

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 Sexual Assault Survivors Emergency
5 Treatment Act is amended by changing Sections 1a, 2, 5, and 6.5
6 as follows:

7 (410 ILCS 70/1a) (from Ch. 111 1/2, par. 87-1a)

8 Sec. 1a. Definitions.

9 (a) In this Act:

10 "Acute sexual assault" means a sexual assault that has
11 recently occurred. For patients under the age of 13, "acute
12 sexual assault" means a sexual assault that has occurred
13 within the past 72 hours. For patients 13 years old or older,
14 "acute sexual assault" means a sexual assault that has
15 occurred within the past 168 hours.

16 "Adult" means any person over the age of 18, or legally
17 emancipated in accordance with the Emancipation of Minors Act,
18 or by reason of marriage or entry into a branch of the United
19 States armed services.

20 "Advanced practice registered nurse" has the meaning
21 provided in Section 50-10 of the Nurse Practice Act.

22 "Ambulance provider" means an individual or entity that
23 owns and operates a business or service using ambulances or

1 emergency medical services vehicles to transport emergency
2 patients.

3 "Approved pediatric health care facility" means a health
4 care facility, other than a hospital, with a sexual assault
5 treatment plan approved by the Department to provide medical
6 forensic examinations to sexual assault survivors under the
7 age of 18 who present with a complaint of acute sexual assault.

8 "Areawide sexual assault treatment plan" means a plan,
9 developed by hospitals or by hospitals and approved pediatric
10 health care facilities in a community or area to be served,
11 which provides for medical forensic examinations to acute
12 sexual assault survivors that shall be made available by each
13 of the participating hospitals and approved pediatric health
14 care facilities.

15 "Assent" means the expressed willingness to participate in
16 an activity or give permission.

17 "Board-certified child abuse pediatrician" means a
18 physician certified by the American Board of Pediatrics in
19 child abuse pediatrics.

20 "Board-eligible child abuse pediatrician" means a
21 physician who has completed the requirements set forth by the
22 American Board of Pediatrics to take the examination for
23 certification in child abuse pediatrics.

24 "Decisional capacity" means the ability to understand and
25 appreciate the nature and consequences of a decision regarding
26 medical treatment or evidence collection and the ability to

1 reach and communicate an informed decision in the matter as
2 determined by a physician, an advanced practice registered
3 nurse, or a physician assistant.

4 "Department" means the Department of Public Health.

5 "Distant site" has the meaning given to that term in
6 Section 5 of the Telehealth Act.

7 "Emergency contraception" means medication as approved by
8 the federal Food and Drug Administration (FDA) that can
9 significantly reduce the risk of pregnancy if taken within 72
10 hours after sexual assault.

11 "Follow-up healthcare" means healthcare services related
12 to a sexual assault, including laboratory services and
13 pharmacy services, rendered within 180 days of the initial
14 visit as a result of the sexual assault.

15 "Guardian" means a court appointed guardian of the person.
16 "Guardian" includes the DCFS Guardianship Administrator or the
17 DCFS Guardianship Administrator's authorized agent for a minor
18 in temporary custody or guardianship of the Department of
19 Children and Family Services, pursuant to a court order
20 entered in proceedings occurring under the Juvenile Court Act
21 of 1987. "Guardian" also includes a short-term guardian
22 appointed for an adult in accordance with Section 11a-3.2 of
23 the Probate Act of 1975.

24 "Health care professional" means a physician, a physician
25 assistant, a sexual assault forensic examiner, an advanced
26 practice registered nurse, a registered professional nurse, a

1 licensed practical nurse, or a sexual assault nurse examiner.

2 "Hospital" means a hospital licensed under the Hospital
3 Licensing Act or operated under the University of Illinois
4 Hospital Act, any outpatient center included in the hospital's
5 sexual assault treatment plan where hospital employees provide
6 medical forensic examinations, and an out-of-state hospital
7 that has consented to the jurisdiction of the Department under
8 Section 2.06.

9 "Illinois State Police Sexual Assault Evidence Collection
10 Kit" means a prepackaged set of materials and forms to be used
11 for the collection of evidence relating to sexual assault. The
12 standardized evidence collection kit for the State of Illinois
13 shall be the Illinois State Police Sexual Assault Evidence
14 Collection Kit.

15 "Law enforcement agency having jurisdiction" means the law
16 enforcement agency in the jurisdiction where an alleged sexual
17 assault or sexual abuse occurred.

18 "Licensed practical nurse" has the meaning provided in
19 Section 50-10 of the Nurse Practice Act.

20 "Medical forensic examination" means health care delivered
21 to patients ~~in the care of a qualified medical provider~~
22 ~~working~~ at a treatment hospital, treatment hospital with
23 approved pediatric transfer, or an approved pediatric health
24 care facility that is either: (i) performed by a qualified
25 medical provider, or (ii) performed by a trained provider and
26 precepted by a qualified medical provider. A "medical ~~"Medical~~

1 forensic examination" may be assisted with the use of a
2 TeleSANE interactive telecommunications system and includes,
3 but is not limited to, taking a medical history, performing
4 photo documentation, performing a physical and anogenital
5 examination, assessing the patient for evidence collection,
6 collecting evidence in accordance with a statewide sexual
7 assault evidence collection program administered by the
8 Illinois State Police using the Illinois State Police Sexual
9 Assault Evidence Collection Kit, if appropriate, assessing the
10 patient for drug-facilitated or alcohol-facilitated sexual
11 assault, providing an evaluation of and care for sexually
12 transmitted infection and human immunodeficiency virus (HIV),
13 pregnancy risk evaluation and care, and discharge and
14 follow-up healthcare planning.

15 "Minor" means any person under the age of 18 years, unless
16 legally emancipated in accordance with the Emancipation of
17 Minors Act, or by reason of marriage or entry into a branch of
18 the United States armed services.

19 "Originating site" has the meaning given to that term in
20 Section 5 of the Telehealth Act.

21 "Originating site provider" means a trained provider or
22 qualified medical provider at the originating site.

23 "Pediatric health care facility" means a clinic or
24 physician's office that provides medical services to patients
25 under the age of 18.

26 "Pediatric sexual assault survivor" means a person under

1 the age of 13 who presents for a medical forensic examination
2 in relation to injuries or trauma resulting from a sexual
3 assault.

4 "Precept" means to provide direct and active clinical
5 oversight to a trained provider during the performance of a
6 medical forensic examination in a clinical setting, whether
7 in- person or via a TeleSANE interactive telecommunications
8 system.

9 "Photo documentation" means digital photographs or
10 colposcope videos stored and backed up securely in the
11 original file format.

12 "Physician" means a person licensed to practice medicine
13 in all its branches.

14 "Physician assistant" has the meaning provided in Section
15 4 of the Physician Assistant Practice Act of 1987.

16 "Qualified medical provider" means a board-certified child
17 abuse pediatrician, board-eligible child abuse pediatrician, a
18 sexual assault forensic examiner, or a sexual assault nurse
19 examiner who has access to photo documentation tools, and who
20 participates in peer review.

21 "Registered Professional Nurse" has the meaning provided
22 in Section 50-10 of the Nurse Practice Act.

23 "Sexual assault" means:

24 (1) an act of sexual conduct; as used in this
25 paragraph, "sexual conduct" has the meaning provided under
26 Section 11-0.1 of the Criminal Code of 2012; or

1 (2) any act of sexual penetration; as used in this
2 paragraph, "sexual penetration" has the meaning provided
3 under Section 11-0.1 of the Criminal Code of 2012 and
4 includes, without limitation, acts prohibited under
5 Sections 11-1.20 through 11-1.60 of the Criminal Code of
6 2012.

7 "Sexual assault forensic examiner" means a physician or
8 physician assistant who has completed training that meets or
9 is substantially similar to the Sexual Assault Nurse Examiner
10 Education Guidelines established by the International
11 Association of Forensic Nurses.

12 "Sexual assault nurse examiner" means an advanced practice
13 registered nurse or registered professional nurse who is
14 designated as Adult/Adolescent, Pediatric/Adolescent, or both,
15 according to the population of survivors the nurse is
16 qualified to treat and:

17 (1) is certified as a Sexual Assault Nurse Examiner by
18 the International Association of Forensic Nurses; or

19 (2) has completed training that meets the Sexual
20 Assault Nurse Examiner Education Guidelines established by
21 the International Association of Forensic Nurses and is
22 approved by the Sexual Assault Nurse Examiner Program
23 Coordinator.

24 "Sexual Assault Nurse Examiner Program Coordinator" means
25 an advanced practice registered nurse or a registered
26 professional nurse that is a qualified medical provider, and

1 who is the employee at Attorney General's Office who oversees
2 the Sexual Assault Nurse Examiner Program.

3 "Sexual assault services voucher" means a document
4 generated by a hospital or approved pediatric health care
5 facility where the sexual assault survivor first presents and
6 that may be used to seek payment for any ambulance services, a
7 medical forensic examination, medical care and treatment as
8 defined by 77 Ill. Adm. Code Part 545, laboratory services,
9 pharmacy services, and follow-up healthcare provided as a
10 result of the sexual assault.

11 "Sexual assault survivor" means a person who presents for
12 a medical forensic examination or medical care and treatment
13 in relation to injuries or trauma resulting from a sexual
14 assault.

15 "Sexual assault transfer plan" means a written plan
16 developed by a hospital and approved by the Department, which
17 describes the hospital's procedures for transferring acute
18 sexual assault survivors to another hospital, and an approved
19 pediatric health care facility, if applicable, in order to
20 receive medical forensic examinations performed by qualified
21 medical providers.

22 "Sexual assault treatment plan" means a written plan that
23 describes the procedures and protocols for providing medical
24 forensic examinations to acute sexual assault survivors who
25 present themselves for such services performed by qualified
26 medical providers, either directly or through transfer from a

1 hospital or an approved pediatric health care facility.

2 "TeleSANE Interactive Telecommunications System" has the
3 meaning given to the term "interactive telecommunications
4 system" in Section 5 of the Telehealth Act. As used in this
5 Act, "TeleSANE interactive telecommunications system" does not
6 include an audio-only telephone system.

7 "Trained provider" means a health care professional who is
8 training to become a qualified medical provider and has
9 completed didactic training that has been reviewed and
10 approved by the SANE Program Coordinator at the Attorney
11 General's Office.

12 "Transfer hospital" means a hospital with a sexual assault
13 transfer plan approved by the Department.

14 "Transfer services" means the appropriate medical
15 screening examination and necessary stabilizing treatment
16 prior to the transfer of a sexual assault survivor to another
17 hospital or an approved pediatric health care facility
18 pursuant to a sexual assault treatment plan or areawide sexual
19 assault treatment plan.

20 "Treatment hospital" means a hospital with a sexual
21 assault treatment plan approved by the Department to provide
22 medical forensic examinations to acute sexual assault
23 survivors.

24 "Treatment hospital with approved pediatric transfer"
25 means a hospital with a treatment plan approved by the
26 Department to provide medical forensic examinations to sexual

1 assault survivors 13 years old or older who present with a
2 complaint of acute sexual assault.

3 (b) This Section is effective on and after January 1,
4 2024.

5 (Source: P.A. 103-154, eff. 6-30-23; 104-386, eff. 1-1-26.)

6 (410 ILCS 70/2) (from Ch. 111 1/2, par. 87-2)

7 Sec. 2. Hospital and approved pediatric health care
8 facility requirements for sexual assault plans.

9 (a) Hospital services for sexual assault survivors. Every
10 hospital required to be licensed by the Department pursuant to
11 the Hospital Licensing Act, or operated under the University
12 of Illinois Hospital Act that provides general medical and
13 surgical hospital services shall provide either: (i) transfer
14 services to ~~all~~ acute sexual assault survivors, (ii) medical
15 forensic examinations to ~~all~~ acute sexual assault survivors,
16 or (iii) transfer services to pediatric acute sexual assault
17 survivors and medical forensic examinations to acute sexual
18 assault survivors 13 years old or older, in accordance with
19 rules adopted by the Department.

20 (b) Hospitals; plan to either treat or transfer acute
21 sexual assault survivors. In addition, every such hospital,
22 regardless of whether or not a request is made for
23 reimbursement, shall submit to the Department a plan to
24 provide either: (i) transfer services to ~~all~~ acute sexual
25 assault survivors, (ii) medical forensic examinations to ~~all~~

1 acute sexual assault survivors, or (iii) transfer services to
2 pediatric acute sexual assault survivors and medical forensic
3 examinations to acute sexual assault survivors 13 years old or
4 older within the time frame established by the Department. The
5 Department shall approve such plan ~~for either (i) transfer~~
6 ~~services to all acute sexual assault survivors, (ii) medical~~
7 ~~forensic examinations to all acute sexual assault survivors,~~
8 ~~or (iii) transfer services to pediatric acute sexual assault~~
9 ~~survivors and medical forensic examinations to acute sexual~~
10 ~~assault survivors 13 years old or older,~~ if it finds that the
11 implementation of the proposed plan would provide (1) ~~(i)~~
12 transfer services or (2) ~~(ii)~~ medical forensic examinations
13 for acute sexual assault survivors in accordance with the
14 requirements of this Act and provide sufficient protections
15 from the risk of pregnancy to acute sexual assault survivors.

16 (b-5) Hospitals located near public universities.
17 Hospitals located in counties with a population of less than
18 1,000,000 and within a 20-mile radius of a 4-year public
19 university shall submit an areawide sexual assault treatment
20 plan that is approved by the Department. The approved areawide
21 plan shall include at least one treatment hospital or
22 treatment hospital with approved pediatric transfer within the
23 20-mile radius of the 4-year public university.

24 (c) Treatment hospitals with approved pediatric transfer.
25 A treatment hospital with approved pediatric transfer must
26 submit an areawide treatment plan under Section 3 of this Act

1 that includes a written agreement with a treatment hospital
2 stating that the treatment hospital will provide medical
3 forensic examinations to pediatric sexual assault survivors
4 transferred from the treatment hospital with approved
5 pediatric transfer. The areawide treatment plan may also
6 include an approved pediatric health care facility.

7 (d) Training requirements for emergency department health
8 care professionals at treatment hospitals and treatment
9 hospitals with approved pediatric transfer. After July 1, 2020
10 or once a treatment hospital or a treatment hospital with
11 approved pediatric transfer certifies compliance with
12 subsection (a-3) of Section 5, whichever occurs first, each
13 treatment hospital and treatment hospital with approved
14 pediatric transfer shall ensure that emergency department
15 physicians, physician assistants, advanced practice registered
16 nurses, and registered professional nurses providing clinical
17 services, who do not meet the definition of a qualified
18 medical provider in Section 1a of this Act, receive a minimum
19 of 2 hours of continuing education on responding to acute
20 sexual assault survivors every 2 years. Protocols for training
21 shall be included in the hospital's sexual assault treatment
22 plan. Sexual assault training provided under this subsection
23 may be provided in person or online and shall include, but not
24 be limited to:

25 (1) information provided on the provision of a medical
26 forensic examination;

1 (2) information on the use of the Illinois State
2 Police Sexual Assault Evidence Collection Kit;

3 (3) information on sexual assault epidemiology,
4 neurobiology of trauma, drug-facilitated sexual assault,
5 child sexual abuse, and Illinois sexual assault-related
6 laws; and

7 (4) information on the hospital's sexual
8 assault-related policies and procedures. The online
9 training made available by the Office of the Attorney
10 General under subsection (b) of Section 10 may be used to
11 comply with this subsection.

12 (e) Hospital sexual assault transfer plans.

13 (1) A transfer hospital must submit an areawide
14 treatment plan under Section 3 of this Act that includes a
15 written agreement with a treatment hospital stating that
16 the treatment hospital will provide medical forensic
17 examinations to all sexual assault survivors transferred
18 from the transfer hospital. The areawide treatment plan
19 may also include an approved pediatric health care
20 facility.

21 Notwithstanding anything to the contrary in this
22 paragraph, the areawide treatment plan may include a
23 written agreement with a treatment hospital with approved
24 pedsiatric transfer that is geographically closer than
25 other hospitals providing medical forensic examinations to
26 sexual assault survivors 13 years of age or older stating

1 that the treatment hospital with approved pediatric
2 transfer will provide medical forensic examinations to
3 sexual assault survivors 13 years of age or older who are
4 transferred from the transfer hospital. If the areawide
5 treatment plan includes a written agreement with a
6 treatment hospital with approved pediatric transfer, it
7 must also include a written agreement with a treatment
8 hospital stating that the treatment hospital will provide
9 medical forensic examinations to sexual assault survivors
10 under 13 years of age who are transferred from the
11 transfer hospital.

12 (2) Notwithstanding anything to the contrary in this
13 subsection, the Department may approve a sexual assault
14 transfer plan for the provision of medical forensic
15 examinations if:

16 (A) ~~(1)~~ a treatment hospital with approved
17 pediatric transfer has agreed, as part of an areawide
18 treatment plan, to accept acute sexual assault
19 survivors 13 years of age or older from the proposed
20 transfer hospital, if the treatment hospital with
21 approved pediatric transfer is geographically closer
22 to the transfer hospital than a treatment hospital or
23 another treatment hospital with approved pediatric
24 transfer and such transfer is not unduly burdensome on
25 the sexual assault survivor; and

26 (B) ~~(2)~~ a treatment hospital has agreed, as a part

1 of an areawide treatment plan, to accept acute sexual
2 assault survivors under 13 years of age from the
3 proposed transfer hospital and transfer to the
4 treatment hospital would not unduly burden the sexual
5 assault survivor.

6 (e-5) Unduly burdensome transfers. The Department may not
7 approve a sexual assault transfer plan unless a treatment
8 hospital has agreed, as a part of an areawide treatment plan,
9 to accept acute sexual assault survivors from the proposed
10 transfer hospital and a transfer to the treatment hospital
11 would not unduly burden the sexual assault survivor.

12 In determining whether ~~a to approve a sexual assault~~
13 ~~transfer plan under this subsection, the Department shall~~
14 ~~evaluate whether the~~ proposed plan would result in unduly
15 burdensome patient transfers. ~~To avoid unduly burdensome~~
16 ~~patient transfers,~~ the Department shall consider the following
17 factors in approving or denying the proposed sexual assault
18 transfer plan:

19 (1) geographic proximity to the treatment hospital or
20 treatment hospital with approved pediatric transfer, with
21 priority given to sexual assault transfer plans which
22 transfer acute sexual assault survivors to the
23 geographically closest treatment hospital or treatment
24 hospital with approved pediatric transfer that has the
25 capacity to provide ease of transfer to and accept acute
26 sexual assault survivors from the proposed transfer

1 hospital and is willing to provide them medical forensic
2 examinations;

3 (2) the existence of an areawide treatment plan to
4 provide medical forensic examinations to acute sexual
5 assault survivors in the region;

6 (3) the average daily, monthly, and annual number of
7 sexual assault survivors who presented and received
8 medical forensic examinations;

9 (4) the number of qualified medical providers employed
10 at the hospital;

11 (5) the existence of other agreements between transfer
12 hospitals and other acute care hospitals related to
13 patient referral and transfer, communication, patient
14 medical records, and emergency and non-emergency patient
15 transportation;

16 (6) the number of transfer hospitals with which a
17 treatment hospital has a transfer agreement and its
18 capacity to enter into additional transfer agreements, for
19 which special consideration shall be given to treatment
20 hospitals currently providing medical forensic
21 examinations to acute sexual assault survivors; and

22 (7) the provisions in the plan for initial
23 transportation to the treatment hospital or treatment
24 hospital with approved pediatric transfer, as well as
25 appropriate return transportation, which should include
26 hospital-facilitated and survivor-facilitated options to

1 attempt to minimize survivor wait times while also taking
2 into consideration extenuating factors outside the
3 hospital's control, including, but not limited to, which
4 facility is responsible for arranging transportation,
5 transportation options, and hospital-specific factors
6 influencing survivor wait time, including, but not limited
7 to, discharge planning and arranging hospital-facilitated
8 transportation in a manner that minimizes the amount of
9 time a survivor waits for transportation under the
10 proposed plan.

11 In approving or denying the proposed sexual assault
12 transfer plan, the Department may also consider other factors,
13 including, but not limited to, hospital capacity, emergency
14 department patient volume, communication, and transportation
15 capacity.

16 ~~Hospitals located in counties with a population of less~~
17 ~~than 1,000,000 and within a 20 mile radius of a 4 year public~~
18 ~~university shall submit an areawide sexual assault treatment~~
19 ~~plan that is approved by the Department. The approved areawide~~
20 ~~plan shall include at least one treatment hospital or~~
21 ~~treatment hospital with approved pediatric transfer within the~~
22 ~~20-mile radius of the 4-year public university.~~

23 ~~A transfer must be in accordance with federal and State~~
24 ~~laws and local ordinances.~~

25 ~~A treatment hospital with approved pediatric transfer must~~
26 ~~submit an areawide treatment plan under Section 3 of this Act~~

1 ~~that includes a written agreement with a treatment hospital~~
2 ~~stating that the treatment hospital will provide medical~~
3 ~~forensic examinations to pediatric sexual assault survivors~~
4 ~~transferred from the treatment hospital with approved~~
5 ~~pediatric transfer. The areawide treatment plan may also~~
6 ~~include an approved pediatric health care facility.~~

7 ~~A transfer hospital must submit an areawide treatment plan~~
8 ~~under Section 3 of this Act that includes a written agreement~~
9 ~~with a treatment hospital stating that the treatment hospital~~
10 ~~will provide medical forensic examinations to all sexual~~
11 ~~assault survivors transferred from the transfer hospital. The~~
12 ~~areawide treatment plan may also include an approved pediatric~~
13 ~~health care facility. Notwithstanding anything to the contrary~~
14 ~~in this paragraph, the areawide treatment plan may include a~~
15 ~~written agreement with a treatment hospital with approved~~
16 ~~pediatric transfer that is geographically closer than other~~
17 ~~hospitals providing medical forensic examinations to sexual~~
18 ~~assault survivors 13 years of age or older stating that the~~
19 ~~treatment hospital with approved pediatric transfer will~~
20 ~~provide medical forensic examinations to sexual assault~~
21 ~~survivors 13 years of age or older who are transferred from the~~
22 ~~transfer hospital. If the areawide treatment plan includes a~~
23 ~~written agreement with a treatment hospital with approved~~
24 ~~pediatric transfer, it must also include a written agreement~~
25 ~~with a treatment hospital stating that the treatment hospital~~
26 ~~will provide medical forensic examinations to sexual assault~~

1 ~~survivors under 13 years of age who are transferred from the~~
2 ~~transfer hospital.~~

3 ~~Beginning January 1, 2019, each treatment hospital and~~
4 ~~treatment hospital with approved pediatric transfer shall~~
5 ~~ensure that emergency department attending physicians,~~
6 ~~physician assistants, advanced practice registered nurses, and~~
7 ~~registered professional nurses providing clinical services,~~
8 ~~who do not meet the definition of a qualified medical provider~~
9 ~~in Section 1a of this Act, receive a minimum of 2 hours of~~
10 ~~sexual assault training by July 1, 2020 or until the treatment~~
11 ~~hospital or treatment hospital with approved pediatric~~
12 ~~transfer certifies to the Department, in a form and manner~~
13 ~~prescribed by the Department, that it employs or contracts~~
14 ~~with a qualified medical provider in accordance with~~
15 ~~subsection (a 7) of Section 5, whichever occurs first.~~

16 ~~After July 1, 2020 or once a treatment hospital or a~~
17 ~~treatment hospital with approved pediatric transfer certifies~~
18 ~~compliance with subsection (a 7) of Section 5, whichever~~
19 ~~occurs first, each treatment hospital and treatment hospital~~
20 ~~with approved pediatric transfer shall ensure that emergency~~
21 ~~department attending physicians, physician assistants,~~
22 ~~advanced practice registered nurses, and registered~~
23 ~~professional nurses providing clinical services, who do not~~
24 ~~meet the definition of a qualified medical provider in Section~~
25 ~~1a of this Act, receive a minimum of 2 hours of continuing~~
26 ~~education on responding to acute sexual assault survivors~~

1 ~~every 2 years. Protocols for training shall be included in the~~
2 ~~hospital's sexual assault treatment plan.~~

3 ~~Sexual assault training provided under this subsection may~~
4 ~~be provided in person or online and shall include, but not be~~
5 ~~limited to:~~

6 ~~(1) information provided on the provision of a medical~~
7 ~~forensic examination;~~

8 ~~(2) information on the use of the Illinois State~~
9 ~~Police Sexual Assault Evidence Collection Kit;~~

10 ~~(3) information on sexual assault epidemiology,~~
11 ~~neurobiology of trauma, drug-facilitated sexual assault,~~
12 ~~child sexual abuse, and Illinois sexual assault-related~~
13 ~~laws; and~~

14 ~~(4) information on the hospital's sexual~~
15 ~~assault-related policies and procedures.~~

16 ~~The online training made available by the Office of the~~
17 ~~Attorney General under subsection (b) of Section 10 may be~~
18 ~~used to comply with this subsection.~~

19 ~~(a 5) A hospital must submit a plan to provide either (i)~~
20 ~~transfer services to all acute sexual assault survivors, (ii)~~
21 ~~medical forensic examinations to all acute sexual assault~~
22 ~~survivors, or (iii) transfer services to pediatric acute~~
23 ~~sexual assault survivors and medical forensic examinations to~~
24 ~~sexual assault survivors 13 years old or older as required in~~
25 ~~subsection (a) of this Section within 60 days of the~~
26 ~~Department's request. Failure to submit a plan as described in~~

~~this subsection shall subject a hospital to the imposition of a fine by the Department. The Department may impose a fine of up to \$500 per day until the hospital submits a plan as described in this subsection.~~

~~(a 10) Upon receipt of a plan as described in subsection (a 5), the Department shall notify the hospital whether or not the plan is acceptable. If the Department determines that the plan is unacceptable, the hospital must submit a modified plan within 10 days of service of the notification. If the Department determines that the modified plan is unacceptable, or if the hospital fails to submit a modified plan within 10 days, the Department may impose a fine of up to \$500 per day until an acceptable plan has been submitted, as determined by the Department.~~

(e-10) Plans submitted by approved pediatric health care facilities. ~~(b)~~ An approved pediatric health care facility may provide medical forensic examinations, in accordance with rules adopted by the Department, to acute sexual assault survivors under the age of 18 who present for medical forensic examinations in relation to injuries or trauma resulting from a sexual assault. These services shall be provided by a qualified medical provider.

A pediatric health care facility must participate in or submit an areawide treatment plan under Section 3 of this Act that includes a treatment hospital. If a pediatric health care facility does not provide certain medical or surgical services

1 that are provided by hospitals, the areawide sexual assault
2 treatment plan must include a procedure for ensuring a sexual
3 assault survivor in need of such medical or surgical services
4 receives the services at the treatment hospital. The areawide
5 treatment plan may also include a treatment hospital with
6 approved pediatric transfer.

7 The Department shall review a proposed sexual assault
8 treatment plan submitted by a pediatric health care facility
9 within 60 days after receipt of the plan. If the Department
10 finds that the proposed plan meets the minimum requirements
11 set forth in Section 5 of this Act and that implementation of
12 the proposed plan would provide medical forensic examinations
13 for acute sexual assault survivors under the age of 18, then
14 the Department shall approve the plan. If the Department does
15 not approve a plan, then the Department shall notify the
16 pediatric health care facility that the proposed plan has not
17 been approved. The pediatric health care facility shall have
18 30 days to submit a revised plan. The Department shall review
19 the revised plan within 30 days after receipt of the plan and
20 notify the pediatric health care facility whether the revised
21 plan is approved or rejected. A pediatric health care facility
22 may not provide medical forensic examinations to sexual
23 assault survivors under the age of 18 who present with a
24 complaint of acute sexual assault until the Department has
25 approved a treatment plan.

26 If an approved pediatric health care facility is not open

1 24 hours a day, 7 days a week, it shall post signage at each
2 public entrance to its facility that:

3 (1) is at least 14 inches by 14 inches in size;

4 (2) directs those seeking services as follows: "If
5 closed, call 911 for services or go to the closest
6 hospital emergency department, (insert name) located at
7 (insert address).";

8 (3) lists the approved pediatric health care
9 facility's hours of operation;

10 (4) lists the street address of the building;

11 (5) has a black background with white bold capital
12 lettering in a clear and easy to read font that is at least
13 72-point type, and with "call 911" in at least 125-point
14 type;

15 (6) is posted clearly and conspicuously on or adjacent
16 to the door at each entrance and, if building materials
17 allow, is posted internally for viewing through glass; if
18 posted externally, the sign shall be made of
19 weather-resistant and theft-resistant materials,
20 non-removable, and adhered permanently to the building;
21 and

22 (7) has lighting that is part of the sign itself or is
23 lit with a dedicated light that fully illuminates the
24 sign.

25 A copy of the proposed sign must be submitted to the
26 Department and approved as part of the approved pediatric

1 health care facility's sexual assault treatment plan.

2 (f) Memorandum of understanding with a rape crisis center
3 required. ~~(e)~~ Each treatment hospital, treatment hospital with
4 approved pediatric transfer, and approved pediatric health
5 care facility must enter into a memorandum of understanding
6 with a rape crisis center for medical advocacy services, if
7 these services are available to the treatment hospital,
8 treatment hospital with approved pediatric transfer, or
9 approved pediatric health care facility. With the consent of
10 the sexual assault survivor, a rape crisis counselor shall
11 remain in the exam room during the collection for forensic
12 evidence.

13 (g) Compliance with mandated reporter laws. ~~(d)~~ Every
14 hospital and approved pediatric health care facility's sexual
15 assault treatment plan or sexual assault transfer plan shall
16 include procedures for complying with mandatory reporting
17 requirements pursuant to (1) the Abused and Neglected Child
18 Reporting Act; (2) the Abused and Neglected Long Term Care
19 Facility Residents Reporting Act; (3) the Adult Protective
20 Services Act; and (4) ~~(iv)~~ the Criminal Identification Act.

21 (h) Data reporting. ~~(e)~~ Each treatment hospital, treatment
22 hospital with approved pediatric transfer, and approved
23 pediatric health care facility shall submit to the Department
24 every 6 months, in a manner prescribed by the Department, the
25 following information:

26 (1) The total number of patients who presented with a

1 complaint of sexual assault.

2 (2) The total number of Illinois State Police Sexual
3 Assault Evidence Collection Kits:

4 (A) offered to (i) all acute sexual assault
5 survivors and (ii) pediatric acute sexual assault
6 survivors pursuant to paragraph (1.5) of subsection
7 (a-5) of Section 5;

8 (B) completed for (i) all acute sexual assault
9 survivors and (ii) pediatric acute sexual assault
10 survivors; and

11 (C) declined by (i) all acute sexual assault
12 survivors and (ii) pediatric acute sexual assault
13 survivors.

14 This information shall be made available on the
15 Department's website.

16 (i) Use of TeleSANE. Beginning June 1, 2027, a hospital or
17 approved pediatric health care facility may submit, in
18 addition or as an addendum to the sexual assault treatment
19 plan submitted pursuant to this Section or an areawide sexual
20 assault treatment plan pursuant to Section 3 of this Act, a
21 plan for the use of a TeleSANE interactive telecommunications
22 system. A sexual assault treatment plan or areawide sexual
23 assault treatment plan that includes TeleSANE and is approved
24 by the Department allows a qualified medical provider at a
25 distant site to precept medical forensic examinations for
26 sexual assault survivors age 13 years old or older in

1 accordance with this Act and rules established by the
2 Department. A TeleSANE interactive telecommunications system
3 may also be used for contacting an expert for consultation or a
4 second opinion.

5 (i-2) TeleSANE plan requirements. If a sexual assault
6 treatment plan or areawide treatment plan includes the use of
7 a TeleSANE interactive telecommunications system, then the
8 plan submitted to the Department shall include, at minimum,
9 the following additional information:

10 (1) Hospitals shall submit a plan to provide medical
11 forensic examinations to acute sexual assault survivors 13
12 years old or older while either: (i) transferring pediatric
13 acute sexual assault survivors, or (ii) providing medical
14 forensic examinations without the use of a TeleSANE
15 interactive telecommunications system to pediatric acute
16 sexual assault survivors. Approved pediatric health care
17 facilities shall submit a staffing plan to provide medical
18 forensic examinations to acute sexual assault survivors
19 age 13 years old or older.

20 (2) The plan shall indicate the number of trained
21 providers and distant site qualified medical providers who
22 have met the following training qualifications. Trained
23 providers must complete: (i) didactic training that has
24 been reviewed and approved by the SANE Program Coordinator
25 at the Attorney General's Office; and (ii) at least one
26 medical forensic examination precepted in-person by a

qualified medical provider prior to performing medical forensic examinations using a TeleSANE interactive telecommunications system. Training for both originating and distant site health care professionals shall include at least one mock medical forensic examination using the TeleSANE interactive telecommunications system described in the plan, even if the originating site provider is a qualified medical provider. A mock examination for a trained provider using the TeleSANE interactive communications system must be precepted by a qualified medical provider who attests to the trained provider's ability to perform medical forensic examinations using the TeleSANE interactive communications system. Hospitals and approved pediatric health care facilities are responsible for maintaining accurate records of each trained provider and distant site qualified medical provider who is part of their plan.

(3) The plan shall include policies and protocols for selecting specific technology platforms or vendors, a plan for regular technology checks, and protocols in the event of a failure of the TeleSANE interactive telecommunications system.

(4) The plan shall include protocols and policies to:
(i) maintain a secure network to host the TeleSANE interactive telecommunications system; (ii) protect patient privacy, including at the distant site; and (iii)

1 ensure that medical forensic examinations are not
2 recorded. Delivered services must adhere to all federal
3 and State privacy, security, and confidentiality laws,
4 rules, or regulations, including, but not limited to, the
5 Health Insurance Portability and Accountability Act of
6 1996 and the Mental Health and Developmental Disabilities
7 Confidentiality Act.

8 (5) A plan to provide a medical forensic examination
9 to an acute sexual assault survivor if the survivor wants
10 evidence collected, but does not consent to the use of a
11 TeleSANE interactive telecommunications system.

12 (6) A plan to educate the community, including local
13 law enforcement and rape crisis advocates, about medical
14 forensic examinations that use a TeleSANE interactive
15 telecommunications system.

16 (i-3) Approval of a TeleSANE plan. The Department shall
17 approve a sexual assault treatment plan or areawide sexual
18 assault treatment plan that includes the use of a TeleSANE
19 interactive telecommunications system if the following
20 requirements are met: (i) a hospital or approved pediatric
21 health care facility submits all information required under
22 subsection (i-2) of this Section, (ii) the Department finds
23 that the sexual assault treatment plan or areawide sexual
24 assault treatment plan complies with the applicable provisions
25 of the Telehealth Act, and (iii) implementation of the sexual
26 assault treatment plan or areawide sexual assault treatment

1 plan would provide appropriately precepted medical forensic
2 examinations for acute sexual assault survivors in accordance
3 with the requirements of this Act and rules adopted by the
4 Department.

5 (j) ~~(f)~~ This Section is effective on and after January 1,
6 2026.

7 (Source: P.A. 104-386, eff. 1-1-26.)

8 (410 ILCS 70/5) (from Ch. 111 1/2, par. 87-5)

9 Sec. 5. Minimum requirements for medical forensic
10 examinations provided to sexual assault survivors by hospitals
11 and approved pediatric health care facilities.

12 (a) Staffing requirements. ~~Every hospital and approved~~
13 ~~pediatric health care facility providing medical forensic~~
14 ~~examinations to acute sexual assault survivors under this Act~~
15 ~~shall, as minimum requirements for such services, provide the~~
16 ~~services set forth in subsection (a-5).~~ A qualified medical
17 provider must provide the services set forth in subsection
18 (a-2) ~~(a-5)~~ as ordered by a physician, an advanced practice
19 registered nurse, or a physician assistant. A medical
20 screening examination shall be performed, prior to a medical
21 forensic examination by a ~~the attending~~ physician, an advanced
22 practice registered nurse, or a physician assistant.

23 (a-2) Medical forensic examinations and related services.
24 ~~(a-5)~~ A treatment hospital, a treatment hospital with approved
25 pediatric transfer, or an approved pediatric health care

1 facility shall provide the following services in accordance
2 with subsections (a), ~~and~~ (b), and (c):

3 (1) Appropriate medical forensic examinations without
4 delay, in a private, age-appropriate or
5 developmentally-appropriate space, required to ensure the
6 health, safety, and welfare of a sexual assault survivor
7 and which may be used as evidence in a criminal proceeding
8 against a person accused of the sexual assault, in a
9 proceeding under the Juvenile Court Act of 1987, or in an
10 investigation under the Abused and Neglected Child
11 Reporting Act.

12 Records of medical forensic examinations, including
13 results of examinations and tests, the Illinois State
14 Police Medical Forensic Documentation Forms, the Illinois
15 State Police Patient Discharge Materials, and the Illinois
16 State Police Patient Consent: Collect and Test Evidence or
17 Collect and Hold Evidence Form, shall be maintained by the
18 hospital or approved pediatric health care facility as
19 part of the patient's electronic medical record.

20 Records of medical forensic examinations of sexual
21 assault survivors under the age of 18 shall be retained by
22 the hospital for a period of 60 years after the sexual
23 assault survivor reaches the age of 18. Records of medical
24 forensic examinations of sexual assault survivors 18 years
25 of age or older shall be retained by the hospital for a
26 period of 20 years after the date the record was created.

1 Records of medical forensic examinations may only be
2 disseminated in accordance with Section 6.5 of this Act
3 and other State and federal law.

4 (2) ~~(1.5)~~ An offer to complete the Illinois State
5 Police Sexual Assault Evidence Collection Kit for any
6 acute sexual assault survivor. If the offer to complete
7 the Illinois State Police Sexual Assault Evidence
8 Collection Kit is accepted by the survivor, then evidence
9 collection shall be completed based on the qualified
10 medical provider's clinical discretion, best practices for
11 evidence collection, and information provided by the
12 sexual assault survivor. A patient may decline any portion
13 of the Illinois State Police Sexual Assault Evidence Kit,
14 but if any evidence is collected, then that shall
15 constitute evidence collection being completed for the
16 purposes of this Section and subsection (e) of Section 2.
17 Nothing in this Section is intended to prohibit a
18 qualified medical provider from offering, on the
19 provider's own accord or in response to a survivor
20 request, an Illinois State Police Sexual Assault Evidence
21 Collection Kit to a sexual assault survivor who presents
22 at a treatment hospital, treatment hospital with approved
23 pediatric transfer, or approved pediatric health care
24 facility with a nonacute complaint of sexual assault
25 according to the qualified medical provider's clinical
26 discretion based on best practices for indications for

1 evidence collection.

2 (A) Appropriate oral and written information
3 concerning evidence-based guidelines for the
4 appropriateness of evidence collection depending on
5 the sexual development of the sexual assault survivor,
6 the type of sexual assault, and the timing of the
7 sexual assault shall be provided to the sexual assault
8 survivor.

9 The information required under this subparagraph
10 shall be provided to the sexual assault survivor by a
11 qualified medical provider either in person or via a
12 virtual or telephone consultation.

13 The written information provided shall be the
14 information created in accordance with Section 10 of
15 this Act.

16 (B) A sexual assault nurse examiner conducting an
17 examination using the Illinois State Police Sexual
18 Assault Evidence Collection Kit may do so without the
19 presence or participation of a physician.

20 (3) ~~+(2)~~ Appropriate oral and written information
21 concerning the possibility of infection, sexually
22 transmitted infection, including an evaluation of the
23 sexual assault survivor's risk of contracting human
24 immunodeficiency virus (HIV) from sexual assault, and
25 pregnancy resulting from sexual assault.

26 (4) ~~+(3)~~ Appropriate oral and written information

1 concerning accepted medical procedures, laboratory tests,
2 medication, and possible contraindications of such
3 medication available for the prevention or treatment of
4 infection or disease resulting from sexual assault.

5 (5) ~~(3.5)~~ After a medical evidentiary or physical
6 examination, access to a shower at no cost, unless
7 showering facilities are unavailable.

8 (6) ~~(4)~~ An amount of medication, including HIV
9 prophylaxis, for treatment at the hospital or approved
10 pediatric health care facility and after discharge as is
11 deemed appropriate by a ~~the attending~~ physician, an
12 advanced practice registered nurse, or a physician
13 assistant in accordance with the Centers for Disease
14 Control and Prevention guidelines and consistent with the
15 hospital's or approved pediatric health care facility's
16 current approved protocol for sexual assault survivors.

17 (7) ~~(5)~~ Photo documentation of the sexual assault
18 survivor's injuries, anatomy involved in the assault, or
19 other visible evidence on the sexual assault survivor's
20 body to supplement the medical forensic history and
21 written documentation of physical findings and evidence
22 beginning July 1, 2019. Photo documentation does not
23 replace written documentation of the injury.

24 (8) ~~(6)~~ Written and oral instructions indicating the
25 need for follow-up examinations and laboratory tests after
26 the sexual assault to determine the presence or absence of

1 sexually transmitted infection.

2 (9) ~~(7)~~ Referral by hospital or approved pediatric
3 health care facility personnel for appropriate counseling.

4 (10) ~~(8)~~ Medical advocacy services provided by a rape
5 crisis counselor whose communications are protected under
6 Section 8-802.1 of the Code of Civil Procedure, if there
7 is a memorandum of understanding between the hospital or
8 approved pediatric health care facility and a rape crisis
9 center. With the consent of the sexual assault survivor, a
10 rape crisis counselor shall remain in the exam room during
11 the medical forensic examination.

12 (11) ~~(9)~~ Written information regarding services
13 provided by a Children's Advocacy Center and rape crisis
14 center, if applicable.

15 (12) ~~(10)~~ A treatment hospital, a treatment hospital
16 with approved pediatric transfer, an out-of-state hospital
17 as defined in Section 5.4, or an approved pediatric health
18 care facility shall comply with the rules relating to the
19 collection and tracking of sexual assault evidence adopted
20 by the Illinois State Police under Section 50 of the
21 Sexual Assault Evidence Submission Act.

22 (13) ~~(11)~~ Written information regarding the Illinois
23 State Police sexual assault evidence tracking system.

24 (a-3) 90 minute requirement for qualified medical
25 providers. ~~(a-7)~~ Every hospital with a treatment plan approved
26 by the Department and every approved pediatric health care

1 facility shall employ or contract with a qualified medical
2 provider to initiate a medical forensic examination to a
3 sexual assault survivor within 90 minutes of a concern arising
4 at the hospital or facility of acute sexual assault. The
5 provision of a medical forensic examination by a qualified
6 medical provider shall not delay the provision of life-saving
7 medical care.

8 (b) Consent to medical forensic examination. Before a
9 medical forensic examination is provided, the decisional
10 capacity of the sexual assault survivor shall be assessed. A
11 sexual assault survivor who lacks decisional capacity cannot
12 consent to a medical forensic examination ~~consent must be~~
13 ~~obtained in accordance with this Section. Evidence collection~~
14 ~~shall not be completed without first obtaining consent.~~

15 (1) Sexual assault survivor determined to have
16 decisional capacity. A medical forensic examination may be
17 provided in accordance with this Section to any ~~Any person~~
18 ~~able to consent who is a sexual assault survivor who is~~
19 determined to have decisional capacity ~~seeks a medical~~
20 ~~forensic examination or follow-up healthcare under this~~
21 ~~Act shall be provided such services~~ without the consent of
22 any parent, guardian, or power of attorney for health care
23 ~~eustodian, surrogate, or agent.~~

24 (2) The sexual assault survivor is a minor and lacks
25 decisional capacity. If a minor sexual assault survivor
26 ~~under the age of 18~~ is unable to consent due to lack of

1 decisional capacity, the to—a medical forensic
2 examination, the examination may be provided, with: (A)
3 the consent of the survivor's parent, guardian, or health
4 care power of attorney and with the assent of the sexual
5 assault survivor, and (B) consent given by one of the
6 following authorized decision makers:

7 (i) The survivor's parent.

8 (ii) The survivor's guardian. If a minor is in
9 temporary custody or guardianship of the Department of
10 Children and Family Services pursuant to a court order
11 entered in proceedings occurring under the Juvenile
12 Court Act of 1987, the DCFS Guardianship
13 Administrator, or the DCFS Guardianship
14 Administrator's authorized agent, may consent to a
15 medical forensic examination under this Act.

16 (iii) The survivor's spouse.

17 (iv) The survivor's power of attorney for health
18 care.

19 If the sexual assault survivor's parent, guardian,
20 spouse, or power of attorney for health care, are
21 unavailable or unwilling to consent to the medical
22 forensic examination, then law enforcement may obtain a
23 search warrant pursuant to Article 108 of the Code of
24 Criminal Procedure of 1963 directing that a medical
25 forensic examination, as defined in Section 1a, be
26 conducted, with the assent of the sexual assault survivor.

1 (3) The sexual assault survivor is an adult and lacks
2 decisional capacity. If an adult sexual assault survivor
3 is unable to consent due to lack of decisional capacity, a
4 medical forensic examination, ~~the examination~~ may be
5 provided, with: (A) the assent of the survivor, and (B)
6 consent given by one of the following authorized decision
7 makers:

8 (i) The survivor's guardian.

9 (ii) The survivor's spouse.

10 (iii) The survivor's power of attorney for health
11 care.

12 If the survivor's guardian, spouse, or ~~consent of the~~
13 ~~survivor's guardian or health care~~ power of attorney for
14 health care, is unavailable or unwilling to consent, law
15 enforcement may obtain a search warrant pursuant to Article
16 108 of the Code of Criminal Procedure of 1963 directing that a
17 medical forensic examination, as defined in Section 1a, be
18 conducted ~~and~~ with the assent of the sexual assault survivor.

19 (b-2) Treatment of unconscious patients. Notwithstanding
20 any other provision of the law, a medical forensic examination
21 may be administered to an unconscious patient, without their
22 assent, if the following conditions are met: (i) the qualified
23 medical provider, in accordance with subsection (a),
24 determines there is reasonable suspicion of sexual assault;
25 (ii) consent cannot be obtained under the circumstances,
26 including when evidence may be lost; and (iii) based on the

1 clinical judgment of a qualified medical provider, in
2 accordance with subsection (a), the unconscious patient is not
3 expected to regain consciousness within the recommended window
4 for evidence collection for acute sexual assault. If these
5 conditions are met, written authorization for a medical
6 forensic examination to be performed on an unconscious patient
7 may be provided by a qualified medical provider and a
8 physician, advanced practice registered nurse, or physician
9 assistant.

10 (c) Consent to follow-up health care.

11 (1) Adult survivors. Any adult sexual assault survivor
12 who is determined to have decisional capacity may consent
13 to follow-up health care.

14 (2) Minor survivors. Follow-up health care for minors
15 shall be provided in accordance with the Consent by Minors
16 to Health Care Services Act.

17 (d) Vouchers. ~~(b-5)~~ Every hospital or approved pediatric
18 health care facility providing medical forensic examinations
19 to acute sexual assault survivors shall issue a voucher to any
20 sexual assault survivor who is eligible to receive one in
21 accordance with Section 5.2 of this Act. The hospital or
22 approved pediatric health care facility shall make a copy of
23 the voucher and place it in the medical record of the sexual
24 assault survivor. The hospital or approved pediatric health
25 care facility shall provide a copy of the voucher to the sexual
26 assault survivor after discharge upon request.

1 (e) Limitation of physician-patient relationship after
2 discharge. ~~(e)~~ Nothing in this Section creates a
3 physician-patient relationship that extends beyond discharge
4 from the hospital or approved pediatric health care facility.

5 (f) Liability. Any health care professional or health care
6 institution, including any hospital or approved pediatric
7 health care facility, who, in good faith, acts with due care in
8 accordance with this Section is immune to: (i) any civil or
9 other claim based on lack of consent; (ii) any criminal
10 prosecution; or (iii) discipline for unprofessional conduct.

11 (g) ~~(d)~~ This Section is effective on and after January 1,
12 2024.

13 (Source: P.A. 104-386, eff. 1-1-26.)

14 (410 ILCS 70/6.5)

15 Sec. 6.5. Written consent to the release of sexual assault
16 evidence for testing.

17 (a) Upon the completion of a medical forensic examination,
18 the health care professional providing the medical forensic
19 examination shall provide the patient the opportunity to sign
20 a written consent to allow law enforcement to submit the
21 sexual assault evidence for testing, if collected. The written
22 consent shall be on a form included in the sexual assault
23 evidence collection kit and posted on the Illinois State
24 Police website. The consent form shall include whether the
25 survivor consents to the release of information about the

1 sexual assault to law enforcement. A sexual assault survivor
2 who lacks decisional capacity cannot provide consent under
3 this Section.

4 (1) The sexual assault survivor is determined to have
5 decisional capacity. A sexual assault survivor who is
6 determined to have decisional capacity ~~A survivor 13 years~~
7 ~~of age or older~~ may sign the written consent to release the
8 evidence for testing.

9 (2) The sexual assault survivor is a minor and lacks
10 decisional capacity. If the survivor is a minor who lacks
11 decisional capacity ~~is under 13 years of age,~~ the written
12 consent to release the sexual assault evidence for testing
13 may be signed by the sexual assault survivor's parent,
14 guardian, spouse, if married; or , ~~or agent acting under a~~
15 ~~health-care~~ power of attorney for health care. If a
16 parent, guardian, spouse, or ~~health-care~~ power of attorney
17 for health care is not available or unwilling to release
18 evidence, then a State's Attorney acting in his or her
19 capacity to investigate or prosecute a violation of the
20 criminal laws of this State, or the Attorney General,
21 acting in his or her capacity to investigate or prosecute
22 a violation of the criminal laws of this State, may
23 petition the court to authorize its release for testing.
24 Hearings on such petitions shall be ex parte and not
25 require notice to, nor the appearance in court, of any
26 other party. Any such petition shall state why there is

1 reasonable suspicion to believe that:

2 (i) the sexual assault survivor is a minor and
3 cannot consent to the release of evidence for testing;

4 (ii) a medical forensic examination was provided
5 to such minor;

6 (iii) such medical forensic examination resulted
7 in the collection of evidence from such minor which
8 could lead to the identification of the perpetrator of
9 the sexual assault or sexual abuse; and

10 (iv) reasonable efforts have been made to obtain
11 written consent for the release of said evidence from
12 a parent, guardian, spouse, or power of attorney for
13 health care, but they were unavailable or unwilling to
14 release the evidence for testing.

15 (3) The sexual assault survivor is an adult and lacks
16 decisional capacity. If the survivor is an adult who lacks
17 decisional capacity, the written consent to release the
18 sexual assault evidence for testing may be signed by the
19 sexual assault survivor's guardian; spouse, if married; or
20 has a guardian of the person, a health care surrogate, or
21 an agent acting under a health care power of attorney for
22 health care. , the consent of the guardian, surrogate, or
23 agent is not required to release evidence and information
24 concerning the sexual assault or sexual abuse. If the
25 adult is unable to provide

26 If a guardian, spouse, or power of attorney for health

1 care is unavailable or unwilling to release the
2 information, then a State's Attorney, acting in his or her
3 capacity to investigate or prosecute a violation of the
4 criminal laws of this state, or the Attorney General,
5 having assumed the role of criminal prosecutor for such
6 matters, may petition the court to authorize its release
7 for testing. Hearings on such petitions shall be ex parte
8 and not require notice to, nor the appearance in court, of
9 any other party. Any such petition shall state why there
10 is reasonable suspicion to believe that:

11 (i) the sexual assault survivor is unable to
12 consent to the release of the evidence for testing;

13 (ii) a medical forensic examination was provided
14 to such sexual assault survivor;

15 (iii) such medical forensic examination resulted
16 in the collection of evidence from such sexual assault
17 survivor which could lead to the identification of the
18 perpetrator of the sexual assault or sexual abuse; and

19 (iv) reasonable efforts have been made to obtain
20 written consent for the release of said evidence from
21 ~~and information and a guardian, spouse surrogate, or~~
22 ~~agent under a health care power of attorney for health~~
23 ~~care, but they were~~ is ~~unavailable or unwilling to~~
24 ~~release the evidence for testing information, then an~~
25 ~~investigating law enforcement officer may authorize~~
26 ~~the release.~~

1 (b) With the exception of willful or wanton misconduct,
2 any ~~(4) Any~~ health care professional or health care
3 institution, including any hospital or approved pediatric
4 health care facility, who provides evidence or information to
5 a law enforcement officer under a written consent as specified
6 in this Section is immune from any civil, ~~or~~ professional, or
7 other liability or actions that might arise from those
8 actions, ~~with the exception of willful or wanton misconduct.~~
9 The immunity provision applies only if all of the requirements
10 of this Section are met.

11 (c) ~~(b)~~ The hospital or approved pediatric health care
12 facility shall keep a copy of a signed or unsigned written
13 consent form in the patient's medical record.

14 (d) ~~(c)~~ If a written consent to allow law enforcement to
15 hold the sexual assault evidence is signed at the completion
16 of the medical forensic examination, the hospital or approved
17 pediatric health care facility shall include the following
18 information in its discharge instructions:

19 (1) the sexual assault evidence will be stored for 10
20 years from the completion of an Illinois State Police
21 Sexual Assault Evidence Collection Kit, or 10 years from
22 the age of 18 years, whichever is longer;

23 (2) a person authorized to consent to the testing of
24 the sexual assault evidence may sign a written consent to
25 allow law enforcement to test the sexual assault evidence
26 at any time during that 10-year period for an adult

1 victim, or until a minor victim turns 28 years of age by
2 (A) contacting the law enforcement agency having
3 jurisdiction, or if unknown, the law enforcement agency
4 contacted by the hospital or approved pediatric health
5 care facility under Section 3.2 of the Criminal
6 Identification Act; or (B) by working with an advocate at
7 a rape crisis center;

8 (3) the name, address, and phone number of the law
9 enforcement agency having jurisdiction, or if unknown the
10 name, address, and phone number of the law enforcement
11 agency contacted by the hospital or approved pediatric
12 health care facility under Section 3.2 of the Criminal
13 Identification Act; and

14 (4) the name and phone number of a local rape crisis
15 center.

16 (e) ~~(d)~~ This Section is effective on and after January 1,
17 2024.

18 (Source: P.A. 104-386, eff. 1-1-26.)

19 Section 10. The Juvenile Court Act of 1987 is amended by
20 changing Section 5-905 as follows:

21 (705 ILCS 405/5-905)

22 Sec. 5-905. Law enforcement records.

23 (1) Law Enforcement Records. Inspection and copying of law
24 enforcement records maintained by law enforcement agencies

1 that relate to a minor who has been investigated, arrested, or
2 taken into custody before the minor's 18th birthday shall be
3 restricted to the following and when necessary for the
4 discharge of their official duties:

5 (a) A judge of the circuit court and members of the
6 staff of the court designated by the judge;

7 (b) Law enforcement officers, probation officers or
8 prosecutors or their staff, or, when necessary for the
9 discharge of its official duties in connection with a
10 particular investigation of the conduct of a law
11 enforcement officer, an independent agency or its staff
12 created by ordinance and charged by a unit of local
13 government with the duty of investigating the conduct of
14 law enforcement officers;

15 (c) The minor, the minor's parents or legal guardian
16 and their attorneys, ~~but only when the juvenile has been~~
17 ~~charged with an offense;~~

18 (d) Adult and Juvenile Prisoner Review Boards;

19 (e) Authorized military personnel;

20 (f) Persons engaged in bona fide research, with the
21 permission of the judge of juvenile court and the chief
22 executive of the agency that prepared the particular
23 recording: provided that publication of such research
24 results in no disclosure of a minor's identity and
25 protects the confidentiality of the record;

26 (g) Individuals responsible for supervising or

1 providing temporary or permanent care and custody of
2 minors pursuant to orders of the juvenile court or
3 directives from officials of the Department of Children
4 and Family Services or the Department of Human Services
5 who certify in writing that the information will not be
6 disclosed to any other party except as provided under law
7 or order of court;

8 (h) The appropriate school official only if the agency
9 or officer believes that there is an imminent threat of
10 physical harm to students, school personnel, or others who
11 are present in the school or on school grounds.

12 (A) Inspection and copying shall be limited to
13 law enforcement records transmitted to the appropriate
14 school official or officials whom the school has
15 determined to have a legitimate educational or safety
16 interest by a local law enforcement agency under a
17 reciprocal reporting system established and maintained
18 between the school district and the local law
19 enforcement agency under Section 10-20.14 of the
20 School Code concerning a minor enrolled in a school
21 within the school district who has been arrested or
22 taken into custody for any of the following offenses:

23 (i) any violation of Article 24 of the
24 Criminal Code of 1961 or the Criminal Code of
25 2012;

26 (ii) a violation of the Illinois Controlled

1 Substances Act;

2 (iii) a violation of the Cannabis Control Act;

3 (iv) a forcible felony as defined in Section
4 2-8 of the Criminal Code of 1961 or the Criminal
5 Code of 2012;

6 (v) a violation of the Methamphetamine Control
7 and Community Protection Act;

8 (vi) a violation of Section 1-2 of the
9 Harassing and Obscene Communications Act;

10 (vii) a violation of the Hazing Act; or

11 (viii) a violation of Section 12-1, 12-2,
12 12-3, 12-3.05, 12-3.1, 12-3.2, 12-3.4, 12-3.5,
13 12-5, 12-7.3, 12-7.4, 12-7.5, 25-1, or 25-5 of the
14 Criminal Code of 1961 or the Criminal Code of
15 2012.

16 The information derived from the law enforcement
17 records shall be kept separate from and shall not
18 become a part of the official school record of that
19 child and shall not be a public record. The
20 information shall be used solely by the appropriate
21 school official or officials whom the school has
22 determined to have a legitimate educational or safety
23 interest to aid in the proper rehabilitation of the
24 child and to protect the safety of students and
25 employees in the school. If the designated law
26 enforcement and school officials deem it to be in the

1 best interest of the minor, the student may be
2 referred to in-school or community based social
3 services if those services are available.
4 "Rehabilitation services" may include interventions by
5 school support personnel, evaluation for eligibility
6 for special education, referrals to community-based
7 agencies such as youth services, behavioral healthcare
8 service providers, drug and alcohol prevention or
9 treatment programs, and other interventions as deemed
10 appropriate for the student.

11 (B) Any information provided to appropriate school
12 officials whom the school has determined to have a
13 legitimate educational or safety interest by local law
14 enforcement officials about a minor who is the subject
15 of a current police investigation that is directly
16 related to school safety shall consist of oral
17 information only, and not written law enforcement
18 records, and shall be used solely by the appropriate
19 school official or officials to protect the safety of
20 students and employees in the school and aid in the
21 proper rehabilitation of the child. The information
22 derived orally from the local law enforcement
23 officials shall be kept separate from and shall not
24 become a part of the official school record of the
25 child and shall not be a public record. This
26 limitation on the use of information about a minor who

1 is the subject of a current police investigation shall
2 in no way limit the use of this information by
3 prosecutors in pursuing criminal charges arising out
4 of the information disclosed during a police
5 investigation of the minor. For purposes of this
6 paragraph, "investigation" means an official
7 systematic inquiry by a law enforcement agency into
8 actual or suspected criminal activity;

9 (i) The president of a park district. Inspection and
10 copying shall be limited to law enforcement records
11 transmitted to the president of the park district by the
12 Illinois State Police under Section 8-23 of the Park
13 District Code or Section 16a-5 of the Chicago Park
14 District Act concerning a person who is seeking employment
15 with that park district and who has been adjudicated a
16 juvenile delinquent for any of the offenses listed in
17 subsection (c) of Section 8-23 of the Park District Code
18 or subsection (c) of Section 16a-5 of the Chicago Park
19 District Act; -

20 (j) Victims and their attorneys, except in cases of
21 multiple minor victims or multiple victims of sex offenses
22 in which case the information identifying the
23 nonrequesting victims shall be redacted.

24 (2) Information identifying victims and alleged victims of
25 sex offenses, shall not be disclosed or open to public
26 inspection under any circumstances. Nothing in this Section

1 shall prohibit the victim or alleged victim of any sex offense
2 from voluntarily disclosing this identity.

3 (2.5) If the minor is a victim of aggravated battery,
4 battery, attempted first degree murder, or other non-sexual
5 violent offense, the identity of the victim may be disclosed
6 to appropriate school officials, for the purpose of preventing
7 foreseeable future violence involving minors, by a local law
8 enforcement agency pursuant to an agreement established
9 between the school district and a local law enforcement agency
10 subject to the approval by the presiding judge of the juvenile
11 court.

12 (3) Relevant information, reports and records shall be
13 made available to the Department of Juvenile Justice when a
14 juvenile offender has been placed in the custody of the
15 Department of Juvenile Justice.

16 (4) Nothing in this Section shall prohibit the inspection
17 or disclosure to victims and witnesses of photographs
18 contained in the records of law enforcement agencies when the
19 inspection or disclosure is conducted in the presence of a law
20 enforcement officer for purposes of identification or
21 apprehension of any person in the course of any criminal
22 investigation or prosecution.

23 (5) The records of law enforcement officers, or of an
24 independent agency created by ordinance and charged by a unit
25 of local government with the duty of investigating the conduct
26 of law enforcement officers, concerning all minors under 18

1 years of age must be maintained separate from the records of
2 adults and may not be open to public inspection or their
3 contents disclosed to the public except by order of the court
4 or when the institution of criminal proceedings has been
5 permitted under Section 5-130 or 5-805 or required under
6 Section 5-130 or 5-805 or such a person has been convicted of a
7 crime and is the subject of pre-sentence investigation or when
8 provided by law.

9 (6) Except as otherwise provided in this subsection (6),
10 law enforcement officers, and personnel of an independent
11 agency created by ordinance and charged by a unit of local
12 government with the duty of investigating the conduct of law
13 enforcement officers, may not disclose the identity of any
14 minor in releasing information to the general public as to the
15 arrest, investigation or disposition of any case involving a
16 minor. Any victim or parent or legal guardian of a victim may
17 petition the court to disclose the name and address of the
18 minor and the minor's parents or legal guardian, or both. Upon
19 a finding by clear and convincing evidence that the disclosure
20 is either necessary for the victim to pursue a civil remedy
21 against the minor or the minor's parents or legal guardian, or
22 both, or to protect the victim's person or property from the
23 minor, then the court may order the disclosure of the
24 information to the victim or to the parent or legal guardian of
25 the victim only for the purpose of the victim pursuing a civil
26 remedy against the minor or the minor's parents or legal

1 guardian, or both, or to protect the victim's person or
2 property from the minor.

3 (7) Nothing contained in this Section shall prohibit law
4 enforcement agencies when acting in their official capacity
5 from communicating with each other by letter, memorandum,
6 teletype or intelligence alert bulletin or other means the
7 identity or other relevant information pertaining to a person
8 under 18 years of age. The information provided under this
9 subsection (7) shall remain confidential and shall not be
10 publicly disclosed, except as otherwise allowed by law.

11 (8) No person shall disclose information under this
12 Section except when acting in the person's official capacity
13 and as provided by law or order of court.

14 (9) The changes made to this Section by Public Act 98-61
15 apply to law enforcement records of a minor who has been
16 arrested or taken into custody on or after January 1, 2014 (the
17 effective date of Public Act 98-61).

18 (10) Nothing contained in this Section shall prohibit law
19 enforcement agencies from disclosing law enforcement reports
20 and records to the Attorney General for the purposes of
21 complying with the Crime Victims Compensation Act.

22 (Source: P.A. 103-22, eff. 8-8-23; 103-1037, eff. 8-9-24.)

23 Section 15. The Rights of Crime Victims and Witnesses Act
24 is amended by changing Sections 3, 4, 4.5, and 8.5 as follows:

1 (725 ILCS 120/3) (from Ch. 38, par. 1403)

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

4 (a) "Crime victim" or "victim" means: (1) any natural
5 person determined by the prosecutor or the court to have
6 suffered direct physical or psychological harm as a result of
7 a violent crime perpetrated or attempted against that person
8 or direct physical or psychological harm as a result of (i) a
9 violation of Section 11-501 of the Illinois Vehicle Code or
10 similar provision of a local ordinance or (ii) a violation of
11 Section 9-3 of the Criminal Code of 1961 or the Criminal Code
12 of 2012; (2) in the case of a crime victim who is under 18
13 years of age or an adult victim who is incompetent or
14 incapacitated, both parents, legal guardians, foster parents,
15 or a single adult representative; (3) in the case of an adult
16 deceased victim, 2 representatives who may be the spouse,
17 parent, child or sibling of the victim, or the representative
18 of the victim's estate; and (4) an immediate family member of a
19 victim under clause (1) of this paragraph (a) chosen by the
20 victim. If the victim is 18 years of age or over, the victim
21 may choose any person to be the victim's representative. In no
22 event shall the defendant or any person who aided and abetted
23 in the commission of the crime be considered a victim, a crime
24 victim, or a representative of the victim.

25 A board, agency, or other governmental entity making
26 decisions regarding an offender's release, sentence reduction,

1 or clemency can determine additional persons are victims for
2 the purpose of its proceedings.

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

7 (a-5) "Confer" means to consult together, share
8 information, compare opinions and carry on a discussion or
9 deliberation.

10 (a-6) "DNA database" means a collection of DNA profiles
11 from forensic casework or specimens from anonymous,
12 identified, and unidentified sources that is created to search
13 DNA records against each other to develop investigative leads
14 among forensic cases.

15 (a-7) "Sentence" includes, but is not limited to, the
16 imposition of sentence, a request for a reduction in sentence,
17 parole, mandatory supervised release, aftercare release, early
18 release, inpatient treatment, outpatient treatment,
19 conditional release after a finding that the defendant is not
20 guilty by reason of insanity, clemency, or a proposal that
21 would reduce the defendant's sentence or result in the
22 defendant's release. "Early release" refers to a discretionary
23 release.

24 (a-9) "Sentencing" includes, but is not limited to, the
25 imposition of sentence and a request for a reduction in
26 sentence, parole, mandatory supervised release, aftercare

1 release, early release, consideration of inpatient treatment
2 or outpatient treatment, or conditional release after a
3 finding that the defendant is not guilty by reason of
4 insanity.

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

9 (b) "Witness" means: any person who personally observed
10 the commission of a crime and who will testify on behalf of the
11 State of Illinois; or a person who will be called by the
12 prosecution to give testimony establishing a necessary nexus
13 between the offender and the violent crime.

14 (c) "Violent crime" means: (1) any felony in which force
15 or threat of force was used against the victim; (2) any offense
16 involving sexual exploitation, sexual conduct, or sexual
17 penetration; (3) a violation of Section 11-20.1, 11-20.1B,
18 11-20.3, 11-23, or 11-23.5 of the Criminal Code of 1961 or the
19 Criminal Code of 2012; (4) domestic battery or stalking; (5)
20 violation of an order of protection, a civil no contact order,
21 or a stalking no contact order; (6) any misdemeanor which
22 results in death or great bodily harm to the victim; or (7) any
23 violation of Section 9-3 of the Criminal Code of 1961 or the
24 Criminal Code of 2012, or Section 11-501 of the Illinois
25 Vehicle Code, or a similar provision of a local ordinance, if
26 the violation resulted in personal injury or death. "Violent

1 crime" includes any action committed by a juvenile that would
2 be a violent crime if committed by an adult. For the purposes
3 of this paragraph, "personal injury" shall include any Type A
4 injury as indicated on the traffic crash report completed by a
5 law enforcement officer that requires immediate professional
6 attention in either a doctor's office or medical facility. A
7 type A injury shall include severely bleeding wounds,
8 distorted extremities, and injuries that require the injured
9 party to be carried from the scene.

10 (d) (Blank).

11 (e) "Court proceedings" includes, but is not limited to,
12 the preliminary hearing, any post-arraignment hearing the
13 effect of which may be the release of the defendant from
14 custody or to alter the conditions of pretrial release,
15 including determinations made under subsection (g) or (j) of
16 Section 110-6 of the Code of Criminal Procedure of 1963,
17 change of plea hearing, the trial, any pretrial or post-trial
18 hearing, sentencing, any oral argument or hearing before an
19 Illinois appellate court, any hearing under the Mental Health
20 and Developmental Disabilities Code or Section 5-2-4 of the
21 Unified Code of Corrections after a finding that the defendant
22 is not guilty by reason of insanity, including a hearing for
23 conditional release, any hearing related to a modification of
24 sentence, probation revocation hearing, aftercare release or
25 parole hearings, post-conviction relief proceedings, habeas
26 corpus proceedings and clemency proceedings related to the

1 defendant's conviction or sentence. For purposes of the
2 victim's right to be present, "court proceedings" does not
3 include (1) grand jury proceedings, (2) status hearings, or
4 (3) the issuance of an order or decision of an Illinois court
5 that dismisses a charge, reverses a conviction, reduces a
6 sentence, or releases an offender under a court rule.

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

10 (g) "Victim's attorney" means an attorney retained by the
11 victim for the purposes of asserting the victim's
12 constitutional and statutory rights. An attorney retained by
13 the victim means an attorney who is hired to represent the
14 victim at the victim's expense or an attorney who has agreed to
15 provide pro bono representation. Nothing in this statute
16 creates a right to counsel at public expense for a victim.

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

19 (Source: P.A. 103-792, eff. 1-1-25; 104-173, eff. 1-1-26.)

20 (725 ILCS 120/4)

21 Sec. 4. Rights of crime victims.

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

23 (1) The right to be treated with fairness and respect
24 for their dignity and privacy and to be free from
25 harassment, intimidation, and abuse throughout the

1 criminal justice process.

2 (1.1) (Blank). ~~When a person reports being a crime~~
3 ~~victim as defined in Section 3, the right to be treated~~
4 ~~with fairness and respect during the investigatory~~
5 ~~process, including the right to be free from deception,~~
6 ~~which is the knowing communication of false facts about~~
7 ~~evidence.~~

8 (1.5) The right to notice and to a hearing before a
9 court ruling on a request for access to any of the victim's
10 records, information, or communications which are
11 privileged or confidential by law.

12 (1.6) (Blank). ~~Except as otherwise provided in Section~~
13 ~~9.5 of the Criminal Identification Act or Section 3-3013~~
14 ~~of the Counties Code, whenever a person's DNA profile is~~
15 ~~collected due to the person being a victim of a crime, as~~
16 ~~identified by law enforcement, that specific profile~~
17 ~~collected in conjunction with that criminal investigation~~
18 ~~shall not be entered into any DNA database. Nothing in~~
19 ~~this paragraph (1.6) shall be interpreted to contradict~~
20 ~~rules and regulations developed by the Federal Bureau of~~
21 ~~Investigation relating to the National DNA Index System or~~
22 ~~Combined DNA Index System.~~

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

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

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

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

8 (6) The right to the timely disposition of the case
9 following the arrest of the accused.

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

12 (7.5) The right to have the safety of the victim and
13 the victim's family considered in determining whether to
14 release the defendant and setting conditions of release
15 after arrest and conviction.

16 (8) The right to be present at the trial and all other
17 court proceedings on the same basis as the accused, unless
18 the victim is to testify and the court determines that the
19 victim's testimony would be materially affected if the
20 victim hears other testimony at the trial.

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

25 (10) The right to restitution.

26 (b) Any law enforcement agency that investigates an

1 offense committed in this State shall provide a crime victim
2 with a written statement and explanation of the rights of
3 crime victims under Public Act 99-413 ~~this amendatory Act of~~
4 ~~the 99th General Assembly~~ within 48 hours of law enforcement's
5 initial contact with a victim. The statement shall include
6 information about crime victim compensation, including how to
7 contact the Office of the Illinois Attorney General to file a
8 claim, and appropriate referrals to local and State programs
9 that provide victim services. The content of the statement
10 shall be provided to law enforcement by the Attorney General.
11 Law enforcement shall also provide a crime victim with a
12 sign-off sheet that the victim shall sign and date as an
13 acknowledgement that he or she has been furnished with
14 information and an explanation of the rights of crime victims
15 and compensation set forth in this Act.

16 (b-5) Upon the request of the victim, the law enforcement
17 agency having jurisdiction shall provide a free copy of the
18 police report concerning the victim's incident, as soon as
19 practicable, but in no event later than 5 business days from
20 the request. Nothing in this subsection shall be interpreted
21 to contradict the requirements of the Juvenile Court Act of
22 1987.

23 (c) The Clerk of the Circuit Court shall post the rights of
24 crime victims set forth in Article I, Section 8.1(a) of the
25 Illinois Constitution and subsection (a) of this Section
26 within 3 feet of the door to any courtroom where criminal

1 proceedings are conducted. The clerk may also post the rights
2 in other locations in the courthouse.

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

9 (Source: P.A. 103-792, eff. 1-1-25; 104-173, eff. 1-1-26;
10 104-326, eff. 1-1-26; revised 11-21-25.)

11 (725 ILCS 120/4.5)

12 Sec. 4.5. Procedures to implement the rights of crime
13 victims. To afford crime victims their rights, law
14 enforcement, prosecutors, judges, and corrections will provide
15 information, as appropriate, of the following procedures:

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

23 When a person reports being a crime victim, as defined in
24 Section 3, the person shall have the right to be treated with
25 fairness and respect during the investigatory process,

1 including the right to be free from deception, which is the
2 knowing communication of false facts about evidence.

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

8 (a-6) The Prisoner Review Board shall publish on its
9 official public website and provide to registered victims
10 information regarding how to submit a victim impact statement.
11 The Prisoner Review Board shall consider victim impact
12 statements from any registered victims. Any registered victim,
13 including a person who has had a final, plenary,
14 non-emergency, or emergency protective order granted against
15 the petitioner or parole candidate under Article 112A of the
16 Code of Criminal Procedure of 1963, the Illinois Domestic
17 Violence Act of 1986, the Stalking No Contact Order Act, or the
18 Civil No Contact Order Act, may present victim statements that
19 the Prisoner Review Board shall consider in its deliberations.

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

21 (1) shall provide notice of the filing of an
22 information, the return of an indictment, or the filing of
23 a petition to adjudicate a minor as a delinquent for a
24 violent crime;

25 (2) shall provide 7 days' notice of the date, time,
26 expected purpose, and place of court proceedings; of any

1 change in the date, time, expected purpose, and place of
2 court proceedings; and of any cancellation of court
3 proceedings. For preliminary hearings and hearings
4 regarding pretrial release or that alter the conditions of
5 pretrial release only, if giving the victim 7 days' notice
6 is impossible, fewer days may be timely, so long as the
7 notice is provided as soon as practicable and in advance
8 of the proceeding. Notice shall be provided in sufficient
9 time, wherever possible, for the victim to make
10 arrangements to attend or to prevent an unnecessary
11 appearance at court proceedings;

12 (3) or victim advocate personnel shall provide
13 information of social services and financial assistance
14 available for victims of crime, including information of
15 how to apply for these services and assistance;

16 (3.5) or victim advocate personnel shall provide
17 information about available victim services, including
18 referrals to programs, counselors, and agencies that
19 assist a victim to deal with trauma, loss, and grief;

20 (4) shall assist in having any stolen or other
21 personal property held by law enforcement authorities for
22 evidentiary or other purposes returned as expeditiously as
23 possible, pursuant to the procedures set out in Section
24 115-9 of the Code of Criminal Procedure of 1963;

25 (5) or victim advocate personnel shall provide
26 appropriate employer intercession services to ensure that

1 employers of victims will cooperate with the criminal
2 justice system in order to minimize an employee's loss of
3 pay and other benefits resulting from court appearances;

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

9 (7) shall provide notice to the crime victim of the
10 right to have a translator present at all court
11 proceedings and, in compliance with the federal Americans
12 with Disabilities Act of 1990, the right to communications
13 access through a sign language interpreter or by other
14 means;

15 (8) (blank);

16 (8.5) shall inform the victim of the right to be
17 present at all court proceedings, unless the victim is to
18 testify and the court determines that the victim's
19 testimony would be materially affected if the victim hears
20 other testimony at trial;

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

25 (9.3) shall inform the victim of the right to retain
26 an attorney, at the victim's own expense, who, upon

1 written notice filed with the clerk of the court and
2 State's Attorney, is to receive copies of all notices,
3 motions, and court orders filed thereafter in the case, in
4 the same manner as if the victim were a named party in the
5 case;

6 (9.5) shall inform the victim of (A) the victim's
7 right under Section 6 of this Act to make a statement at
8 the sentencing hearing; (B) the right of the victim's
9 spouse, guardian, parent, grandparent, and other immediate
10 family and household members under Section 6 of this Act
11 to present a statement at sentencing; and (C) if a
12 presentence report is to be prepared, the right of the
13 victim's spouse, guardian, parent, grandparent, and other
14 immediate family and household members to submit
15 information to the preparer of the presentence report
16 about the effect the offense has had on the victim and the
17 person;

18 (10) at the sentencing shall make a good faith attempt
19 to explain the minimum amount of time during which the
20 defendant may actually be physically imprisoned. The
21 Office of the State's Attorney shall further notify the
22 crime victim of the right to request from the Prisoner
23 Review Board or Department of Juvenile Justice information
24 concerning the release of the defendant;

25 (11) shall request restitution at sentencing and as
26 part of a plea agreement if the victim requests

1 restitution;

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

7 (13) shall provide notice within a reasonable time
8 after receipt of notice from the custodian, of the release
9 of the defendant on pretrial release or personal
10 recognizance or the release from detention of a minor who
11 has been detained;

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

15 (15) shall make all reasonable efforts to consult with
16 the crime victim before the Office of the State's Attorney
17 makes an offer of a plea bargain to the defendant or enters
18 into negotiations with the defendant concerning a possible
19 plea agreement, and shall consider the written statement,
20 if prepared prior to entering into a plea agreement. The
21 right to consult with the prosecutor does not include the
22 right to veto a plea agreement or to insist the case go to
23 trial. If the State's Attorney has not consulted with the
24 victim prior to making an offer or entering into plea
25 negotiations with the defendant, the Office of the State's
26 Attorney shall notify the victim of the offer or the

1 negotiations within 2 business days and confer with the
2 victim;

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

7 (17) shall provide notice of any appeal taken by the
8 defendant and information on how to contact the
9 appropriate agency handling the appeal, and how to request
10 notice of any hearing, oral argument, or decision of an
11 appellate court;

12 (18) shall provide timely notice of any request for
13 post-conviction review filed by the defendant under
14 Article 122 of the Code of Criminal Procedure of 1963, and
15 of the date, time and place of any hearing concerning the
16 petition. Whenever possible, notice of the hearing shall
17 be given within 48 hours of the court's scheduling of the
18 hearing;

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

24 (20) shall, within a reasonable time, offer to meet
25 with the crime victim regarding the decision of the
26 State's Attorney not to charge an offense, and shall meet

1 with the victim, if the victim agrees. The victim has a
2 right to have an attorney, advocate, and other support
3 person of the victim's choice attend this meeting with the
4 victim; and

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

8 (c) The court shall ensure that the rights of the victim
9 are afforded.

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

13 (1) Written notice. A victim may complete a written
14 notice of victim ~~intent to assert~~ rights on a form
15 prepared by the Office of the Attorney General and
16 provided to the victim by the State's Attorney. The victim
17 may at any time provide a revised written notice to the
18 State's Attorney. The State's Attorney shall file the
19 written notice with the court. At the beginning of any
20 court proceeding in which the right of a victim may be at
21 issue, the court and prosecutor shall review the written
22 notice to determine whether a ~~the~~ victim ~~has asserted the~~
23 right ~~that~~ may be at issue.

24 (2) Victim's retained attorney. A victim's attorney
25 shall file an entry of appearance limited to assertion of
26 the victim's rights. Upon the filing of the entry of

1 appearance and service on the State's Attorney and the
2 defendant, the attorney is to receive copies of all
3 notices, motions and court orders filed thereafter in the
4 case.

5 (3) Standing. The victim has standing to assert the
6 rights enumerated in subsection (a) of Article I, Section
7 8.1 of the Illinois Constitution and the statutory rights
8 under ~~Section 4~~ of this Act in any court exercising
9 jurisdiction over the criminal case. The prosecuting
10 attorney, a victim, or the victim's retained attorney may
11 assert the victim's rights. The defendant in the criminal
12 case has no standing to assert a right of the victim in any
13 court proceeding, including on appeal.

14 (4) Assertion of and enforcement of rights.

15 (A) The prosecuting attorney shall assert a
16 victim's right or request enforcement of a right by
17 filing a motion or by orally asserting the right or
18 requesting enforcement in open court in the criminal
19 case outside the presence of the jury. The prosecuting
20 attorney shall consult with the victim and the
21 victim's attorney regarding the assertion or
22 enforcement of a right. If the prosecuting attorney
23 decides not to assert or enforce a victim's right, the
24 prosecuting attorney shall notify the victim or the
25 victim's attorney in sufficient time to allow the
26 victim or the victim's attorney to assert the right or

1 to seek enforcement of a right.

2 (B) If the prosecuting attorney elects not to
3 assert a victim's right or to seek enforcement of a
4 right, the victim or the victim's attorney may assert
5 the victim's right or request enforcement of a right
6 by filing a motion or by orally asserting the right or
7 requesting enforcement in open court in the criminal
8 case outside the presence of the jury.

9 (C) If the prosecuting attorney asserts a victim's
10 right or seeks enforcement of a right, unless the
11 prosecuting attorney objects or the trial court does
12 not allow it, the victim or the victim's attorney may
13 be heard regarding the prosecuting attorney's motion
14 or may file a simultaneous motion to assert or request
15 enforcement of the victim's right. If the victim or
16 the victim's attorney was not allowed to be heard at
17 the hearing regarding the prosecuting attorney's
18 motion, and the court denies the prosecuting
19 attorney's assertion of the right or denies the
20 request for enforcement of a right, the victim or
21 victim's attorney may file a motion to assert the
22 victim's right or to request enforcement of the right
23 within 10 days of the court's ruling. The motion need
24 not demonstrate the grounds for a motion for
25 reconsideration. The court shall rule on the merits of
26 the motion.

1 (D) The court shall take up and decide any motion
2 or request asserting or seeking enforcement of a
3 victim's right without delay, unless a specific time
4 period is specified by law or court rule. The reasons
5 for any decision denying the motion or request shall
6 be clearly stated on the record.

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

9 (i) designate an administrative authority
10 within the Office of the Attorney General to
11 receive and investigate complaints relating to the
12 provision or violation of the rights of a crime
13 victim as described in Article I, Section 8.1 of
14 the Illinois Constitution and in this Act;

15 (ii) create and administer a course of
16 training for employees and offices of the State of
17 Illinois that fail to comply with provisions of
18 Illinois law pertaining to the treatment of crime
19 victims as described in Article I, Section 8.1 of
20 the Illinois Constitution and in this Act as
21 required by the court under Section 5 of this Act;
22 and

23 (iii) have the authority to make
24 recommendations to employees and offices of the
25 State of Illinois to respond more effectively to
26 the needs of crime victims, including regarding

1 the violation of the rights of a crime victim.

2 (F) Crime victims' rights may also be asserted by
3 filing a complaint for mandamus, injunctive, or
4 declaratory relief in the jurisdiction in which the
5 victim's right is being violated or where the crime is
6 being prosecuted. For complaints or motions filed by
7 or on behalf of the victim, the clerk of court shall
8 waive filing fees that would otherwise be owed by the
9 victim for any court filing with the purpose of
10 enforcing crime victims' rights. If the court denies
11 the relief sought by the victim, the reasons for the
12 denial shall be clearly stated on the record in the
13 transcript of the proceedings, in a written opinion,
14 or in the docket entry, and the victim may appeal the
15 circuit court's decision to the appellate court. The
16 court shall issue prompt rulings regarding victims'
17 rights. Proceedings seeking to enforce victims' rights
18 shall not be stayed or subject to unreasonable delay
19 via continuances.

20 (5) Violation of rights and remedies.

21 (A) If the court determines that a victim's right
22 has been violated, the court shall determine the
23 appropriate remedy for the violation of the victim's
24 right by hearing from the victim and the parties,
25 considering all factors relevant to the issue, and
26 then awarding appropriate relief to the victim.

1 (A-5) Consideration of an issue of a substantive
2 nature or an issue that implicates the constitutional
3 or statutory right of a victim at a court proceeding
4 labeled as a status hearing shall constitute a per se
5 violation of a victim's right.

6 (B) The appropriate remedy shall include only
7 actions necessary to provide the victim the right to
8 which the victim was entitled. Remedies may include,
9 but are not limited to: injunctive relief requiring
10 the victim's right to be afforded; declaratory
11 judgment recognizing or clarifying the victim's
12 rights; a writ of mandamus; and may include reopening
13 previously held proceedings; however, in no event
14 shall the court vacate a conviction. Any remedy shall
15 be tailored to provide the victim an appropriate
16 remedy without violating any constitutional right of
17 the defendant. In no event shall the appropriate
18 remedy to the victim be a new trial or damages.

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

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

25 (6) Right to be heard. Whenever a victim has the right
26 to be heard, the court shall allow the victim to exercise

1 the right in any reasonable manner the victim chooses.

2 (7) Right to attend trial.

3 (A) A party must file a written motion to exclude a
4 victim from trial at least 60 days prior to the date
5 set for trial. The motion must state with specificity
6 the reason exclusion is necessary to protect a
7 constitutional right of the party, and must contain an
8 offer of proof. The court shall rule on the motion
9 within 30 days. If the motion is granted, the court
10 shall set forth on the record the facts that support
11 its finding that the victim's testimony will be
12 materially affected if the victim hears other
13 testimony at trial.

14 (B) A victim, as defined in Section 3, shall not be
15 excluded from any part of the trial unless the
16 procedure in subparagraph (A) of this paragraph (7)
17 was timely followed.

18 (8) Right to have advocate and support person present
19 at court proceedings.

20 (A) A party who intends to call an advocate as a
21 witness at trial must seek permission of the court
22 before the subpoena is issued. The party must file a
23 written motion at least 90 days before trial that sets
24 forth specifically the issues on which the advocate's
25 testimony is sought and an offer of proof regarding
26 (i) the content of the anticipated testimony of the

1 advocate; and (ii) the relevance, admissibility, and
2 materiality of the anticipated testimony. The court
3 shall consider the motion and make findings within 30
4 days of the filing of the motion. If the court finds by
5 a preponderance of the evidence that: (i) the
6 anticipated testimony is not protected by an absolute
7 privilege; and (ii) the anticipated testimony contains
8 relevant, admissible, and material evidence that is
9 not available through other witnesses or evidence, the
10 court shall issue a subpoena requiring the advocate to
11 appear to testify at an in camera hearing. The
12 prosecuting attorney and the victim shall have 15 days
13 to seek appellate review before the advocate is
14 required to testify at an ex parte in camera
15 proceeding.

16 The prosecuting attorney, the victim, and the
17 advocate's attorney shall be allowed to be present at
18 the ex parte in camera proceeding. If, after
19 conducting the ex parte in camera hearing, the court
20 determines that due process requires any testimony
21 regarding confidential or privileged information or
22 communications, the court shall provide to the
23 prosecuting attorney, the victim, and the advocate's
24 attorney a written memorandum on the substance of the
25 advocate's testimony. The prosecuting attorney, the
26 victim, and the advocate's attorney shall have 15 days

1 to seek appellate review before a subpoena may be
2 issued for the advocate to testify at trial. The
3 presence of the prosecuting attorney at the ex parte
4 in camera proceeding does not make the substance of
5 the advocate's testimony that the court has ruled
6 inadmissible subject to discovery.

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

23 If the prosecuting attorney intends to call the
24 support person as a witness during the State's
25 case-in-chief, the prosecuting attorney shall inform
26 the court of this intent in the response to the

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

16 If the court does not allow the defendant to
17 inquire about matters outside the scope of the direct
18 examination, the support person shall be allowed to
19 remain in the courtroom after the support person has
20 been called by the defendant or the defendant has
21 rested. The court shall allow the support person to
22 testify in the State's rebuttal.

23 If the prosecuting attorney does not intend to
24 call the support person in the State's case-in-chief,
25 the court shall verify with the support person whether
26 the support person, if called as a witness, would

1 testify as set forth in the offer of proof. If the
2 court finds that the support person would testify as
3 set forth in the offer of proof, the court shall rule
4 on the relevance, materiality, and admissibility of
5 the anticipated testimony. If the court rules the
6 anticipated testimony is admissible, the court shall
7 issue the subpoena. The support person may remain in
8 the courtroom after the support person testifies and
9 shall be allowed to testify in rebuttal.

10 If the court excludes the victim's support person
11 during the State's case-in-chief, the victim shall be
12 allowed to choose another support person to be present
13 in court.

14 If the victim fails to designate a support person
15 within 60 days of trial and the defendant has
16 subpoenaed the support person to testify at trial, the
17 court may exclude the support person from the trial
18 until the support person testifies. If the court
19 excludes the support person the victim may choose
20 another person as a support person.

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

23 (A) A defendant who seeks to subpoena testimony or
24 records of or concerning the victim that are
25 confidential or privileged by law must seek permission
26 of the court before the subpoena is issued. The

1 defendant must file a written motion and an offer of
2 proof regarding the relevance, admissibility and
3 materiality of the testimony or records. If the court
4 finds by a preponderance of the evidence that:

5 (i) the testimony or records are not protected
6 by an absolute privilege and

7 (ii) the testimony or records contain
8 relevant, admissible, and material evidence that
9 is not available through other witnesses or
10 evidence, the court shall issue a subpoena
11 requiring the witness to appear in camera or a
12 sealed copy of the records be delivered to the
13 court to be reviewed in camera. If, after
14 conducting an in camera review of the witness
15 statement or records, the court determines that
16 due process requires disclosure of any potential
17 testimony or any portion of the records, the court
18 shall provide copies of the records that it
19 intends to disclose to the prosecuting attorney
20 and the victim. The prosecuting attorney and the
21 victim shall have 30 days to seek appellate review
22 before the records are disclosed to the defendant,
23 used in any court proceeding, or disclosed to
24 anyone or in any way that would subject the
25 testimony or records to public review. The
26 disclosure of copies of any portion of the

1 testimony or records to the prosecuting attorney
2 under this Section does not make the records
3 subject to discovery or required to be provided to
4 the defendant.

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

1 provided to the prosecuting attorney.

2 (9.5) Except as otherwise provided in Section 9.5 of
3 the Criminal Identification Act or Section 3-3013 of the
4 Counties Code, whenever a person's DNA profile is
5 collected due to the person being a victim of a crime, as
6 identified by law enforcement, that specific profile
7 collected in conjunction with that criminal investigation
8 shall not be entered into any DNA database. Nothing in
9 this paragraph (9.5) shall be interpreted to contradict
10 rules and regulations developed by the Federal Bureau of
11 Investigation relating to the National DNA Index System or
12 Combined DNA Index System.

13 (10) Right to notice of court proceedings. If the
14 victim is not present at a court proceeding in which a
15 right of the victim is at issue, the court shall ask the
16 prosecuting attorney whether the victim was notified of
17 the time, place, and expected purpose of the court
18 proceeding and that the victim had a right to be heard at
19 the court proceeding. If the court determines that timely
20 notice was not given or that the victim was not adequately
21 informed of the expected purpose and procedures ~~nature~~ of
22 the court proceeding, the court shall not rule on any
23 substantive issues, accept a plea, or impose a sentence
24 and shall continue the hearing for the time necessary to
25 notify the victim of the time, place, and expected purpose
26 and procedures ~~nature~~ of the court proceeding. The time

1 between court proceedings shall not be attributable to the
2 State under Section 103-5 of the Code of Criminal
3 Procedure of 1963.

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

1 record the reasons for the continuance and the procedures
2 that have been or will be taken to avoid further delays.

3 (12) Right to Restitution.

4 (A) If the victim has asserted the right to
5 restitution and the amount of restitution is known at
6 the time of sentencing, the court shall enter the
7 judgment of restitution at the time of sentencing.

8 (B) If the victim has asserted the right to
9 restitution and the amount of restitution is not known
10 at the time of sentencing, the prosecutor shall,
11 within 5 days after sentencing, notify the victim what
12 information and documentation related to restitution
13 is needed and that the information and documentation
14 must be provided to the prosecutor within 45 days
15 after sentencing. Failure to timely provide
16 information and documentation related to restitution
17 shall be deemed a waiver of the right to restitution.
18 The prosecutor shall file and serve within 60 days
19 after sentencing a proposed judgment for restitution
20 and a notice that includes information concerning the
21 identity of any victims or other persons seeking
22 restitution, whether any victim or other person
23 expressly declines restitution, the nature and amount
24 of any damages together with any supporting
25 documentation, a restitution amount recommendation,
26 and the names of any co-defendants and their case

1 numbers. Within 30 days after receipt of the proposed
2 judgment for restitution, the defendant shall file any
3 objection to the proposed judgment, a statement of
4 grounds for the objection, and a financial statement.
5 If the defendant does not file an objection, the court
6 may enter the judgment for restitution without further
7 proceedings. If the defendant files an objection and
8 either party requests a hearing, the court shall
9 schedule a hearing.

10 (13) Access to presentence reports.

11 (A) The victim may request a copy of the
12 presentence report prepared under the Unified Code of
13 Corrections from the State's Attorney. The State's
14 Attorney shall redact the following information before
15 providing a copy of the report:

16 (i) the defendant's mental history and
17 condition;

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

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

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

25 (C) The State's Attorney may orally disclose to
26 the victim any of the information that has been

1 redacted if there is a reasonable likelihood that the
2 information will be stated in court at the sentencing.

3 (D) The State's Attorney must advise the victim
4 that the victim must maintain the confidentiality of
5 the report and other information. Any dissemination of
6 the report or information that was not stated at a
7 court proceeding constitutes indirect criminal
8 contempt of court.

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

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

24 (16) The right to be reasonably protected from the
25 accused throughout the criminal justice process and the
26 right to have the safety of the victim and the victim's

1 family considered in determining whether to release the
2 defendant, and setting conditions of release after arrest
3 and conviction. A victim of domestic violence, a sexual
4 offense, or stalking may request the entry of a protective
5 order under Article 112A of the Code of Criminal Procedure
6 of 1963.

7 (d) Procedures after the imposition of sentence.

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

1 dates of release of a prisoner sentenced to periodic
2 imprisonment. Notification shall be based on the most
3 recent information as to the victim's or other concerned
4 citizen's residence or other location available to the
5 notifying authority.

6 (1.5) The Prisoner Review Board shall notify a victim
7 of a prisoner's pardon, commutation of sentence, release
8 on furlough, or early release from State custody, if the
9 victim has previously requested that notification. The
10 notification shall be based upon the most recent
11 information available to the Board as to the victim's
12 residence or other location. The notification requirement
13 under this paragraph (1.5) is in addition to any
14 notification requirements under any other statewide victim
15 notification systems. The Board shall document its efforts
16 to provide the required notification if a victim alleges
17 lack of notification under this paragraph (1.5).

18 (2) When the defendant has been committed to the
19 Department of Human Services pursuant to Section 5-2-4 or
20 any other provision of the Unified Code of Corrections,
21 the victim may request to be notified by the releasing
22 authority of the approval by the court of an on-grounds
23 pass, a supervised off-grounds pass, an unsupervised
24 off-grounds pass, or conditional release; the release on
25 an off-grounds pass; the return from an off-grounds pass;
26 transfer to another facility; conditional release; escape;

1 death; or final discharge from State custody. The
2 Department of Human Services shall establish and maintain
3 a statewide telephone number to be used by victims to make
4 notification requests under these provisions and shall
5 publicize this telephone number on its website and to the
6 State's Attorney of each county.

7 (3) In the event of an escape from State custody, the
8 Department of Corrections or the Department of Juvenile
9 Justice immediately shall notify the Prisoner Review Board
10 of the escape and the Prisoner Review Board shall notify
11 the victim. The notification shall be based upon the most
12 recent information as to the victim's residence or other
13 location available to the Board. When no such information
14 is available, the Board shall make all reasonable efforts
15 to obtain the information and make the notification. When
16 the escapee is apprehended, the Department of Corrections
17 or the Department of Juvenile Justice immediately shall
18 notify the Prisoner Review Board and the Board shall
19 notify the victim. The notification requirement under this
20 paragraph (3) is in addition to any notification
21 requirements under any other statewide victim notification
22 systems. The Board shall document its efforts to provide
23 the required notification if a victim alleges lack of
24 notification under this paragraph (3).

25 (4) The victim of the crime for which the prisoner has
26 been sentenced has the right to register with the Prisoner

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

24 (4-1) The crime victim, including any person who has
25 had a final, plenary, non-emergency, or emergency
26 protective order granted against the petitioner or parole

1 candidate under Article 112A of the Code of Criminal
2 Procedure of 1963, the Illinois Domestic Violence Act of
3 1986, the Stalking No Contact Order Act, or the Civil No
4 Contact Order Act, has the right to submit a victim
5 statement, in support or opposition, for consideration by
6 the Prisoner Review Board or the Department of Juvenile
7 Justice prior to or at a hearing to determine the
8 conditions of mandatory supervised release of a person
9 sentenced to a determinate sentence or at a hearing on
10 revocation of mandatory supervised release of a person
11 sentenced to a determinate sentence. A victim statement
12 may be submitted in writing, on film, videotape, or other
13 electronic means, or in the form of a recording, or orally
14 at a hearing, or by calling the toll-free number
15 established in subsection (f) of this Section. Victim
16 statements provided to the Board shall be confidential and
17 privileged, including any statements received prior to
18 January 1, 2020 (the effective date of Public Act
19 101-288), except if the statement was an oral statement
20 made by the victim at a hearing open to the public.

21 (4-2) The crime victim, including any person who has
22 had a final, plenary, non-emergency, or emergency
23 protective order granted against the petitioner or parole
24 candidate under Article 112A of the Code of Criminal
25 Procedure of 1963, the Illinois Domestic Violence Act of
26 1986, the Stalking No Contact Order Act, or the Civil No

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

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

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

1 of the death of the prisoner if the prisoner died while on
2 parole or aftercare release or mandatory supervised
3 release.

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

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

1 appropriate county of any such person's final discharge
2 from county custody. The notification shall be made to the
3 victim at least 30 days, whenever possible, before release
4 of the sex offender.

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

10 (f) The Prisoner Review Board shall establish a toll-free
11 number that may be accessed by the crime victim to present a
12 victim statement to the Board in accordance with paragraphs
13 (4), (4-1), and (4-2) of subsection (d). The Prisoner Review
14 Board shall provide registered and identified victims with the
15 contact information for the State victim assistance hotline as
16 part of its process to obtain a victim witness statement and as
17 part of its notification.

18 (g) The Prisoner Review Board shall publish on its
19 official website, and provide to registered victims,
20 procedural information on how to submit victim statements.

21 (Source: P.A. 104-11, eff. 6-20-25; 104-173, eff. 1-1-26;
22 revised 11-21-25.)

23 (725 ILCS 120/8.5)

24 Sec. 8.5. Statewide victim and witness notification
25 system.

1 (a) The Attorney General may establish a crime victim and
2 witness notification system to assist public officials in
3 carrying out their duties to notify and inform crime victims
4 and witnesses under Section 4.5 of this Act or under
5 subsections (a), (a-2), and (a-3) of Section 120 of the Sex
6 Offender Community Notification Law. The system shall download
7 necessary information from participating officials into its
8 computers, where it shall be maintained, updated, and
9 automatically transmitted to victims and witnesses by
10 telephone, computer, written notice, SMS text message, or
11 other electronic means. ~~The Attorney General may establish a~~
12 ~~crime victim and witness notification system to assist public~~
13 ~~officials in carrying out their duties to notify and inform~~
14 ~~crime victims and witnesses under Section 4.5 of this Act or~~
15 ~~under subsections (a), (a-2), and (a-3) of Section 120 of the~~
16 ~~Sex Offender Community Notification Law. The system shall~~
17 ~~download necessary information from participating officials~~
18 ~~into its computers, where it shall be maintained, updated, and~~
19 ~~automatically transmitted to victims and witnesses by~~
20 ~~telephone, computer, written notice, SMS text message, or~~
21 ~~other electronic means.~~

22 (b) The Illinois Department of Corrections, the Department
23 of Juvenile Justice, the Department of Human Services, and the
24 Prisoner Review Board shall cooperate with the Attorney
25 General in the implementation of this Section and shall
26 provide information as necessary to the effective operation of

1 ~~the system. The Illinois Department of Corrections, the~~
2 ~~Department of Juvenile Justice, the Department of Human~~
3 ~~Services, and the Prisoner Review Board shall cooperate with~~
4 ~~the Attorney General in the implementation of this Section and~~
5 ~~shall provide information as necessary to the effective~~
6 ~~operation of the system.~~

7 (c) State's Attorneys, circuit court clerks, and local law
8 enforcement and correctional authorities may enter into
9 agreements with the Attorney General for participation in the
10 system. The Attorney General may provide those who elect to
11 participate with the equipment, software, or training
12 necessary to bring their offices into the system. ~~State's~~
13 ~~attorneys, circuit court clerks, and local law enforcement and~~
14 ~~correctional authorities may enter into agreements with the~~
15 ~~Attorney General for participation in the system. The Attorney~~
16 ~~General may provide those who elect to participate with the~~
17 ~~equipment, software, or training necessary to bring their~~
18 ~~offices into the system.~~

19 (d) The provision of information to crime victims and
20 witnesses through the Attorney General's notification system
21 satisfies a given State or local official's corresponding
22 obligation to provide the information. ~~The provision of~~
23 ~~information to crime victims and witnesses through the~~
24 ~~Attorney General's notification system satisfies a given State~~
25 ~~or local official's corresponding obligation to provide the~~
26 ~~information.~~

1 (e) The Attorney General may provide for telephonic,
2 electronic, or other public access to the database established
3 under this Section. ~~The Attorney General may provide for~~
4 ~~telephonic, electronic, or other public access to the database~~
5 ~~established under this Section.~~

6 (f) (Blank).

7 (g) (Blank). ~~There is established in the Office of the~~
8 ~~Attorney General a Crime Victim and Witness Notification~~
9 ~~Advisory Committee consisting of those victims advocates,~~
10 ~~sheriffs, State's Attorneys, circuit court clerks, Illinois~~
11 ~~Department of Corrections, the Department of Juvenile Justice,~~
12 ~~and Prisoner Review Board employees that the Attorney General~~
13 ~~chooses to appoint. The Attorney General shall designate one~~
14 ~~member to chair the Committee.~~

15 ~~(1) The Committee shall consult with and advise the~~
16 ~~Attorney General as to the exercise of the Attorney~~
17 ~~General's authority under this Section, including, but not~~
18 ~~limited to:~~

19 ~~(i) the design, scope, and operation of the~~
20 ~~notification system;~~

21 ~~(ii) the content of any rules adopted to implement~~
22 ~~this Section;~~

23 ~~(iii) the procurement of hardware, software, and~~
24 ~~support for the system, including choice of supplier~~
25 ~~or operator; and~~

26 ~~(iv) the acceptance of agreements with and the~~

~~award of equipment, software, or training to officials that seek to participate in the system.~~

~~(2) The Committee shall review the status and operation of the system and report any findings and recommendations for changes to the Attorney General and the General Assembly by November 1 of each year.~~

~~(3) The members of the Committee shall receive no compensation for their services as members of the Committee, but may be reimbursed for their actual expenses incurred in serving on the Committee.~~

~~(h) (Blank). The Attorney General shall not release the names, addresses, phone numbers, personal identification numbers, or email addresses of any person registered to receive notifications to any other person except State or local officials using the notification system to satisfy the official's obligation to provide the information. The Attorney General may grant limited access to the Automated Victim Notification system (AVN) to law enforcement, prosecution, and other agencies that provide service to victims of violent crime to assist victims in enrolling and utilizing the AVN system.~~

~~(i) (Blank). The Attorney General shall conduct an internal review of the witness notification system to review timely notice to victims and witnesses throughout the State and shall make recommendations to the General Assembly for improvements in the procedures and technologies used in the~~

~~system. The Attorney General shall submit the recommendations
to the General Assembly on or before July 1, 2026.~~

(Source: P.A. 104-11, eff. 6-20-25.)

Section 20. The Sexually Violent Persons Commitment Act is amended by changing Section 75 as follows:

(725 ILCS 207/75)

Sec. 75. Notice concerning conditional release, discharge, escape, death, or court-ordered change in the custody status of a detainee or civilly committed sexually violent person.

(a) As used in this Section, the term:

(1) "Act of sexual violence" means an act or attempted act that is a basis for an allegation made in a petition under paragraph (b) (1) of Section 15 of this Act.

(2) "Member of the family" means spouse, child, sibling, parent, or legal guardian.

(3) "Victim" means a person against whom an act of sexual violence has been committed.

(b) If the court places a civilly committed sexually violent person on conditional release under Section 40 or 60 of this Act or discharges a person under Section 65, or if a detainee or civilly committed sexually violent person escapes, dies, or is subject to any court-ordered change in custody status of the detainee or sexually violent person, the Department shall make a reasonable attempt, if he or she can be

1 found, to notify all of the following who have requested
2 notification under this Act or under the Rights of Crime
3 Victims and Witnesses Act and may utilize the statewide victim
4 and witness notification system to notify:

5 (1) Whichever of the following persons is appropriate
6 in accordance with the provisions of subsection (a) (3):

7 (A) The victim of the act of sexual violence.

8 (B) An adult member of the victim's family, if the
9 victim died as a result of the act of sexual violence.

10 (C) The victim's parent or legal guardian, if the
11 victim is younger than 18 years old.

12 (2) The Department of Corrections or the Department of
13 Juvenile Justice.

14 (c) The notice under subsection (b) of this Section shall
15 inform the Department of Corrections or the Department of
16 Juvenile Justice and the person notified under paragraph
17 (b) (1) of this Section of the name of the person committed
18 under this Act and the date the person is placed on conditional
19 release, discharged, or if a detainee or civilly committed
20 sexually violent person escapes, dies, or is subject to any
21 court-ordered change in the custody status of the detainee or
22 sexually violent person. The Department shall send the notice,
23 postmarked within one business day of the court order
24 requiring the preparation of a conditional release plan under
25 paragraph (b) (3) of Section 40 or subsection (f) of Section 60
26 and another notice postmarked within one business day of the

1 court order approving the conditional release, discharge, or
2 any court-ordered change in the custody status of the detainee
3 or sexually violent person, unless unusual circumstances do
4 not permit advance written notification, or immediately if a
5 detainee or civilly committed sexually violent person escapes
6 or dies, to the Department of Corrections or the Department of
7 Juvenile Justice and the last-known address of the person
8 notified under paragraph (b)(1) of this Section.

9 (d) The Department shall make available to ~~design and~~
10 ~~prepare cards for~~ persons specified in paragraph (b)(1) of
11 this Section information about how to register for
12 notifications through the statewide victim and witness
13 notification system ~~to send to the Department. The cards shall~~
14 ~~have space for these persons to provide their names and~~
15 ~~addresses, the name of the person committed under this Act and~~
16 ~~any other information the Department determines is necessary.~~
17 ~~The Department shall provide the cards, without charge, to the~~
18 ~~Attorney General and State's Attorneys. The Attorney General~~
19 ~~and State's Attorneys shall provide the cards, without charge,~~
20 ~~to persons specified in paragraph (b)(1) of this Section.~~
21 ~~These persons may send completed cards to the Department. All~~
22 ~~records or portions of records of the Department that relate~~
23 ~~to mailing addresses of these persons are not subject to~~
24 ~~inspection or copying under Section 3 of the Freedom of~~
25 ~~Information Act.~~

26 (Source: P.A. 99-299, eff. 8-6-15.)

1 Section 25. The Address Confidentiality for Victims of
2 Domestic Violence, Sexual Assault, Human Trafficking, or
3 Stalking Act is amended by changing Sections 10, 15, 20, 25,
4 30, 35, and 40 as follows:

5 (750 ILCS 61/10)

6 Sec. 10. Definitions. In this Act, unless the context
7 otherwise requires:

8 "Confidential address" means the Illinois residential
9 street address of an individual that is not to be disclosed.

10 "Substitute address" means the address assigned to a
11 program participant by the Address Confidentiality Program.

12 ~~"Address" means a residential street address, school~~
13 ~~address, or work address of an individual, as specified on the~~
14 ~~individual's application to be a program participant under~~
15 ~~this Act.~~

16 "Program participant" means a person certified as a
17 program participant under this Act.

18 "Household member" means an individual residing at the
19 same Illinois residential street address as a program
20 participant who is the victim of domestic violence, sexual
21 assault, human trafficking, or stalking.

22 "Eligible person" means a person 18 years of age or older
23 who is the victim of domestic violence, sexual assault, human
24 trafficking, or stalking; the parent or guardian of a minor or

1 disabled adult who is a victim of domestic violence, sexual
2 assault, human trafficking, or stalking; or a household member
3 of a victim of domestic violence, sexual assault, human
4 trafficking, or stalking.

5 "Domestic violence" has the same meaning as in the
6 Illinois Domestic Violence Act of 1986 and includes a threat
7 of domestic violence against an individual in a domestic
8 situation, regardless of whether the domestic violence or
9 threat has been reported to law enforcement officers.

10 "Human trafficking" means the practices set forth in
11 subsection (b), (c), or (d) of Section 10-9 of the Criminal
12 Code of 2012, regardless of whether the victim has reported
13 the trafficking to law enforcement officers.

14 "Sexual assault" has the same meaning as sexual conduct or
15 sexual penetration as defined in the Civil No Contact Order
16 Act. "Sexual assault" includes a threat of sexual assault,
17 regardless of whether the sexual assault or threat has been
18 reported to law enforcement officers.

19 "Stalking" has the same meaning as in the Stalking No
20 Contact Order Act. "Stalking" includes a threat of stalking,
21 regardless of whether the stalking or threat has been reported
22 to law enforcement officers.

23 (Source: P.A. 101-270, eff. 1-1-21; 102-292, eff. 1-1-22.)

24 (750 ILCS 61/15)

25 Sec. 15. Address confidentiality program; application;

1 certification.

2 (a) An eligible applicant, as defined by this Section, ~~An~~
3 ~~adult person, a parent or guardian acting on behalf of a minor,~~
4 ~~or a guardian acting on behalf of a person with a disability,~~
5 ~~as defined in Article 11a of the Probate Act of 1975,~~ may apply
6 to the Attorney General to have an address designated by the
7 Attorney General serve as the person's address or the address
8 of the minor or person with a disability. The Attorney General
9 shall approve an application if it is filed in the manner and
10 on the form prescribed by him or her and if it contains:

11 (1) a sworn statement by the applicant that the
12 applicant has good reason to believe (i) that the
13 applicant, or the minor or person with a disability on
14 whose behalf the application is made, is a victim of
15 domestic violence, sexual assault, human trafficking, or
16 stalking; or and (ii) the applicant is a household member
17 of a program participant; ~~that the applicant fears for his~~
18 ~~or her safety or his or her children's safety, or the~~
19 ~~safety of the minor or person with a disability on whose~~
20 ~~behalf the application is made;~~

21 (1.3) a sworn statement that the applicant fears for
22 the applicant's safety or the applicant's children's
23 safety, or the safety of the minor or person with a
24 disability on whose behalf the application is made, or the
25 safety of a household member;

26 (1.5) an explanation supporting the statements made

1 under subsections (1) and (1.3);

2 (2) a designation of the Attorney General as agent for
3 purposes of service of process and receipt of mail;

4 (3) an Illinois ~~a State~~ mailing address where the
5 applicant can be contacted by the Attorney General, and
6 the phone number or numbers where the applicant can be
7 called by the Attorney General;

8 (3.5) proof of an Illinois ~~a State~~ residential street
9 address where the applicant resides or a signed statement
10 affirming the applicant's status as homeless in Illinois
11 indicating that the applicant will be moving to an
12 Illinois residential street address within 30 days ~~this~~
13 ~~State;~~

14 (4) the new Illinois residential street address
15 "confidential address" ~~address or addresses~~ that the
16 applicant requests not be disclosed for the reason that
17 disclosure will increase the risk of domestic violence,
18 sexual assault, human trafficking, or stalking; and

19 (5) the signature of the applicant and of any
20 individual or representative of any office designated in
21 writing under Section 40 of this Act who assisted in the
22 preparation of the application, and the date on which the
23 applicant signed the application.

24 (a-1) For applicants applying on behalf of a minor or
25 person with a disability, the Attorney General may request
26 proof of guardianship, as defined in Article 11a of the

1 Probate Act of 1975, or proof of legal custody, as defined in
2 Section 10-20.12b of the School Code, before certifying a
3 minor or person with a disability as a program participant.

4 (b) Applications shall be filed with the office of the
5 Attorney General.

6 (c) Upon filing a properly completed application, the
7 Attorney General shall certify the applicant as a program
8 participant. Applicants shall be certified for 4 years
9 following the date of filing unless the certification is
10 withdrawn or invalidated before that date. A participant whose
11 certification has not been withdrawn or cancelled may reapply
12 to the Address Confidentiality Program to renew the
13 applicant's certification for an additional 4 years. ~~The~~
14 ~~Attorney General shall by rule establish a renewal procedure.~~

15 (d) A person who falsely attests in an application that
16 disclosure of the applicant's confidential address would
17 endanger the applicant's safety or the safety of the
18 applicant's children or the minor or disabled ~~incapacitated~~
19 person on whose behalf the application is made, or the safety
20 of a household member, or who knowingly provides false or
21 incorrect information upon making an application, is guilty of
22 a Class 3 felony.

23 (Source: P.A. 101-270, eff. 1-1-21; 102-292, eff. 1-1-22.)

24 (750 ILCS 61/20)

25 Sec. 20. Certification cancellation.

1 (a) If the program participant obtains a legal change of
2 identity to a new, unassociated name ~~a name change~~, the
3 applicant loses ~~he or she loses~~ certification as a program
4 participant.

5 (b) The Attorney General may cancel a program
6 participant's certification if:

7 (1) a program participant fails to provide the
8 Attorney General with 7 days' notice before ~~there is~~ a
9 change in the confidential residential street address,
10 phone number, or legal name, from the one listed on the
11 application; ~~unless the program participant provides the~~
12 ~~Attorney General within 7 days notice before the change of~~
13 ~~address.~~

14 (2) mail forwarded by the Attorney General to the
15 program participant's confidential address is returned as
16 nondeliverable;

17 (3) a program participant fails to file a new
18 application within 30 days after becoming 18 years of age;

19 (4) a program participant is unable or unwilling to
20 maintain the confidentiality of the program participant's
21 confidential address;

22 (5) a program participant fails to respond to the
23 program's request for verification of the participant's
24 residential address within 7 days; or

25 (6) a program participant is no longer an eligible
26 person as defined in Section 10.

1 (c) A person whose certification is cancelled for any
2 reason listed in subsections (a) or (b) may reapply to the
3 program at any time after the person's certification has been
4 cancelled. ~~The Attorney General may cancel certification of a~~
5 ~~program participant if mail forwarded by the Attorney General~~
6 ~~to the program participant's address is returned as~~
7 ~~nondeliverable.~~

8 (d) The Attorney General shall cancel certification of a
9 program participant who applies using false information.

10 (e) If a program participant loses certification or the
11 certification is cancelled, mail addressed to the former
12 program participant must be returned to the sender.

13 (Source: P.A. 91-494, eff. 1-1-00.)

14 (750 ILCS 61/25)

15 Sec. 25. Agency use of designated address.

16 (a) A program participant may request that State and local
17 agencies use the substitute address designated by the Attorney
18 General as the program participant's ~~his or her~~ address. When
19 creating a new public record, State and local agencies shall
20 accept the address designated by the Attorney General as a
21 program participant's substitute address, unless the Attorney
22 General has determined that:

23 (1) the agency has a bona fide statutory or
24 administrative requirement for the use of the address that
25 would otherwise be confidential under this Act; and

1 (2) this address will be used only for those statutory
2 and administrative purposes.

3 (b) A program participant may use the substitute address
4 ~~address designated by the Attorney General~~ as the program
5 participant's ~~his or her~~ work address.

6 (c) The office of the Attorney General shall forward only
7 ~~all~~ first class mail to the appropriate program participants
8 within 7 business days. Mail for cancelled participants or
9 mail that cannot be forwarded within 7 business days shall be
10 returned to sender. Program participants who withdraw from the
11 program may provide a new mailing address and request to have
12 mail forwarded for 30 days following their withdrawal.

13 (Source: P.A. 91-494, eff. 1-1-00.)

14 (750 ILCS 61/30)

15 Sec. 30. Voting by program participant; use of designated
16 address by election authority.

17 (a) A program participant who is otherwise qualified to
18 vote may register to vote by submitting an Illinois Address
19 Confidentiality Program Voter Registration Application created
20 by the State Board of Elections to the appropriate election
21 authority. The State Board of Elections shall adopt rules to
22 ensure the integrity of the voting process and the
23 confidentiality of the program participant. Upon request, the
24 election authority shall transmit the vote by mail ballot to
25 the program participant at the address designated by the

1 participant in the applicant's ~~his or her~~ application. Neither
2 the name nor the address of a program participant shall be
3 included in any list of registered voters available to the
4 public.

5 (b) The election authority may not make the participant's
6 address contained in voter registration records available for
7 public inspection or copying except under the following
8 circumstances:

9 (1) if requested by a law enforcement agency, to the
10 law enforcement agency; and

11 (2) if directed by a court order, to a person
12 identified in the order.

13 (Source: P.A. 102-292, eff. 1-1-22.)

14 (750 ILCS 61/35)

15 Sec. 35. Disclosure of address prohibited; exceptions. The
16 Attorney General may not make a program participant's
17 confidential address, ~~other than the address designated by the~~
18 ~~Attorney General,~~ available for inspection or copying, except
19 under the following circumstances:

20 (a) if requested by a law enforcement agency, to the
21 law enforcement agency;

22 (b) if directed by a court order, to a person
23 identified in the order; and

24 (c) (blank).

25 A program participant's address and phone number on file

1 with the Attorney General are not subject to disclosure under
2 the Freedom of Information Act.

3 (Source: P.A. 102-292, eff. 1-1-22.)

4 (750 ILCS 61/40)

5 Sec. 40. Assistance for program applicants. The Attorney
6 General may ~~shall~~ designate State and local agencies and
7 nonprofit agencies that provide counseling and shelter
8 services to victims of domestic violence, sexual assault,
9 human trafficking, or stalking to assist persons applying to
10 be program participants. Any assistance and counseling
11 rendered by the office of the Attorney General or its
12 designees to applicants shall in no way be construed as legal
13 advice.

14 (Source: P.A. 101-270, eff. 1-1-21; 102-292, eff. 1-1-22.)

15 Section 99. Effective date. This Act takes effect January
16 1, 2027, except as follows: (i) the changes to Section 2 of the
17 Sexual Assault Survivors Emergency Treatment Act take effect
18 June 1, 2027; (ii) the changes to Section 8.5 of the Rights of
19 Crime Victims and Witnesses Act take effect July 1, 2026; and
20 (iii) this Section takes effect July 1, 2026.