



Sen. Robert Peters

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LRB104 10904 RLC 25299 a

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;

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

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

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

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

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

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

24 (g) The applicable agency may extend the limit in
25 subsection (f) for periods not to exceed 6 months if the agency
26 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;

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

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

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

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

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

25 (f) Except in emergencies or other exigent circumstances,
26 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

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

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

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

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

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

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

26 (t) (Blank);

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

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

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

22 (x) To coordinate statewide violence prevention
23 efforts and assist in the implementation of trauma
24 recovery centers and analyze trauma recovery services. The
25 Authority shall develop, publish, and facilitate the
26 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.)".