminal history record information;

16 (g) To issue regulations, guidelines, and procedures  
17 which ensure the privacy and security of criminal history  
18 record information consistent with State and federal laws;

19 (h) To act as the sole administrative appeal body in  
20 the State of Illinois to conduct hearings and make final  
21 determinations concerning individual challenges to the  
22 completeness and accuracy of criminal history record  
23 information;

24 (i) To act as the sole, official, criminal justice  
25 body in the State of Illinois to conduct annual and  
26 periodic audits of the procedures, policies, and practices

1       of the State central repositories for criminal history  
2       record information to verify compliance with federal and  
3       state laws and regulations governing such information;

4               (j) To advise the Authority's Statistical Analysis  
5       Center;

6               (k) To apply for, receive, establish priorities for,  
7       allocate, disburse, and spend grants of funds that are  
8       made available by and received on or after January 1, 1983  
9       from private sources or from the United States pursuant to  
10      the federal Crime Control Act of 1973, as amended, and  
11      similar federal legislation, and to enter into agreements  
12      with the United States government to further the purposes  
13      of this Act, or as may be required as a condition of  
14      obtaining federal funds;

15               (l) To receive, expend, and account for such funds of  
16      the State of Illinois as may be made available to further  
17      the purposes of this Act;

18               (m) To enter into contracts and to cooperate with  
19      units of general local government or combinations of such  
20      units, State agencies, and criminal justice system  
21      agencies of other states for the purpose of carrying out  
22      the duties of the Authority imposed by this Act or by the  
23      federal Crime Control Act of 1973, as amended;

24               (n) To enter into contracts and cooperate with units  
25      of general local government outside of Illinois, other  
26      states' agencies, and private organizations outside of

Illinois to provide computer software or design that has been developed for the Illinois criminal justice system, or to participate in the cooperative development or design of new software or systems to be used by the Illinois criminal justice system;

(o) To establish general policies concerning criminal justice information systems and to promulgate such rules, regulations, and procedures as are necessary to the operation of the Authority and to the uniform consideration of appeals and audits;

(p) To advise and to make recommendations to the Governor and the General Assembly on policies relating to criminal justice information systems;

(q) To direct all other agencies under the jurisdiction of the Governor to provide whatever assistance and information the Authority may lawfully require to carry out its functions;

(r) To exercise any other powers that are reasonable and necessary to fulfill the responsibilities of the Authority under this Act and to comply with the requirements of applicable State or federal law or regulation;

(s) To exercise the rights, powers, and duties which have been vested in the Authority by the Illinois Uniform Conviction Information Act;

(t) (Blank);

(u) To exercise the rights, powers, and duties vested in the Authority by the Illinois Public Safety Agency Network Act;

(v) To provide technical assistance in the form of training to local governmental entities within Illinois requesting such assistance for the purposes of procuring grants for gang intervention and gang prevention programs or other criminal justice programs from the United States Department of Justice;

(w) To conduct strategic planning and provide technical assistance to implement comprehensive trauma recovery services for violent crime victims in underserved communities with high levels of violent crime, with the goal of providing a safe, community-based, culturally competent environment in which to access services necessary to facilitate recovery from the effects of chronic and repeat exposure to trauma. Services may include, but are not limited to, behavioral health treatment, financial recovery, family support and relocation assistance, and support in navigating the legal system; and

(x) To coordinate statewide violence prevention efforts and assist in the implementation of trauma recovery centers and analyze trauma recovery services. The Authority shall develop, publish, and facilitate the implementation of a 4-year statewide violence prevention

1 plan, which shall incorporate public health, public  
2 safety, victim services, and trauma recovery centers and  
3 services; and -

4 (y) To compile and publish information regarding open  
5 unresolved murders as provided in Section 40 of the  
6 Homicide Victims' Families' Rights Act.

7 The requirement for reporting to the General Assembly  
8 shall be satisfied by filing copies of the report as required  
9 by Section 3.1 of the General Assembly Organization Act, and  
10 filing such additional copies with the State Government Report  
11 Distribution Center for the General Assembly as is required  
12 under paragraph (t) of Section 7 of the State Library Act.

13 (Source: P.A. 103-798, eff. 1-1-25.)".