



Rep. Kelly M. Cassidy

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10400SB3506ham001

LRB104 19574 RLC 38070 a

1 AMENDMENT TO SENATE BILL 3506

2 AMENDMENT NO. _____. Amend Senate Bill 3506 by replacing
3 everything after the enacting clause with the following:

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 "Advanced practice registered nurse" has the meaning

1 provided in Section 50-10 of the Nurse Practice Act.

2 "Ambulance provider" means an individual or entity that
3 owns and operates a business or service using ambulances or
4 emergency medical services vehicles to transport emergency
5 patients.

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

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

18 "Assent" means the expressed willingness to participate in
19 an activity or give permission.

20 "Board-certified child abuse pediatrician" means a
21 physician certified by the American Board of Pediatrics in
22 child abuse pediatrics.

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

1 "Decisional capacity" means the ability to understand and
2 appreciate the nature and consequences of a decision regarding
3 medical treatment or evidence collection and the ability to
4 reach and communicate an informed decision in the matter as
5 determined by a physician, an advanced practice registered
6 nurse, or a physician assistant.

7 "Department" means the Department of Public Health.

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

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

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

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

1 "Health care professional" means a physician, a physician
2 assistant, a sexual assault forensic examiner, an advanced
3 practice registered nurse, a registered professional nurse, a
4 licensed practical nurse, or a sexual assault nurse examiner.

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

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

18 "Law enforcement agency having jurisdiction" means the law
19 enforcement agency in the jurisdiction where an alleged sexual
20 assault or sexual abuse occurred.

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

23 "Medical forensic examination" means health care delivered
24 to patients ~~in the care of a qualified medical provider~~
25 ~~working~~ at a treatment hospital, treatment hospital with
26 approved pediatric transfer, or an approved pediatric health

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

18 "Minor" means a person who has not attained the age of 18
19 years.

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

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

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

1 "Pediatric sexual assault survivor" means a person under
2 the age of 13 who presents for a medical forensic examination
3 in relation to injuries or trauma resulting from a sexual
4 assault.

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

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

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

15 "Physician assistant" has the meaning provided in Section
16 4 of the Physician Assistant Practice Act of 1987.

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

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

24 "Sexual assault" means:

25 (1) an act of sexual conduct; as used in this
26 paragraph, "sexual conduct" has the meaning provided under

1 Section 11-0.1 of the Criminal Code of 2012; or

2 (2) any act of sexual penetration; as used in this
3 paragraph, "sexual penetration" has the meaning provided
4 under Section 11-0.1 of the Criminal Code of 2012 and
5 includes, without limitation, acts prohibited under
6 Sections 11-1.20 through 11-1.60 of the Criminal Code of
7 2012.

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

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

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

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

25 "Sexual Assault Nurse Examiner Program Coordinator" means
26 an advanced practice registered nurse or a registered

1 professional nurse that is a qualified medical provider, and
2 who is the employee at Attorney General's Office who oversees
3 the Sexual Assault Nurse Examiner Program.

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

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

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

23 "Sexual assault treatment plan" means a written plan that
24 describes the procedures and protocols for providing medical
25 forensic examinations to acute sexual assault survivors who
26 present themselves for such services performed by qualified

1 medical providers, either directly or through transfer from a
2 hospital or an approved pediatric health care facility.

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

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

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

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

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

25 "Treatment hospital with approved pediatric transfer"
26 means a hospital with a treatment plan approved by the

1 Department to provide medical forensic examinations to sexual
2 assault survivors 13 years old or older who present with a
3 complaint of acute sexual assault.

4 (b) This Section is effective on and after January 1,
5 2024.

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

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

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

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

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

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

17 (b-5) Hospitals located near public universities.
18 Hospitals located in counties with a population of less than
19 1,000,000 and within a 20-mile radius of a 4-year public
20 university shall submit an areawide sexual assault treatment
21 plan that is approved by the Department. The approved areawide
22 plan shall include at least one treatment hospital or
23 treatment hospital with approved pediatric transfer within the
24 20-mile radius of the 4-year public university.

25 (c) Treatment hospitals with approved pediatric transfer.
26 A treatment hospital with approved pediatric transfer must

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

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

26 (1) information provided on the provision of a medical

1 forensic examination;

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

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

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

13 (e) Hospital sexual assault transfer plans.

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

22 Notwithstanding anything to the contrary in this
23 paragraph, the areawide treatment plan may include a
24 written agreement with a treatment hospital with approved
25 pediatric transfer that is geographically closer than
26 other hospitals providing medical forensic examinations to

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

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

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

1 (B) ~~(2)~~ a treatment hospital has agreed, as a part
2 of an areawide treatment plan, to accept acute sexual
3 assault survivors under 13 years of age from the
4 proposed transfer hospital and transfer to the
5 treatment hospital would not unduly burden the sexual
6 assault survivor.

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

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

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

1 sexual assault survivors from the proposed transfer
2 hospital and is willing to provide them medical forensic
3 examinations;

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

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

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

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

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

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

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

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

17 ~~Hospitals located in counties with a population of less~~
18 ~~than 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 ~~A transfer must be in accordance with federal and State~~
25 ~~laws and local ordinances.~~

26 ~~A treatment hospital with approved pediatric transfer must~~

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

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

1 ~~will provide medical forensic examinations to sexual assault~~
2 ~~survivors under 13 years of age who are transferred from the~~
3 ~~transfer hospital.~~

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

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

1 ~~education on responding to acute sexual assault survivors~~
2 ~~every 2 years. Protocols for training shall be included in the~~
3 ~~hospital's sexual assault treatment plan.~~

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

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

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

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

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

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

20 (e-6) Hospital compliance with plan submission
21 requirements; fines. ~~(a-5)~~ A hospital must submit a plan to
22 provide either (i) transfer services to all acute sexual
23 assault survivors, (ii) medical forensic examinations to all
24 acute sexual assault survivors, or (iii) transfer services to
25 pediatric acute sexual assault survivors and medical forensic
26 examinations to sexual assault survivors 13 years old or older

1 as required in subsection (a) of this Section within 60 days of
2 the Department's request. Failure to submit a plan as
3 described in this subsection shall subject a hospital to the
4 imposition of a fine by the Department. The Department may
5 impose a fine of up to \$500 per day until the hospital submits
6 a plan as described in this subsection.

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

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

25 A pediatric health care facility must participate in or
26 submit an areawide treatment plan under Section 3 of this Act

1 that includes a treatment hospital. If a pediatric health care
2 facility does not provide certain medical or surgical services
3 that are provided by hospitals, the areawide sexual assault
4 treatment plan must include a procedure for ensuring a sexual
5 assault survivor in need of such medical or surgical services
6 receives the services at the treatment hospital. The areawide
7 treatment plan may also include a treatment hospital with
8 approved pediatric transfer.

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

1 approved a treatment plan.

2 If an approved pediatric health care facility is not open
3 24 hours a day, 7 days a week, it shall post signage at each
4 public entrance to its facility that:

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

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

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

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

13 (5) has a black background with white bold capital
14 lettering in a clear and easy to read font that is at least
15 72-point type, and with "call 911" in at least 125-point
16 type;

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

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

1 A copy of the proposed sign must be submitted to the
2 Department and approved as part of the approved pediatric
3 health care facility's sexual assault treatment plan.

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

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

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

1 following information:

2 (1) The total number of patients who presented with a
3 complaint of sexual assault.

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

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

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

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

16 This information shall be made available on the
17 Department's website.

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

1 distant site to precept medical forensic examinations for
2 sexual assault survivors age 13 years old or older in
3 accordance with this Act and rules established by the
4 Department. A TeleSANE interactive telecommunications system
5 may also be used for contacting an expert for consultation or a
6 second opinion.

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

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

22 (2) The plan shall indicate the number of trained
23 providers and distant site qualified medical providers who
24 have met the following training qualifications. Trained
25 providers must complete: (i) didactic training that has
26 been reviewed and approved by the SANE Program Coordinator

1 at the Attorney General's Office; and (ii) at least one
2 medical forensic examination precepted in-person by a
3 qualified medical provider prior to performing medical
4 forensic examinations using a TeleSANE interactive
5 telecommunications system. Training for both originating
6 and distant site health care professionals shall include
7 at least one mock medical forensic examination using the
8 TeleSANE interactive telecommunications system described
9 in the plan, even if the originating site provider is a
10 qualified medical provider. A mock examination for a
11 trained provider using the TeleSANE interactive
12 communications system must be precepted by a qualified
13 medical provider who attests to the trained provider's
14 ability to perform medical forensic examinations using the
15 TeleSANE interactive communications system. Hospitals and
16 approved pediatric health care facilities are responsible
17 for maintaining accurate records of each trained provider
18 and distant site qualified medical provider who is part of
19 their plan.

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

25 (4) The plan shall include protocols and policies to:
26 (i) maintain a secure network to host the TeleSANE

1 interactive telecommunications system; (ii) protect
2 patient privacy, including at the distant site; and (iii)
3 ensure that medical forensic examinations are not
4 recorded. Delivered services must adhere to all federal
5 and State privacy, security, and confidentiality laws,
6 rules, or regulations, including, but not limited to, the
7 Health Insurance Portability and Accountability Act of
8 1996 and the Mental Health and Developmental Disabilities
9 Confidentiality Act.

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

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

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

1 of the Telehealth Act, and (iii) implementation of the sexual
2 assault treatment plan or areawide sexual assault treatment
3 plan would provide appropriately precepted medical forensic
4 examinations for acute sexual assault survivors in accordance
5 with the requirements of this Act and rules adopted by the
6 Department.

7 (j) ~~(f)~~ This Section is effective on and after January 1,
8 2026.

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

10 (410 ILCS 70/5) (from Ch. 111 1/2, par. 87-5)

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

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

25 (a-2) Medical forensic examinations and related services.

1 ~~(a-5)~~ A treatment hospital, a treatment hospital with approved
2 pediatric transfer, or an approved pediatric health care
3 facility shall provide the following services in accordance
4 with subsections (a), ~~and~~ (b), and (c):

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

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

22 Records of medical forensic examinations of sexual
23 assault survivors under the age of 18 shall be retained by
24 the hospital for a period of 60 years after the sexual
25 assault survivor reaches the age of 18. Records of medical
26 forensic examinations of sexual assault survivors 18 years

1 of age or older shall be retained by the hospital for a
2 period of 20 years after the date the record was created.

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

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

1 according to the qualified medical provider's clinical
2 discretion based on best practices for indications for
3 evidence collection.

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

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

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

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

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

1 pregnancy resulting from sexual assault.

2 (4) ~~(3)~~ Appropriate oral and written information
3 concerning accepted medical procedures, laboratory tests,
4 medication, and possible contraindications of such
5 medication available for the prevention or treatment of
6 infection or disease resulting from sexual assault.

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

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

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

26 (8) ~~(6)~~ Written and oral instructions indicating the

1 need for follow-up examinations and laboratory tests after
2 the sexual assault to determine the presence or absence of
3 sexually transmitted infection.

4 (9) ~~(7)~~ Referral by hospital or approved pediatric
5 health care facility personnel for appropriate counseling.

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

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

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

24 (13) ~~(11)~~ Written information regarding the Illinois
25 State Police sexual assault evidence tracking system.

26 (a-3) 90 minute requirement for qualified medical

1 providers. ~~(a-7)~~ Every hospital with a treatment plan approved
2 by the Department and every approved pediatric health care
3 facility shall employ or contract with a qualified medical
4 provider to initiate a medical forensic examination to a
5 sexual assault survivor within 90 minutes of a concern arising
6 at the hospital or facility of acute sexual assault. The
7 provision of a medical forensic examination by a qualified
8 medical provider shall not delay the provision of life-saving
9 medical care.

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

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

26 (2) The sexual assault survivor is a minor and lacks

1 decisional capacity. If a minor sexual assault survivor
2 ~~under the age of 18~~ is unable to consent due to lack of
3 decisional capacity, the ~~to a~~ medical forensic
4 examination, ~~the examination~~ may be provided, with: (A)
5 ~~the consent of the survivor's parent, guardian, or health~~
6 ~~care power of attorney and with the assent of the sexual~~
7 ~~assault survivor,~~ and (B) consent given by one of the
8 following authorized decision makers:

9 (i) The survivor's parent.

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

18 (iii) The survivor's spouse.

19 (iv) The survivor's power of attorney for health
20 care.

21 If the sexual assault survivor's parent, guardian,
22 spouse, or power of attorney for health care, is
23 unavailable or unwilling to consent to the medical
24 forensic examination, then law enforcement may obtain a
25 search warrant pursuant to Article 108 of the Code of
26 Criminal Procedure of 1963 directing that a medical

1 forensic examination, as defined in Section 1a, be
2 conducted, with the assent of the sexual assault survivor.

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

10 (i) The survivor's guardian.

11 (ii) The survivor's spouse.

12 (iii) The survivor's power of attorney for health
13 care.

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

21 (b-2) Treatment of unconscious patients. Notwithstanding
22 any other provision of the law, a medical forensic examination
23 may be administered to an unconscious patient, without their
24 assent, if the following conditions are met: (i) the qualified
25 medical provider, in accordance with subsection (a),
26 determines there is reasonable suspicion of sexual assault;

1 (ii) consent cannot be obtained under the circumstances,
2 including when evidence may be lost; and (iii) based on the
3 clinical judgment of a qualified medical provider, in
4 accordance with subsection (a), the unconscious patient is not
5 expected to regain consciousness within the recommended window
6 for evidence collection for acute sexual assault. If these
7 conditions are met, written authorization for a medical
8 forensic examination to be performed on an unconscious patient
9 may be provided by a qualified medical provider and a second
10 health care professional, who may be a physician, advanced
11 practice registered nurse, or physician assistant.

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

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

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

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

1 care facility shall provide a copy of the voucher to the sexual
2 assault survivor after discharge upon request.

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

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

13 (g) ~~(d)~~ This Section is effective on and after January 1,
14 2024.

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

16 (410 ILCS 70/6.5)

17 Sec. 6.5. Written consent to the release of sexual assault
18 evidence for testing.

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

1 Police website. The consent form shall include whether the
2 survivor consents to the release of information about the
3 sexual assault to law enforcement. A sexual assault survivor
4 who lacks decisional capacity cannot provide consent under
5 this Section.

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

11 (2) The sexual assault survivor is a minor and lacks
12 decisional capacity. If the survivor is a minor who lacks
13 decisional capacity ~~is under 13 years of age,~~ the written
14 consent to release the sexual assault evidence for testing
15 may be signed by the sexual assault survivor's parent;
16 guardian; spouse, if married; or ~~, or agent acting under a~~
17 ~~health care~~ power of attorney for health care. If a
18 parent, guardian, spouse, or ~~health care~~ power of attorney
19 for health care is not available or unwilling to release
20 evidence, then a State's Attorney acting in his or her
21 capacity to investigate or prosecute a violation of the
22 criminal laws of this State, or the Attorney General,
23 acting in his or her capacity to investigate or prosecute
24 a violation of the criminal laws of this State, may
25 petition the court to authorize its release for testing.
26 Hearings on such petitions shall be ex parte and not

1 require notice to, nor the appearance in court, of any
2 other party. Any such petition shall state why there is
3 reasonable suspicion to believe that:

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

6 (ii) a medical forensic examination was provided
7 to such minor;

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

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

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

1 ~~adult is unable to provide~~

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

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

15 (ii) a medical forensic examination was provided
16 to such sexual assault survivor;

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

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

1 ~~investigating law enforcement officer may authorize~~
2 ~~the release.~~

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

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

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

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

25 (2) a person authorized to consent to the testing of
26 the sexual assault evidence may sign a written consent to

1 allow law enforcement to test the sexual assault evidence
2 at any time during that 10-year period for an adult
3 victim, or until a minor victim turns 28 years of age by
4 (A) contacting the law enforcement agency having
5 jurisdiction, or if unknown, the law enforcement agency
6 contacted by the hospital or approved pediatric health
7 care facility under Section 3.2 of the Criminal
8 Identification Act; or (B) by working with an advocate at
9 a rape crisis center;

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

16 (4) the name and phone number of a local rape crisis
17 center.

18 (e) ~~(d)~~ This Section is effective on and after January 1,
19 2024.

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

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

23 (705 ILCS 405/5-905)

24 Sec. 5-905. Law enforcement records.

1 (1) Law Enforcement Records. Inspection and copying of law
2 enforcement records maintained by law enforcement agencies
3 that relate to a minor who has been investigated, arrested, or
4 taken into custody before the minor's 18th birthday shall be
5 restricted to the following and when necessary for the
6 discharge of their official duties:

7 (a) A judge of the circuit court and members of the
8 staff of the court designated by the judge;

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

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

20 (d) Adult and Juvenile Prisoner Review Boards;

21 (e) Authorized military personnel;

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

1 protects the confidentiality of the record;

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

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

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

25 (i) any violation of Article 24 of the
26 Criminal Code of 1961 or the Criminal Code of

1 2012;

2 (ii) a violation of the Illinois Controlled
3 Substances Act;

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

5 (iv) a forcible felony as defined in Section
6 2-8 of the Criminal Code of 1961 or the Criminal
7 Code of 2012;

8 (v) a violation of the Methamphetamine Control
9 and Community Protection Act;

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

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

13 (viii) a violation of Section 12-1, 12-2,
14 12-3, 12-3.05, 12-3.1, 12-3.2, 12-3.4, 12-3.5,
15 12-5, 12-7.3, 12-7.4, 12-7.5, 25-1, or 25-5 of the
16 Criminal Code of 1961 or the Criminal Code of
17 2012.

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

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

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

1 child and shall not be a public record. This
2 limitation on the use of information about a minor who
3 is the subject of a current police investigation shall
4 in no way limit the use of this information by
5 prosecutors in pursuing criminal charges arising out
6 of the information disclosed during a police
7 investigation of the minor. For purposes of this
8 paragraph, "investigation" means an official
9 systematic inquiry by a law enforcement agency into
10 actual or suspected criminal activity;

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

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

26 (2) Information identifying victims and alleged victims of

1 sex offenses, shall not be disclosed or open to public
2 inspection under any circumstances. Nothing in this Section
3 shall prohibit the victim or alleged victim of any sex offense
4 from voluntarily disclosing this identity.

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

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

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

25 (5) The records of law enforcement officers, or of an
26 independent agency created by ordinance and charged by a unit

1 of local government with the duty of investigating the conduct
2 of law enforcement officers, concerning all minors under 18
3 years of age must be maintained separate from the records of
4 adults and may not be open to public inspection or their
5 contents disclosed to the public except by order of the court
6 or when the institution of criminal proceedings has been
7 permitted under Section 5-130 or 5-805 or required under
8 Section 5-130 or 5-805 or such a person has been convicted of a
9 crime and is the subject of pre-sentence investigation or when
10 provided by law.

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

1 the victim only for the purpose of the victim pursuing a civil
2 remedy against the minor or the minor's parents or legal
3 guardian, or both, or to protect the victim's person or
4 property from the minor.

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

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

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

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

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

25 Section 15. The Rights of Crime Victims and Witnesses Act

1 is amended by changing Sections 3, 4, 4.5, and 8.5 as follows:

2 (725 ILCS 120/3) (from Ch. 38, par. 1403)

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

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

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

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

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

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

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

26 (a-9) "Sentencing" includes, but is not limited to, the

1 imposition of sentence and a request for a reduction in
2 sentence, parole, mandatory supervised release, aftercare
3 release, early release, consideration of inpatient treatment
4 or outpatient treatment, or conditional release after a
5 finding that the defendant is not guilty by reason of
6 insanity.

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

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

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

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

12 (d) (Blank).

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

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

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

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

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

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

22 (725 ILCS 120/4)

23 Sec. 4. Rights of crime victims.

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

25 (1) The right to be treated with fairness and respect

1 for their dignity and privacy and to be free from
2 harassment, intimidation, and abuse throughout the
3 criminal justice process.

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

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

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

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

1 notice of all court proceedings.

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

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

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

10 (6) The right to the timely disposition of the case
11 following the arrest of the accused.

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

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

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

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

1 (10) The right to restitution.

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

18 (b-5) Upon the request of the victim, the law enforcement
19 agency having jurisdiction shall provide a free copy of the
20 police report concerning the victim's incident, as soon as
21 practicable, but in no event later than 5 business days from
22 the request. Nothing in this subsection shall be interpreted
23 to contradict the requirements of the Juvenile Court Act of
24 1987.

25 (c) The Clerk of the Circuit Court shall post the rights of
26 crime victims set forth in Article I, Section 8.1(a) of the

1 Illinois Constitution and subsection (a) of this Section
2 within 3 feet of the door to any courtroom where criminal
3 proceedings are conducted. The clerk may also post the rights
4 in other locations in the courthouse.

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

11 (Source: P.A. 103-792, eff. 1-1-25; 104-173, eff. 1-1-26;
12 104-326, eff. 1-1-26; revised 11-21-25.)

13 (725 ILCS 120/4.5)

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

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

25 When a person reports being a crime victim, as defined in

1 Section 3, the person shall have the right to be treated with
2 fairness and respect during the investigatory process,
3 including the right to be free from deception, which is the
4 knowing communication of false facts about evidence.

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

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

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

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

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

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

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

22 (4) shall assist in having any stolen or other
23 personal property held by law enforcement authorities for
24 evidentiary or other purposes returned as expeditiously as
25 possible, pursuant to the procedures set out in Section
26 115-9 of the Code of Criminal Procedure of 1963;

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

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

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

17 (8) (blank);

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

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

1 (9.3) shall inform the victim of the right to retain
2 an attorney, at the victim's own expense, who, upon
3 written notice filed with the clerk of the court and
4 State's Attorney, is to receive copies of all notices,
5 motions, and court orders filed thereafter in the case, in
6 the same manner as if the victim were a named party in the
7 case;

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

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

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

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

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

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

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

1 negotiations with the defendant, the Office of the State's
2 Attorney shall notify the victim of the offer or the
3 negotiations within 2 business days and confer with the
4 victim;

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

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

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

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

26 (20) shall, within a reasonable time, offer to meet

1 with the crime victim regarding the decision of the
2 State's Attorney not to charge an offense, and shall meet
3 with the victim, if the victim agrees. The victim has a
4 right to have an attorney, advocate, and other support
5 person of the victim's choice attend this meeting with the
6 victim; and

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

10 (c) The court shall ensure that the rights of the victim
11 are afforded.

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

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

26 (2) Victim's retained attorney. A victim's attorney

1 shall file an entry of appearance limited to assertion of
2 the victim's rights. Upon the filing of the entry of
3 appearance and service on the State's Attorney and the
4 defendant, the attorney is to receive copies of all
5 notices, motions and court orders filed thereafter in the
6 case.

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

16 (4) Assertion of and enforcement of rights.

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

1 victim's attorney in sufficient time to allow the
2 victim or the victim's attorney to assert the right or
3 to seek enforcement of a right.

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

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

1 reconsideration. The court shall rule on the merits of
2 the motion.

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

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

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

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

25 (iii) have the authority to make
26 recommendations to employees and offices of the

1 State of Illinois to respond more effectively to
2 the needs of crime victims, including regarding
3 the violation of the rights of a crime victim.

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

22 (5) Violation of rights and remedies.

23 (A) If the court determines that a victim's right
24 has been violated, the court shall determine the
25 appropriate remedy for the violation of the victim's
26 right by hearing from the victim and the parties,

1 considering all factors relevant to the issue, and
2 then awarding appropriate relief to the victim.

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

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

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

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

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

4 (7) Right to attend trial.

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

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

20 (8) Right to have advocate and support person present
21 at court proceedings.

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

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

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

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

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

25 If the prosecuting attorney intends to call the
26 support person as a witness during the State's

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

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

25 If the prosecuting attorney does not intend to
26 call the support person in the State's case-in-chief,

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

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

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

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

25 (A) A defendant who seeks to subpoena testimony or
26 records of or concerning the victim that are

1 confidential or privileged by law must seek permission
2 of the court before the subpoena is issued. The
3 defendant must file a written motion and an offer of
4 proof regarding the relevance, admissibility and
5 materiality of the testimony or records. If the court
6 finds by a preponderance of the evidence that:

7 (i) the testimony or records are not protected
8 by an absolute privilege and

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

1 testimony or records to public review. The
2 disclosure of copies of any portion of the
3 testimony or records to the prosecuting attorney
4 under this Section does not make the records
5 subject to discovery or required to be provided to
6 the defendant.

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

1 the subpoena. If requested, a hearing regarding the
2 subpoena shall occur before information or records are
3 provided to the prosecuting attorney.

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

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

1 notify the victim of the time, place, and expected purpose
2 and procedures ~~nature~~ of the court proceeding. The time
3 between court proceedings shall not be attributable to the
4 State under Section 103-5 of the Code of Criminal
5 Procedure of 1963.

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

1 to avoid further delays. If a continuance is granted over
2 the victim's objection, the court shall specify on the
3 record the reasons for the continuance and the procedures
4 that have been or will be taken to avoid further delays.

5 (12) Right to Restitution.

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

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

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

12 (13) Access to presentence reports.

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

18 (i) the defendant's mental history and
19 condition;

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

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

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

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

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

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

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

26 (16) The right to be reasonably protected from the

1 accused throughout the criminal justice process and the
2 right to have the safety of the victim and the victim's
3 family considered in determining whether to release the
4 defendant, and setting conditions of release after arrest
5 and conviction. A victim of domestic violence, a sexual
6 offense, or stalking may request the entry of a protective
7 order under Article 112A of the Code of Criminal Procedure
8 of 1963.

9 (d) Procedures after the imposition of sentence.

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

1 victim or any other concerned citizen, the State's
2 Attorney shall notify the person once of the times and
3 dates of release of a prisoner sentenced to periodic
4 imprisonment. Notification shall be based on the most
5 recent information as to the victim's or other concerned
6 citizen's residence or other location available to the
7 notifying authority.

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

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

1 an off-grounds pass; the return from an off-grounds pass;
2 transfer to another facility; conditional release; escape;
3 death; or final discharge from State custody. The
4 Department of Human Services shall establish and maintain
5 a statewide telephone number to be used by victims to make
6 notification requests under these provisions and shall
7 publicize this telephone number on its website and to the
8 State's Attorney of each county.

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

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

26 (4-1) The crime victim, including any person who has

1 had a final, plenary, non-emergency, or emergency
2 protective order granted against the petitioner or parole
3 candidate under Article 112A of the Code of Criminal
4 Procedure of 1963, the Illinois Domestic Violence Act of
5 1986, the Stalking No Contact Order Act, or the Civil No
6 Contact Order Act, has the right to submit a victim
7 statement, in support or opposition, for consideration by
8 the Prisoner Review Board or the Department of Juvenile
9 Justice prior to or at a hearing to determine the
10 conditions of mandatory supervised release of a person
11 sentenced to a determinate sentence or at a hearing on
12 revocation of mandatory supervised release of a person
13 sentenced to a determinate sentence. A victim statement
14 may be submitted in writing, on film, videotape, or other
15 electronic means, or in the form of a recording, or orally
16 at a hearing, or by calling the toll-free number
17 established in subsection (f) of this Section. Victim
18 statements provided to the Board shall be confidential and
19 privileged, including any statements received prior to
20 January 1, 2020 (the effective date of Public Act
21 101-288), except if the statement was an oral statement
22 made by the victim at a hearing open to the public.

23 (4-2) The crime victim, including any person who has
24 had a final, plenary, non-emergency, or emergency
25 protective order granted against the petitioner or parole
26 candidate under Article 112A of the Code of Criminal

1 Procedure of 1963, the Illinois Domestic Violence Act of
2 1986, the Stalking No Contact Order Act, or the Civil No
3 Contact Order Act, has the right to submit a victim
4 statement, in support or opposition, to the Prisoner
5 Review Board for consideration at an executive clemency
6 hearing as provided in Section 3-3-13 of the Unified Code
7 of Corrections. A victim statement may be submitted in
8 writing, on film, videotape, or other electronic means, or
9 in the form of a recording prior to a hearing, or orally at
10 a hearing, or by calling the toll-free number established
11 in subsection (f) of this Section. Victim statements
12 provided to the Board shall be confidential and
13 privileged, including any statements received prior to
14 January 1, 2020 (the effective date of Public Act
15 101-288), except if the statement was an oral statement
16 made by the victim at a hearing open to the public.

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

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

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

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

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

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

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

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

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

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

1 Sec. 8.5. Statewide victim and witness notification
2 system.

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

24 (b) The Illinois Department of Corrections, the Department
25 of Juvenile Justice, the Department of Human Services, and the
26 Prisoner Review Board shall cooperate with the Attorney

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

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

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

1 ~~or local official's corresponding obligation to provide the~~
2 ~~information.~~

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

8 (f) (Blank).

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

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

21 ~~(i) the design, scope, and operation of the~~
22 ~~notification system;~~

23 ~~(ii) the content of any rules adopted to implement~~
24 ~~this Section;~~

25 ~~(iii) the procurement of hardware, software, and~~
26 ~~support for the system, including choice of supplier~~

1 ~~or operator; and~~

2 ~~(iv) the acceptance of agreements with and the~~
3 ~~award of equipment, software, or training to officials~~
4 ~~that seek to participate in the system.~~

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

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

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

24 (i) (Blank). ~~The Attorney General shall conduct an~~
25 ~~internal review of the witness notification system to review~~
26 ~~timely notice to victims and witnesses throughout the State~~

~~1 and shall make recommendations to the General Assembly for
2 improvements in the procedures and technologies used in the
3 system. The Attorney General shall submit the recommendations
4 to the General Assembly on or before July 1, 2026.~~

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

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

8 (725 ILCS 207/75)

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

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

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

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

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

20 (b) If the court places a civilly committed sexually
21 violent person on conditional release under Section 40 or 60
22 of this Act or discharges a person under Section 65, or if a
23 detainee or civilly committed sexually violent person escapes,
24 dies, or is subject to any court-ordered change in custody

1 status of the detainee or sexually violent person, the
2 Department shall make a reasonable attempt, if he or she can be
3 found, to notify all of the following who have requested
4 notification under this Act or under the Rights of Crime
5 Victims and Witnesses Act and may utilize the statewide victim
6 and witness notification system to notify:

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

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

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

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

14 (2) The Department of Corrections or the Department of
15 Juvenile Justice.

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

1 paragraph (b) (3) of Section 40 or subsection (f) of Section 60
2 and another notice postmarked within one business day of the
3 court order approving the conditional release, discharge, or
4 any court-ordered change in the custody status of the detainee
5 or sexually violent person, unless unusual circumstances do
6 not permit advance written notification, or immediately if a
7 detainee or civilly committed sexually violent person escapes
8 or dies, to the Department of Corrections or the Department of
9 Juvenile Justice and the last-known address of the person
10 notified under paragraph (b) (1) of this Section.

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

1 ~~Information Act.~~

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

3 Section 25. The Address Confidentiality for Victims of
4 Domestic Violence, Sexual Assault, Human Trafficking, or
5 Stalking Act is amended by changing Sections 10, 15, 20, 25,
6 30, 35, and 40 as follows:

7 (750 ILCS 61/10)

8 Sec. 10. Definitions. In this Act, unless the context
9 otherwise requires:

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

12 "Substitute address" means the address assigned to a
13 program participant by the Address Confidentiality Program.

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

18 "Program participant" means a person certified as a
19 program participant under this Act.

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

24 "Eligible person" means a person 18 years of age or older

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

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

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

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

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

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

1 (750 ILCS 61/15)

2 Sec. 15. Address confidentiality program; application;
3 certification.

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

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

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

1 safety of a household member;

2 (1.5) an explanation supporting the statements made
3 under subsections (1) and (1.3);

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

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

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

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

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

26 (a-1) For applicants applying on behalf of a minor or

1 person with a disability, the Attorney General may request
2 proof of guardianship, as defined in Article 11a of the
3 Probate Act of 1975, or proof of legal custody, as defined in
4 Section 10-20.12b of the School Code, before certifying a
5 minor or person with a disability as a program participant.

6 (b) Applications shall be filed with the office of the
7 Attorney General.

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

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

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

1 (750 ILCS 61/20)

2 Sec. 20. Certification cancellation.

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

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

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

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

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

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

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

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

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

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

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

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

16 (750 ILCS 61/25)

17 Sec. 25. Agency use of designated address.

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

25 (1) the agency has a bona fide statutory or

1 administrative requirement for the use of the address that
2 would otherwise be confidential under this Act; and

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

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

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

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

16 (750 ILCS 61/30)

17 Sec. 30. Voting by program participant; use of designated
18 address by election authority.

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

1 election authority shall transmit the vote by mail ballot to
2 the program participant at the address designated by the
3 participant in the applicant's ~~his or her~~ application. Neither
4 the name nor the address of a program participant shall be
5 included in any list of registered voters available to the
6 public.

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

- 11 (1) if requested by a law enforcement agency, to the
12 law enforcement agency; and
13 (2) if directed by a court order, to a person
14 identified in the order.

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

16 (750 ILCS 61/35)

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

- 22 (a) if requested by a law enforcement agency, to the
23 law enforcement agency;
24 (b) if directed by a court order, to a person
25 identified in the order; and

1 (c) (blank).

2 A program participant's address and phone number on file
3 with the Attorney General are not subject to disclosure under
4 the Freedom of Information Act.

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

6 (750 ILCS 61/40)

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

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

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