

1 AN ACT concerning criminal law.

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

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

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

8 Sec. 1a. Definitions.

9 (a) In this Act:

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

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

18 "Ambulance provider" means an individual or entity that
19 owns and operates a business or service using ambulances or
20 emergency medical services vehicles to transport emergency
21 patients.

22 "Approved pediatric health care facility" means a health
23 care facility, other than a hospital, with a sexual assault

1 treatment plan approved by the Department to provide medical
2 forensic examinations to sexual assault survivors under the
3 age of 18 who present with a complaint of acute sexual assault.

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

11 "Assent" means the expressed willingness to participate in
12 an activity or give permission.

13 "Board-certified child abuse pediatrician" means a
14 physician certified by the American Board of Pediatrics in
15 child abuse pediatrics.

16 "Board-eligible child abuse pediatrician" means a
17 physician who has completed the requirements set forth by the
18 American Board of Pediatrics to take the examination for
19 certification in child abuse pediatrics.

20 "Decisional capacity" means the ability to understand and
21 appreciate the nature and consequences of a decision regarding
22 medical treatment or evidence collection and the ability to
23 reach and communicate an informed decision in the matter as
24 determined by a physician, an advanced practice registered
25 nurse, or a physician assistant.

26 "Department" means the Department of Public Health.

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

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

7 "Follow-up healthcare" means healthcare services related
8 to a sexual assault, including laboratory services and
9 pharmacy services, rendered within 180 days of the initial
10 visit as a result of the sexual assault.

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

20 "Health care professional" means a physician, a physician
21 assistant, a sexual assault forensic examiner, an advanced
22 practice registered nurse, a registered professional nurse, a
23 licensed practical nurse, or a sexual assault nurse examiner.

24 "Hospital" means a hospital licensed under the Hospital
25 Licensing Act or operated under the University of Illinois
26 Hospital Act, any outpatient center included in the hospital's

1 sexual assault treatment plan where hospital employees provide
2 medical forensic examinations, and an out-of-state hospital
3 that has consented to the jurisdiction of the Department under
4 Section 2.06.

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

11 "Law enforcement agency having jurisdiction" means the law
12 enforcement agency in the jurisdiction where an alleged sexual
13 assault or sexual abuse occurred.

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

16 "Medical forensic examination" means health care delivered
17 to patients ~~in the care of a qualified medical provider~~
18 ~~working~~ at a treatment hospital, treatment hospital with
19 approved pediatric transfer, or an approved pediatric health
20 care facility that is either: (i) performed by a qualified
21 medical provider, or (ii) performed by a trained provider and
22 precepted by a qualified medical provider. A "medical "Medical
23 forensic examination" may be assisted with the use of a
24 TeleSANE interactive telecommunications system and includes,
25 but is not limited to, taking a medical history, performing
26 photo documentation, performing a physical and anogenital

1 examination, assessing the patient for evidence collection,
2 collecting evidence in accordance with a statewide sexual
3 assault evidence collection program administered by the
4 Illinois State Police using the Illinois State Police Sexual
5 Assault Evidence Collection Kit, if appropriate, assessing the
6 patient for drug-facilitated or alcohol-facilitated sexual
7 assault, providing an evaluation of and care for sexually
8 transmitted infection and human immunodeficiency virus (HIV),
9 pregnancy risk evaluation and care, and discharge and
10 follow-up healthcare planning.

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

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

15 "Originating site provider" means a trained provider or
16 qualified medical provider at the originating site.

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

20 "Pediatric sexual assault survivor" means a person under
21 the age of 13 who presents for a medical forensic examination
22 in relation to injuries or trauma resulting from a sexual
23 assault.

24 "Precept" means to provide direct and active clinical
25 oversight to a trained provider during the performance of a
26 medical forensic examination in a clinical setting, whether

1 in-person or via a TeleSANE interactive telecommunications
2 system.

3 "Photo documentation" means digital photographs or
4 colposcope videos stored and backed up securely in the
5 original file format.

6 "Physician" means a person licensed to practice medicine
7 in all its branches.

8 "Physician assistant" has the meaning provided in Section
9 4 of the Physician Assistant Practice Act of 1987.

10 "Qualified medical provider" means a board-certified child
11 abuse pediatrician, board-eligible child abuse pediatrician, a
12 sexual assault forensic examiner, or a sexual assault nurse
13 examiner who has access to photo documentation tools, and who
14 participates in peer review.

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

17 "Sexual assault" means:

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

21 (2) any act of sexual penetration; as used in this
22 paragraph, "sexual penetration" has the meaning provided
23 under Section 11-0.1 of the Criminal Code of 2012 and
24 includes, without limitation, acts prohibited under
25 Sections 11-1.20 through 11-1.60 of the Criminal Code of
26 2012.

1 "Sexual assault forensic examiner" means a physician or
2 physician assistant who has completed training that meets or
3 is substantially similar to the Sexual Assault Nurse Examiner
4 Education Guidelines established by the International
5 Association of Forensic Nurses.

6 "Sexual assault nurse examiner" means an advanced practice
7 registered nurse or registered professional nurse who is
8 designated as Adult/Adolescent, Pediatric/Adolescent, or both,
9 according to the population of survivors the nurse is
10 qualified to treat and:

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

13 (2) has completed training that meets the Sexual
14 Assault Nurse Examiner Education Guidelines established by
15 the International Association of Forensic Nurses and is
16 approved by the Sexual Assault Nurse Examiner Program
17 Coordinator.

18 "Sexual Assault Nurse Examiner Program Coordinator" means
19 an advanced practice registered nurse or a registered
20 professional nurse that is a qualified medical provider, and
21 who is the employee at Attorney General's Office who oversees
22 the Sexual Assault Nurse Examiner Program.

23 "Sexual assault services voucher" means a document
24 generated by a hospital or approved pediatric health care
25 facility where the sexual assault survivor first presents and
26 that may be used to seek payment for any ambulance services, a

1 medical forensic examination, medical care and treatment as
2 defined by 77 Ill. Adm. Code Part 545, laboratory services,
3 pharmacy services, and follow-up healthcare provided as a
4 result of the sexual assault.

5 "Sexual assault survivor" means a person who presents for
6 a medical forensic examination or medical care and treatment
7 in relation to injuries or trauma resulting from a sexual
8 assault.

9 "Sexual assault transfer plan" means a written plan
10 developed by a hospital and approved by the Department, which
11 describes the hospital's procedures for transferring acute
12 sexual assault survivors to another hospital, and an approved
13 pediatric health care facility, if applicable, in order to
14 receive medical forensic examinations performed by qualified
15 medical providers.

16 "Sexual assault treatment plan" means a written plan that
17 describes the procedures and protocols for providing medical
18 forensic examinations to acute sexual assault survivors who
19 present themselves for such services performed by qualified
20 medical providers, either directly or through transfer from a
21 hospital or an approved pediatric health care facility.

22 "TeleSANE Interactive Telecommunications System" has the
23 meaning given to the term "interactive telecommunications
24 system" in Section 5 of the Telehealth Act. As used in this
25 Act, "TeleSANE interactive telecommunications system" does not
26 include an audio-only telephone system.

1 "Trained provider" means a health care professional who is
2 training to become a qualified medical provider and has
3 completed didactic training that has been reviewed and
4 approved by the SANE Program Coordinator at the Attorney
5 General's Office.

6 "Transfer hospital" means a hospital with a sexual assault
7 transfer plan approved by the Department.

8 "Transfer services" means the appropriate medical
9 screening examination and necessary stabilizing treatment
10 prior to the transfer of a sexual assault survivor to another
11 hospital or an approved pediatric health care facility
12 pursuant to a sexual assault treatment plan or areawide sexual
13 assault treatment plan.

14 "Treatment hospital" means a hospital with a sexual
15 assault treatment plan approved by the Department to provide
16 medical forensic examinations to acute sexual assault
17 survivors.

18 "Treatment hospital with approved pediatric transfer"
19 means a hospital with a treatment plan approved by the
20 Department to provide medical forensic examinations to sexual
21 assault survivors 13 years old or older who present with a
22 complaint of acute sexual assault.

23 (b) This Section is effective on and after January 1,
24 2024.

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

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

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

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

15 (b) Hospitals; plan to either treat or transfer acute
16 sexual assault survivors. In addition, every such hospital,
17 regardless of whether or not a request is made for
18 reimbursement, shall submit to the Department a plan to
19 provide either: (i) transfer services to ~~all~~ acute sexual
20 assault survivors, (ii) medical forensic examinations to ~~all~~
21 acute sexual assault survivors, or (iii) transfer services to
22 pediatric acute sexual assault survivors and medical forensic
23 examinations to acute sexual assault survivors 13 years old or
24 older within the time frame established by the Department. The
25 Department shall approve such plan ~~for either (i) transfer~~
26 ~~services to all acute sexual assault survivors, (ii) medical~~

1 ~~forensic examinations to all acute sexual assault survivors,~~
2 ~~or (iii) transfer services to pediatric acute sexual assault~~
3 ~~survivors and medical forensic examinations to acute sexual~~
4 ~~assault survivors 13 years old or older,~~ if it finds that the
5 implementation of the proposed plan would provide (1) ~~(i)~~
6 transfer services or (2) ~~(ii)~~ medical forensic examinations
7 for acute sexual assault survivors in accordance with the
8 requirements of this Act and provide sufficient protections
9 from the risk of pregnancy to acute sexual assault survivors.

10 (b-5) Hospitals located near public universities.
11 Hospitals located in counties with a population of less than
12 1,000,000 and within a 20-mile radius of a 4-year public
13 university shall submit an areawide sexual assault treatment
14 plan that is approved by the Department. The approved areawide
15 plan shall include at least one treatment hospital or
16 treatment hospital with approved pediatric transfer within the
17 20-mile radius of the 4-year public university.

18 (c) Treatment hospitals with approved pediatric transfer.
19 A treatment hospital with approved pediatric transfer must
20 submit an areawide treatment plan under Section 3 of this Act
21 that includes a written agreement with a treatment hospital
22 stating that the treatment hospital will provide medical
23 forensic examinations to pediatric sexual assault survivors
24 transferred from the treatment hospital with approved
25 pediatric transfer. The areawide treatment plan may also
26 include an approved pediatric health care facility.

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

19 (1) information provided on the provision of a medical
20 forensic examination;

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

23 (3) information on sexual assault epidemiology,
24 neurobiology of trauma, drug-facilitated sexual assault,
25 child sexual abuse, and Illinois sexual assault-related
26 laws; and

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

6 (e) Hospital sexual assault transfer plans.

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

15 Notwithstanding anything to the contrary in this
16 paragraph, the areawide treatment plan may include a
17 written agreement with a treatment hospital with approved
18 pediatric transfer that is geographically closer than
19 other hospitals providing medical forensic examinations to
20 sexual assault survivors 13 years of age or older stating
21 that the treatment hospital with approved pediatric
22 transfer will provide medical forensic examinations to
23 sexual assault survivors 13 years of age or older who are
24 transferred from the transfer hospital. If the areawide
25 treatment plan includes a written agreement with a
26 treatment hospital with approved pediatric transfer, it

1 must also include a written agreement with a treatment
2 hospital stating that the treatment hospital will provide
3 medical forensic examinations to sexual assault survivors
4 under 13 years of age who are transferred from the
5 transfer hospital.

6 (2) Notwithstanding anything to the contrary in this
7 subsection, the Department may approve a sexual assault
8 transfer plan for the provision of medical forensic
9 examinations if:

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

20 (B) ~~(2)~~ a treatment hospital has agreed, as a part
21 of an areawide treatment plan, to accept acute sexual
22 assault survivors under 13 years of age from the
23 proposed transfer hospital and transfer to the
24 treatment hospital would not unduly burden the sexual
25 assault survivor.

26 (e-5) Unduly burdensome transfers. The Department may not

1 approve a sexual assault transfer plan unless a treatment
2 hospital has agreed, as a part of an areawide treatment plan,
3 to accept acute sexual assault survivors from the proposed
4 transfer hospital and a transfer to the treatment hospital
5 would not unduly burden the sexual assault survivor.

6 In determining whether ~~a~~ ~~to approve a sexual assault~~
7 ~~transfer plan under this subsection, the Department shall~~
8 ~~evaluate whether the~~ proposed plan would result in unduly
9 burdensome patient transfers. ~~To avoid unduly burdensome~~
10 ~~patient transfers,~~ the Department shall consider the following
11 factors in approving or denying the proposed sexual assault
12 transfer plan:

13 (1) geographic proximity to the treatment hospital or
14 treatment hospital with approved pediatric transfer, with
15 priority given to sexual assault transfer plans which
16 transfer acute sexual assault survivors to the
17 geographically closest treatment hospital or treatment
18 hospital with approved pediatric transfer that has the
19 capacity to provide ease of transfer to and accept acute
20 sexual assault survivors from the proposed transfer
21 hospital and is willing to provide them medical forensic
22 examinations;

23 (2) the existence of an areawide treatment plan to
24 provide medical forensic examinations to acute sexual
25 assault survivors in the region;

26 (3) the average daily, monthly, and annual number of

1 sexual assault survivors who presented and received
2 medical forensic examinations;

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

5 (5) the existence of other agreements between transfer
6 hospitals and other acute care hospitals related to
7 patient referral and transfer, communication, patient
8 medical records, and emergency and non-emergency patient
9 transportation;

10 (6) the number of transfer hospitals with which a
11 treatment hospital has a transfer agreement and its
12 capacity to enter into additional transfer agreements, for
13 which special consideration shall be given to treatment
14 hospitals currently providing medical forensic
15 examinations to acute sexual assault survivors; and

16 (7) the provisions in the plan for initial
17 transportation to the treatment hospital or treatment
18 hospital with approved pediatric transfer, as well as
19 appropriate return transportation, which should include
20 hospital-facilitated and survivor-facilitated options to
21 attempt to minimize survivor wait times while also taking
22 into consideration extenuating factors outside the
23 hospital's control, including, but not limited to, which
24 facility is responsible for arranging transportation,
25 transportation options, and hospital-specific factors
26 influencing survivor wait time, including, but not limited

1 to, discharge planning and arranging hospital-facilitated
2 transportation in a manner that minimizes the amount of
3 time a survivor waits for transportation under the
4 proposed plan.

5 In approving or denying the proposed sexual assault
6 transfer plan, the Department may also consider other factors,
7 including, but not limited to, hospital capacity, emergency
8 department patient volume, communication, and transportation
9 capacity.

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

17 ~~A transfer must be in accordance with federal and State~~
18 ~~laws and local ordinances.~~

19 ~~A treatment hospital with approved pediatric transfer must~~
20 ~~submit an areawide treatment plan under Section 3 of this Act~~
21 ~~that includes a written agreement with a treatment hospital~~
22 ~~stating that the treatment hospital will provide medical~~
23 ~~forensic examinations to pediatric sexual assault survivors~~
24 ~~transferred from the treatment hospital with approved~~
25 ~~pediatric transfer. The areawide treatment plan may also~~
26 ~~include an approved pediatric health care facility.~~

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

23 ~~Beginning January 1, 2019, each treatment hospital and~~
24 ~~treatment hospital with approved pediatric transfer shall~~
25 ~~ensure that emergency department attending physicians,~~
26 ~~physician assistants, advanced practice registered nurses, and~~

1 ~~registered professional nurses providing clinical services,~~
2 ~~who do not meet the definition of a qualified medical provider~~
3 ~~in Section 1a of this Act, receive a minimum of 2 hours of~~
4 ~~sexual assault training by July 1, 2020 or until the treatment~~
5 ~~hospital or treatment hospital with approved pediatric~~
6 ~~transfer certifies to the Department, in a form and manner~~
7 ~~prescribed by the Department, that it employs or contracts~~
8 ~~with a qualified medical provider in accordance with~~
9 ~~subsection (a 7) of Section 5, whichever occurs first.~~

10 ~~After July 1, 2020 or once a treatment hospital or a~~
11 ~~treatment hospital with approved pediatric transfer certifies~~
12 ~~compliance with subsection (a 7) of Section 5, whichever~~
13 ~~occurs first, each treatment hospital and treatment hospital~~
14 ~~with approved pediatric transfer shall ensure that emergency~~
15 ~~department attending physicians, physician assistants,~~
16 ~~advanced practice registered nurses, and registered~~
17 ~~professional nurses providing clinical services, who do not~~
18 ~~meet the definition of a qualified medical provider in Section~~
19 ~~1a of this Act, receive a minimum of 2 hours of continuing~~
20 ~~education on responding to acute sexual assault survivors~~
21 ~~every 2 years. Protocols for training shall be included in the~~
22 ~~hospital's sexual assault treatment plan.~~

23 ~~Sexual assault training provided under this subsection may~~
24 ~~be provided in person or online and shall include, but not be~~
25 ~~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.~~

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

13 (e-6) Hospital compliance with plan submission
14 requirements; fines. ~~(a-5)~~ A hospital must submit a plan to
15 provide either (i) transfer services to all acute sexual
16 assault survivors, (ii) medical forensic examinations to all
17 acute sexual assault survivors, or (iii) transfer services to
18 pediatric acute sexual assault survivors and medical forensic
19 examinations to sexual assault survivors 13 years old or older
20 as required in subsection (a) of this Section within 60 days of
21 the Department's request. Failure to submit a plan as
22 described in this subsection shall subject a hospital to the
23 imposition of a fine by the Department. The Department may
24 impose a fine of up to \$500 per day until the hospital submits
25 a plan as described in this subsection.

26 ~~(a-10)~~ Upon receipt of a plan as described in this

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

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

18 A pediatric health care facility must participate in or
19 submit an areawide treatment plan under Section 3 of this Act
20 that includes a treatment hospital. If a pediatric health care
21 facility does not provide certain medical or surgical services
22 that are provided by hospitals, the areawide sexual assault
23 treatment plan must include a procedure for ensuring a sexual
24 assault survivor in need of such medical or surgical services
25 receives the services at the treatment hospital. The areawide
26 treatment plan may also include a treatment hospital with

1 approved pediatric transfer.

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

21 If an approved pediatric health care facility is not open
22 24 hours a day, 7 days a week, it shall post signage at each
23 public entrance to its facility that:

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

25 (2) directs those seeking services as follows: "If
26 closed, call 911 for services or go to the closest

1 hospital emergency department, (insert name) located at
2 (insert address).";

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

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

6 (5) has a black background with white bold capital
7 lettering in a clear and easy to read font that is at least
8 72-point type, and with "call 911" in at least 125-point
9 type;

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

17 (7) has lighting that is part of the sign itself or is
18 lit with a dedicated light that fully illuminates the
19 sign.

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

23 (f) Memorandum of understanding with a rape crisis center
24 required. ~~(e)~~ Each treatment hospital, treatment hospital with
25 approved pediatric transfer, and approved pediatric health
26 care facility must enter into a memorandum of understanding

1 with a rape crisis center for medical advocacy services, if
2 these services are available to the treatment hospital,
3 treatment hospital with approved pediatric transfer, or
4 approved pediatric health care facility. With the consent of
5 the sexual assault survivor, a rape crisis counselor shall
6 remain in the exam room during the collection for forensic
7 evidence.

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

16 (h) Data reporting. ~~(e)~~ Each treatment hospital, treatment
17 hospital with approved pediatric transfer, and approved
18 pediatric health care facility shall submit to the Department
19 every 6 months, in a manner prescribed by the Department, the
20 following information:

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

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

25 (A) offered to (i) all acute sexual assault
26 survivors and (ii) pediatric acute sexual assault

1 survivors pursuant to paragraph (1.5) of subsection
2 (a-5) of Section 5;

3 (B) completed for (i) all acute sexual assault
4 survivors and (ii) pediatric acute sexual assault
5 survivors; and

6 (C) declined by (i) all acute sexual assault
7 survivors and (ii) pediatric acute sexual assault
8 survivors.

9 This information shall be made available on the
10 Department's website.

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

26 (i-2) TeleSANE plan requirements. If a sexual assault

1 treatment plan or areawide treatment plan includes the use of
2 a TeleSANE interactive telecommunications system, then the
3 plan submitted to the Department shall include, at minimum,
4 the following additional information:

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

15 (2) The plan shall indicate the number of trained
16 providers and distant site qualified medical providers who
17 have met the following training qualifications. Trained
18 providers must complete: (i) didactic training that has
19 been reviewed and approved by the SANE Program Coordinator
20 at the Attorney General's Office; and (ii) at least one
21 medical forensic examination precepted in-person by a
22 qualified medical provider prior to performing medical
23 forensic examinations using a TeleSANE interactive
24 telecommunications system. Training for both originating
25 and distant site health care professionals shall include
26 at least one mock medical forensic examination using the

1 TeleSANE interactive telecommunications system described
2 in the plan, even if the originating site provider is a
3 qualified medical provider. A mock examination for a
4 trained provider using the TeleSANE interactive
5 communications system must be precepted by a qualified
6 medical provider who attests to the trained provider's
7 ability to perform medical forensic examinations using the
8 TeleSANE interactive communications system. Hospitals and
9 approved pediatric health care facilities are responsible
10 for maintaining accurate records of each trained provider
11 and distant site qualified medical provider who is part of
12 their plan.

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

18 (4) The plan shall include protocols and policies to:
19 (i) maintain a secure network to host the TeleSANE
20 interactive telecommunications system; (ii) protect
21 patient privacy, including at the distant site; and (iii)
22 ensure that medical forensic examinations are not
23 recorded. Delivered services must adhere to all federal
24 and State privacy, security, and confidentiality laws,
25 rules, or regulations, including, but not limited to, the
26 Health Insurance Portability and Accountability Act of

1 1996 and the Mental Health and Developmental Disabilities
2 Confidentiality Act.

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

7 (6) A plan to educate the community, including local
8 law enforcement and rape crisis advocates, about medical
9 forensic examinations that use a TeleSANE interactive
10 telecommunications system.

11 (i-3) Approval of a TeleSANE plan. The Department shall
12 approve a sexual assault treatment plan or areawide sexual
13 assault treatment plan that includes the use of a TeleSANE
14 interactive telecommunications system if the following
15 requirements are met: (i) a hospital or approved pediatric
16 health care facility submits all information required under
17 subsection (i-2) of this Section, (ii) the Department finds
18 that the sexual assault treatment plan or areawide sexual
19 assault treatment plan complies with the applicable provisions
20 of the Telehealth Act, and (iii) implementation of the sexual
21 assault treatment plan or areawide sexual assault treatment
22 plan would provide appropriately precepted medical forensic
23 examinations for acute sexual assault survivors in accordance
24 with the requirements of this Act and rules adopted by the
25 Department.

26 (j) ~~(f)~~ This Section is effective on and after January 1,

1 2026.

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

3 (410 ILCS 70/5) (from Ch. 111 1/2, par. 87-5)

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

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

18 (a-2) Medical forensic examinations and related services.
19 ~~(a-5)~~ A treatment hospital, a treatment hospital with approved
20 pediatric transfer, or an approved pediatric health care
21 facility shall provide the following services in accordance
22 with subsections (a) ~~, and~~ (b) , and (c):

23 (1) Appropriate medical forensic examinations without
24 delay, in a private, age-appropriate or
25 developmentally-appropriate space, required to ensure the

1 health, safety, and welfare of a sexual assault survivor
2 and which may be used as evidence in a criminal proceeding
3 against a person accused of the sexual assault, in a
4 proceeding under the Juvenile Court Act of 1987, or in an
5 investigation under the Abused and Neglected Child
6 Reporting Act.

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

15 Records of medical forensic examinations of sexual
16 assault survivors under the age of 18 shall be retained by
17 the hospital for a period of 60 years after the sexual
18 assault survivor reaches the age of 18. Records of medical
19 forensic examinations of sexual assault survivors 18 years
20 of age or older shall be retained by the hospital for a
21 period of 20 years after the date the record was created.

22 Records of medical forensic examinations may only be
23 disseminated in accordance with Section 6.5 of this Act
24 and other State and federal law.

25 (2) ~~(1.5)~~ An offer to complete the Illinois State
26 Police Sexual Assault Evidence Collection Kit for any

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

23 (A) Appropriate oral and written information
24 concerning evidence-based guidelines for the
25 appropriateness of evidence collection depending on
26 the sexual development of the sexual assault survivor,

1 the type of sexual assault, and the timing of the
2 sexual assault shall be provided to the sexual assault
3 survivor.

4 The information required under this subparagraph
5 shall be provided to the sexual assault survivor by a
6 qualified medical provider either in person or via a
7 virtual or telephone consultation.

8 The written information provided shall be the
9 information created in accordance with Section 10 of
10 this Act.

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

15 (3) ~~(2)~~ Appropriate oral and written information
16 concerning the possibility of infection, sexually
17 transmitted infection, including an evaluation of the
18 sexual assault survivor's risk of contracting human
19 immunodeficiency virus (HIV) from sexual assault, and
20 pregnancy resulting from sexual assault.

21 (4) ~~(3)~~ Appropriate oral and written information
22 concerning accepted medical procedures, laboratory tests,
23 medication, and possible contraindications of such
24 medication available for the prevention or treatment of
25 infection or disease resulting from sexual assault.

26 (5) ~~(3.5)~~ After a medical evidentiary or physical

1 examination, access to a shower at no cost, unless
2 showering facilities are unavailable.

3 (6) ~~(4)~~ An amount of medication, including HIV
4 prophylaxis, for treatment at the hospital or approved
5 pediatric health care facility and after discharge as is
6 deemed appropriate by a ~~the attending~~ physician, an
7 advanced practice registered nurse, or a physician
8 assistant in accordance with the Centers for Disease
9 Control and Prevention guidelines and consistent with the
10 hospital's or approved pediatric health care facility's
11 current approved protocol for sexual assault survivors.

12 (7) ~~(5)~~ Photo documentation of the sexual assault
13 survivor's injuries, anatomy involved in the assault, or
14 other visible evidence on the sexual assault survivor's
15 body to supplement the medical forensic history and
16 written documentation of physical findings and evidence
17 beginning July 1, 2019. Photo documentation does not
18 replace written documentation of the injury.

19 (8) ~~(6)~~ Written and oral instructions indicating the
20 need for follow-up examinations and laboratory tests after
21 the sexual assault to determine the presence or absence of
22 sexually transmitted infection.

23 (9) ~~(7)~~ Referral by hospital or approved pediatric
24 health care facility personnel for appropriate counseling.

25 (10) ~~(8)~~ Medical advocacy services provided by a rape
26 crisis counselor whose communications are protected under

1 Section 8-802.1 of the Code of Civil Procedure, if there
2 is a memorandum of understanding between the hospital or
3 approved pediatric health care facility and a rape crisis
4 center. With the consent of the sexual assault survivor, a
5 rape crisis counselor shall remain in the exam room during
6 the medical forensic examination.

7 (11) ~~(9)~~ Written information regarding services
8 provided by a Children's Advocacy Center and rape crisis
9 center, if applicable.

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

17 (13) ~~(11)~~ Written information regarding the Illinois
18 State Police sexual assault evidence tracking system.

19 (a-3) 90 minute requirement for qualified medical
20 providers. ~~(a-7)~~ Every hospital with a treatment plan approved
21 by the Department and every approved pediatric health care
22 facility shall employ or contract with a qualified medical
23 provider to initiate a medical forensic examination to a
24 sexual assault survivor within 90 minutes of a concern arising
25 at the hospital or facility of acute sexual assault. The
26 provision of a medical forensic examination by a qualified

1 medical provider shall not delay the provision of life-saving
2 medical care.

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

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

19 (2) The sexual assault survivor is a minor and lacks
20 decisional capacity. If a minor sexual assault survivor
21 ~~under the age of 18~~ is unable to consent due to lack of
22 decisional capacity, the ~~to a~~ medical forensic
23 examination, ~~the examination~~ may be provided, with: (A)
24 ~~the consent of the survivor's parent, guardian, or health~~
25 ~~care power of attorney and with~~ the assent of the ~~sexual~~
26 ~~assault survivor,~~ and (B) consent given by one of the

1 following authorized decision makers:

2 (i) The survivor's parent.

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

11 (iii) The survivor's spouse.

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

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

22 (3) The sexual assault survivor is an adult and lacks
23 decisional capacity. If an adult sexual assault survivor
24 is unable to consent due to lack of decisional capacity, a
25 medical forensic examination, ~~the examination~~ may be
26 provided, with: (A) the assent of the survivor, and (B)

1 consent given by one of the following authorized decision
2 makers:

3 (i) The survivor's guardian.

4 (ii) The survivor's spouse.

5 (iii) The survivor's power of attorney for health
6 care.

7 If the survivor's guardian, spouse, or ~~consent of the~~
8 ~~survivor's guardian or health care~~ power of attorney for
9 health care, is unavailable or unwilling to consent, law
10 enforcement may obtain a search warrant pursuant to Article
11 108 of the Code of Criminal Procedure of 1963 directing that a
12 medical forensic examination, as defined in Section 1a, be
13 conducted ~~and~~ with the assent of the sexual assault survivor.

14 (b-2) Treatment of unconscious patients. Notwithstanding
15 any other provision of the law, a medical forensic examination
16 may be administered to an unconscious patient, without their
17 assent, if the following conditions are met: (i) the qualified
18 medical provider, in accordance with subsection (a),
19 determines there is reasonable suspicion of sexual assault;
20 (ii) consent cannot be obtained under the circumstances,
21 including when evidence may be lost; and (iii) based on the
22 clinical judgment of a qualified medical provider, in
23 accordance with subsection (a), the unconscious patient is not
24 expected to regain consciousness within the recommended window
25 for evidence collection for acute sexual assault. If these
26 conditions are met, written authorization for a medical

1 forensic examination to be performed on an unconscious patient
2 may be provided by a qualified medical provider and a second
3 health care professional, who may be a physician, advanced
4 practice registered nurse, or physician assistant.

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

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

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

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

22 (e) Limitation of physician-patient relationship after
23 discharge. ~~(e)~~ Nothing in this Section creates a
24 physician-patient relationship that extends beyond discharge
25 from the hospital or approved pediatric health care facility.

26 (f) Liability. Any health care professional or health care

1 institution, including any hospital or approved pediatric
2 health care facility, who, in good faith, acts with due care in
3 accordance with this Section is immune to: (i) any civil or
4 other claim based on lack of consent; (ii) any criminal
5 prosecution; or (iii) discipline for unprofessional conduct.

6 (g) ~~(d)~~ This Section is effective on and after January 1,
7 2024.

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

9 (410 ILCS 70/6.5)

10 Sec. 6.5. Written consent to the release of sexual assault
11 evidence for testing.

12 (a) Upon the completion of a medical forensic examination,
13 the health care professional providing the medical forensic
14 examination shall provide the patient the opportunity to sign
15 a written consent to allow law enforcement to submit the
16 sexual assault evidence for testing, if collected. The written
17 consent shall be on a form included in the sexual assault
18 evidence collection kit and posted on the Illinois State
19 Police website. The consent form shall include whether the
20 survivor consents to the release of information about the
21 sexual assault to law enforcement. A sexual assault survivor
22 who lacks decisional capacity cannot provide consent under
23 this Section.

24 (1) The sexual assault survivor is determined to have
25 decisional capacity. A sexual assault survivor who is

1 determined to have decisional capacity ~~A survivor 13 years~~
2 ~~of age or older~~ may sign the written consent to release the
3 evidence for testing.

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

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

25 (ii) a medical forensic examination was provided
26 to such minor;

1 (iii) such medical forensic examination resulted
2 in the collection of evidence from such minor which
3 could lead to the identification of the perpetrator of
4 the sexual assault or sexual abuse; and

5 (iv) reasonable efforts have been made to obtain
6 written consent for the release of said evidence from
7 a parent, guardian, spouse, or power of attorney for
8 health care, but they were unavailable or unwilling to
9 release the evidence for testing.

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

21 If a guardian, spouse, or power of attorney for health
22 care is unavailable or unwilling to release the
23 information, then a State's Attorney, acting in his or her
24 capacity to investigate or prosecute a violation of the
25 criminal laws of this state, or the Attorney General,
26 having assumed the role of criminal prosecutor for such

1 matters, may petition the court to authorize its release
2 for testing. Hearings on such petitions shall be ex parte
3 and not require notice to, nor the appearance in court, of
4 any other party. Any such petition shall state why there
5 is reasonable suspicion to believe that:

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

8 (ii) a medical forensic examination was provided
9 to such sexual assault survivor;

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

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

22 (b) With the exception of willful or wanton misconduct,
23 any ~~(4)~~ Any health care professional or health care
24 institution, including any hospital or approved pediatric
25 health care facility, who provides evidence or information to
26 a law enforcement officer under a written consent as specified

1 in this Section is immune from any civil, ~~or~~ professional, or
2 other liability or actions that might arise from those
3 actions, ~~with the exception of willful or wanton misconduct.~~
4 The immunity provision applies only if all of the requirements
5 of this Section are met.

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

9 (d) ~~(e)~~ If a written consent to allow law enforcement to
10 hold the sexual assault evidence is signed at the completion
11 of the medical forensic examination, the hospital or approved
12 pediatric health care facility shall include the following
13 information in its discharge instructions:

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

18 (2) a person authorized to consent to the testing of
19 the sexual assault evidence may sign a written consent to
20 allow law enforcement to test the sexual assault evidence
21 at any time during that 10-year period for an adult
22 victim, or until a minor victim turns 28 years of age by

23 (A) contacting the law enforcement agency having
24 jurisdiction, or if unknown, the law enforcement agency
25 contacted by the hospital or approved pediatric health
26 care facility under Section 3.2 of the Criminal

1 Identification Act; or (B) by working with an advocate at
2 a rape crisis center;

3 (3) the name, address, and phone number of the law
4 enforcement agency having jurisdiction, or if unknown the
5 name, address, and phone number of the law enforcement
6 agency contacted by the hospital or approved pediatric
7 health care facility under Section 3.2 of the Criminal
8 Identification Act; and

9 (4) the name and phone number of a local rape crisis
10 center.

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

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

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

16 (705 ILCS 405/5-905)

17 Sec. 5-905. Law enforcement records.

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

24 (a) A judge of the circuit court and members of the

1 staff of the court designated by the judge;

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

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

13 (d) Adult and Juvenile Prisoner Review Boards;

14 (e) Authorized military personnel;

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

21 (g) Individuals responsible for supervising or
22 providing temporary or permanent care and custody of
23 minors pursuant to orders of the juvenile court or
24 directives from officials of the Department of Children
25 and Family Services or the Department of Human Services
26 who certify in writing that the information will not be

1 disclosed to any other party except as provided under law
2 or order of court;

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

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

18 (i) any violation of Article 24 of the
19 Criminal Code of 1961 or the Criminal Code of
20 2012;

21 (ii) a violation of the Illinois Controlled
22 Substances Act;

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

24 (iv) a forcible felony as defined in Section
25 2-8 of the Criminal Code of 1961 or the Criminal
26 Code of 2012;

1 (v) a violation of the Methamphetamine Control
2 and Community Protection Act;

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

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

6 (viii) a violation of Section 12-1, 12-2,
7 12-3, 12-3.05, 12-3.1, 12-3.2, 12-3.4, 12-3.5,
8 12-5, 12-7.3, 12-7.4, 12-7.5, 25-1, or 25-5 of the
9 Criminal Code of 1961 or the Criminal Code of
10 2012.

11 The information derived from the law enforcement
12 records shall be kept separate from and shall not
13 become a part of the official school record of that
14 child and shall not be a public record. The
15 information shall be used solely by the appropriate
16 school official or officials whom the school has
17 determined to have a legitimate educational or safety
18 interest to aid in the proper rehabilitation of the
19 child and to protect the safety of students and
20 employees in the school. If the designated law
21 enforcement and school officials deem it to be in the
22 best interest of the minor, the student may be
23 referred to in-school or community based social
24 services if those services are available.
25 "Rehabilitation services" may include interventions by
26 school support personnel, evaluation for eligibility

1 for special education, referrals to community-based
2 agencies such as youth services, behavioral healthcare
3 service providers, drug and alcohol prevention or
4 treatment programs, and other interventions as deemed
5 appropriate for the student.

6 (B) Any information provided to appropriate school
7 officials whom the school has determined to have a
8 legitimate educational or safety interest by local law
9 enforcement officials about a minor who is the subject
10 of a current police investigation that is directly
11 related to school safety shall consist of oral
12 information only, and not written law enforcement
13 records, and shall be used solely by the appropriate
14 school official or officials to protect the safety of
15 students and employees in the school and aid in the
16 proper rehabilitation of the child. The information
17 derived orally from the local law enforcement
18 officials shall be kept separate from and shall not
19 become a part of the official school record of the
20 child and shall not be a public record. This
21 limitation on the use of information about a minor who
22 is the subject of a current police investigation shall
23 in no way limit the use of this information by
24 prosecutors in pursuing criminal charges arising out
25 of the information disclosed during a police
26 investigation of the minor. For purposes of this

1 paragraph, "investigation" means an official
2 systematic inquiry by a law enforcement agency into
3 actual or suspected criminal activity;

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

15 (j) Victims and their attorneys, except in cases of
16 multiple minor victims or multiple victims of sex offenses
17 in which case the information identifying the
18 nonrequesting victims shall be redacted.

19 (2) Information identifying victims and alleged victims of
20 sex offenses, shall not be disclosed or open to public
21 inspection under any circumstances. Nothing in this Section
22 shall prohibit the victim or alleged victim of any sex offense
23 from voluntarily disclosing this identity.

24 (2.5) If the minor is a victim of aggravated battery,
25 battery, attempted first degree murder, or other non-sexual
26 violent offense, the identity of the victim may be disclosed

1 to appropriate school officials, for the purpose of preventing
2 foreseeable future violence involving minors, by a local law
3 enforcement agency pursuant to an agreement established
4 between the school district and a local law enforcement agency
5 subject to the approval by the presiding judge of the juvenile
6 court.

7 (3) Relevant information, reports and records shall be
8 made available to the Department of Juvenile Justice when a
9 juvenile offender has been placed in the custody of the
10 Department of Juvenile Justice.

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

18 (5) The records of law enforcement officers, or of an
19 independent agency created by ordinance and charged by a unit
20 of local government with the duty of investigating the conduct
21 of law enforcement officers, concerning all minors under 18
22 years of age must be maintained separate from the records of
23 adults and may not be open to public inspection or their
24 contents disclosed to the public except by order of the court
25 or when the institution of criminal proceedings has been
26 permitted under Section 5-130 or 5-805 or required under

1 Section 5-130 or 5-805 or such a person has been convicted of a
2 crime and is the subject of pre-sentence investigation or when
3 provided by law.

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

24 (7) Nothing contained in this Section shall prohibit law
25 enforcement agencies when acting in their official capacity
26 from communicating with each other by letter, memorandum,

1 teletype or intelligence alert bulletin or other means the
2 identity or other relevant information pertaining to a person
3 under 18 years of age. The information provided under this
4 subsection (7) shall remain confidential and shall not be
5 publicly disclosed, except as otherwise allowed by law.

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

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

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

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

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

20 (725 ILCS 120/3) (from Ch. 38, par. 1403)

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

23 (a) "Crime victim" or "victim" means: (1) any natural
24 person determined by the prosecutor or the court to have

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

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

24 (a-3) "Advocate" means a person whose communications with
25 the victim are privileged under Section 8-802.1 or 8-802.2 of
26 the Code of Civil Procedure, or Section 227 of the Illinois

1 Domestic Violence Act of 1986.

2 (a-5) "Confer" means to consult together, share
3 information, compare opinions and carry on a discussion or
4 deliberation.

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

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

19 (a-9) "Sentencing" includes, but is not limited to, the
20 imposition of sentence and a request for a reduction in
21 sentence, parole, mandatory supervised release, aftercare
22 release, early release, consideration of inpatient treatment
23 or outpatient treatment, or conditional release after a
24 finding that the defendant is not guilty by reason of
25 insanity.

26 (a-10) "Status hearing" means a hearing designed to

1 provide information to the court, at which no motion of a
2 substantive nature and no constitutional or statutory right of
3 a crime victim is implicated or at issue.

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

9 (c) "Violent crime" means: (1) any felony in which force
10 or threat of force was used against the victim; (2) any offense
11 involving sexual exploitation, sexual conduct, or sexual
12 penetration; (3) a violation of Section 11-20.1, 11-20.1B,
13 11-20.3, 11-23, or 11-23.5 of the Criminal Code of 1961 or the
14 Criminal Code of 2012; (4) domestic battery or stalking; (5)
15 violation of an order of protection, a civil no contact order,
16 or a stalking no contact order; (6) any misdemeanor which
17 results in death or great bodily harm to the victim; or (7) any
18 violation of Section 9-3 of the Criminal Code of 1961 or the
19 Criminal Code of 2012, or Section 11-501 of the Illinois
20 Vehicle Code, or a similar provision of a local ordinance, if
21 the violation resulted in personal injury or death. "Violent
22 crime" includes any action committed by a juvenile that would
23 be a violent crime if committed by an adult. For the purposes
24 of this paragraph, "personal injury" shall include any Type A
25 injury as indicated on the traffic crash report completed by a
26 law enforcement officer that requires immediate professional

1 attention in either a doctor's office or medical facility. A
2 type A injury shall include severely bleeding wounds,
3 distorted extremities, and injuries that require the injured
4 party to be carried from the scene.

5 (d) (Blank).

6 (e) "Court proceedings" includes, but is not limited to,
7 the preliminary hearing, any post-arraignment hearing the
8 effect of which may be the release of the defendant from
9 custody or to alter the conditions of pretrial release,
10 including determinations made under subsection (g) or (j) of
11 Section 110-6 of the Code of Criminal Procedure of 1963,
12 change of plea hearing, the trial, any pretrial or post-trial
13 hearing, sentencing, any oral argument or hearing before an
14 Illinois appellate court, any hearing under the Mental Health
15 and Developmental Disabilities Code or Section 5-2-4 of the
16 Unified Code of Corrections after a finding that the defendant
17 is not guilty by reason of insanity, including a hearing for
18 conditional release, any hearing related to a modification of
19 sentence, probation revocation hearing, aftercare release or
20 parole hearings, post-conviction relief proceedings, habeas
21 corpus proceedings and clemency proceedings related to the
22 defendant's conviction or sentence. For purposes of the
23 victim's right to be present, "court proceedings" does not
24 include (1) grand jury proceedings, (2) status hearings, or
25 (3) the issuance of an order or decision of an Illinois court
26 that dismisses a charge, reverses a conviction, reduces a

1 sentence, or releases an offender under a court rule.

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

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

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

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

15 (725 ILCS 120/4)

16 Sec. 4. Rights of crime victims.

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

18 (1) The right to be treated with fairness and respect
19 for their dignity and privacy and to be free from
20 harassment, intimidation, and abuse throughout the
21 criminal justice process.

22 (1.1) (Blank). ~~When a person reports being a crime~~
23 ~~victim as defined in Section 3, the right to be treated~~
24 ~~with fairness and respect during the investigatory~~
25 ~~process, including the right to be free from deception,~~

1 ~~which is the knowing communication of false facts about~~
2 ~~evidence.~~

3 (1.5) The right to notice and to a hearing before a
4 court ruling on a request for access to any of the victim's
5 records, information, or communications which are
6 privileged or confidential by law.

7 (1.6) (Blank). ~~Except as otherwise provided in Section~~
8 ~~9.5 of the Criminal Identification Act or Section 3-3013~~
9 ~~of the Counties Code, whenever a person's DNA profile is~~
10 ~~collected due to the person being a victim of a crime, as~~
11 ~~identified by law enforcement, that specific profile~~
12 ~~collected in conjunction with that criminal investigation~~
13 ~~shall not be entered into any DNA database. Nothing in~~
14 ~~this paragraph (1.6) shall be interpreted to contradict~~
15 ~~rules and regulations developed by the Federal Bureau of~~
16 ~~Investigation relating to the National DNA Index System or~~
17 ~~Combined DNA Index System.~~

18 (2) The right to timely notification of all court
19 proceedings. Timely notification shall include 7 days'
20 notice of all court proceedings.

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

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

26 (5) The right to be notified of the conviction, the

1 sentence, the imprisonment, and the release of the
2 accused.

3 (6) The right to the timely disposition of the case
4 following the arrest of the accused.

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

7 (7.5) The right to have the safety of the victim and
8 the victim's family considered in determining whether to
9 release the defendant and setting conditions of release
10 after arrest and conviction.

11 (8) The right to be present at the trial and all other
12 court proceedings on the same basis as the accused, unless
13 the victim is to testify and the court determines that the
14 victim's testimony would be materially affected if the
15 victim hears other testimony at the trial.

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

20 (10) The right to restitution.

21 (b) Any law enforcement agency that investigates an
22 offense committed in this State shall provide a crime victim
23 with a written statement and explanation of the rights of
24 crime victims under Public Act 99-413 ~~this amendatory Act of~~
25 ~~the 99th General Assembly~~ within 48 hours of law enforcement's
26 initial contact with a victim. The statement shall include

1 information about crime victim compensation, including how to
2 contact the Office of the Illinois Attorney General to file a
3 claim, and appropriate referrals to local and State programs
4 that provide victim services. The content of the statement
5 shall be provided to law enforcement by the Attorney General.
6 Law enforcement shall also provide a crime victim with a
7 sign-off sheet that the victim shall sign and date as an
8 acknowledgement that he or she has been furnished with
9 information and an explanation of the rights of crime victims
10 and compensation set forth in this Act.

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

18 (c) The Clerk of the Circuit Court shall post the rights of
19 crime victims set forth in Article I, Section 8.1(a) of the
20 Illinois Constitution and subsection (a) of this Section
21 within 3 feet of the door to any courtroom where criminal
22 proceedings are conducted. The clerk may also post the rights
23 in other locations in the courthouse.

24 (d) At any point, the victim has the right to retain a
25 victim's attorney who may be present during all stages of any
26 interview, investigation, or other interaction with

1 representatives of the criminal justice system. Treatment of
2 the victim should not be affected or altered in any way as a
3 result of the victim's decision to exercise this right.

4 (Source: P.A. 103-792, eff. 1-1-25; 104-173, eff. 1-1-26;
5 104-326, eff. 1-1-26; revised 11-21-25.)

6 (725 ILCS 120/4.5)

7 Sec. 4.5. Procedures to implement the rights of crime
8 victims. To afford crime victims their rights, law
9 enforcement, prosecutors, judges, and corrections will provide
10 information, as appropriate, of the following procedures:

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

18 When a person reports being a crime victim, as defined in
19 Section 3, the person shall have the right to be treated with
20 fairness and respect during the investigatory process,
21 including the right to be free from deception, which is the
22 knowing communication of false facts about evidence.

23 (a-5) When law enforcement authorities reopen a closed
24 case to resume investigating, they shall provide notice of the
25 reopening of the case, except where the State's Attorney

1 determines that disclosure of such information would
2 unreasonably interfere with the investigation.

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

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

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

20 (2) shall provide 7 days' notice of the date, time,
21 expected purpose, and place of court proceedings; of any
22 change in the date, time, expected purpose, and place of
23 court proceedings; and of any cancellation of court
24 proceedings. For preliminary hearings and hearings
25 regarding pretrial release or that alter the conditions of
26 pretrial release only, if giving the victim 7 days' notice

1 is impossible, fewer days may be timely, so long as the
2 notice is provided as soon as practicable and in advance
3 of the proceeding. Notice shall be provided in sufficient
4 time, wherever possible, for the victim to make
5 arrangements to attend or to prevent an unnecessary
6 appearance at court proceedings;

7 (3) or victim advocate personnel shall provide
8 information of social services and financial assistance
9 available for victims of crime, including information of
10 how to apply for these services and assistance;

11 (3.5) or victim advocate personnel shall provide
12 information about available victim services, including
13 referrals to programs, counselors, and agencies that
14 assist a victim to deal with trauma, loss, and grief;

15 (4) shall assist in having any stolen or other
16 personal property held by law enforcement authorities for
17 evidentiary or other purposes returned as expeditiously as
18 possible, pursuant to the procedures set out in Section
19 115-9 of the Code of Criminal Procedure of 1963;

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

25 (6) shall provide, whenever possible, a secure waiting
26 area during court proceedings that does not require

1 victims to be in close proximity to defendants or
2 juveniles accused of a violent crime, and their families
3 and friends;

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

10 (8) (blank);

11 (8.5) shall inform the victim of the right to be
12 present at all court proceedings, unless the victim is to
13 testify and the court determines that the victim's
14 testimony would be materially affected if the victim hears
15 other testimony at trial;

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

20 (9.3) shall inform the victim of the right to retain
21 an attorney, at the victim's own expense, who, upon
22 written notice filed with the clerk of the court and
23 State's Attorney, is to receive copies of all notices,
24 motions, and court orders filed thereafter in the case, in
25 the same manner as if the victim were a named party in the
26 case;

1 (9.5) shall inform the victim of (A) the victim's
2 right under Section 6 of this Act to make a statement at
3 the sentencing hearing; (B) the right of the victim's
4 spouse, guardian, parent, grandparent, and other immediate
5 family and household members under Section 6 of this Act
6 to present a statement at sentencing; and (C) if a
7 presentence report is to be prepared, the right of the
8 victim's spouse, guardian, parent, grandparent, and other
9 immediate family and household members to submit
10 information to the preparer of the presentence report
11 about the effect the offense has had on the victim and the
12 person;

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

20 (11) shall request restitution at sentencing and as
21 part of a plea agreement if the victim requests
22 restitution;

23 (12) shall, upon the court entering a verdict of not
24 guilty by reason of insanity, inform the victim of the
25 notification services available from the Department of
26 Human Services, including the statewide telephone number,

1 under subparagraph (d) (2) of this Section;

2 (13) shall provide notice within a reasonable time
3 after receipt of notice from the custodian, of the release
4 of the defendant on pretrial release or personal
5 recognizance or the release from detention of a minor who
6 has been detained;

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

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

24 (16) shall provide notice of the ultimate disposition
25 of the cases arising from an indictment or an information,
26 or a petition to have a juvenile adjudicated as a

1 delinquent for a violent crime;

2 (17) shall provide notice of any appeal taken by the
3 defendant and information on how to contact the
4 appropriate agency handling the appeal, and how to request
5 notice of any hearing, oral argument, or decision of an
6 appellate court;

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

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

19 (20) shall, within a reasonable time, offer to meet
20 with the crime victim regarding the decision of the
21 State's Attorney not to charge an offense, and shall meet
22 with the victim, if the victim agrees. The victim has a
23 right to have an attorney, advocate, and other support
24 person of the victim's choice attend this meeting with the
25 victim; and

26 (21) shall give the crime victim timely notice of any

1 decision not to pursue charges and consider the safety of
2 the victim when deciding how to give such notice.

3 (c) The court shall ensure that the rights of the victim
4 are afforded.

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

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

19 (2) Victim's retained attorney. A victim's attorney
20 shall file an entry of appearance limited to assertion of
21 the victim's rights. Upon the filing of the entry of
22 appearance and service on the State's Attorney and the
23 defendant, the attorney is to receive copies of all
24 notices, motions and court orders filed thereafter in the
25 case.

26 (3) Standing. The victim has standing to assert the

1 rights enumerated in subsection (a) of Article I, Section
2 8.1 of the Illinois Constitution and the statutory rights
3 under ~~Section 4~~ of this Act in any court exercising
4 jurisdiction over the criminal case. The prosecuting
5 attorney, a victim, or the victim's retained attorney may
6 assert the victim's rights. The defendant in the criminal
7 case has no standing to assert a right of the victim in any
8 court proceeding, including on appeal.

9 (4) Assertion of and enforcement of rights.

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

23 (B) If the prosecuting attorney elects not to
24 assert a victim's right or to seek enforcement of a
25 right, the victim or the victim's attorney may assert
26 the victim's right or request enforcement of a right

1 by filing a motion or by orally asserting the right or
2 requesting enforcement in open court in the criminal
3 case outside the presence of the jury.

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

22 (D) The court shall take up and decide any motion
23 or request asserting or seeking enforcement of a
24 victim's right without delay, unless a specific time
25 period is specified by law or court rule. The reasons
26 for any decision denying the motion or request shall

1 be clearly stated on the record.

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

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

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

18 (iii) have the authority to make
19 recommendations to employees and offices of the
20 State of Illinois to respond more effectively to
21 the needs of crime victims, including regarding
22 the violation of the rights of a crime victim.

23 (F) Crime victims' rights may also be asserted by
24 filing a complaint for mandamus, injunctive, or
25 declaratory relief in the jurisdiction in which the
26 victim's right is being violated or where the crime is

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

15 (5) Violation of rights and remedies.

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

22 (A-5) Consideration of an issue of a substantive
23 nature or an issue that implicates the constitutional
24 or statutory right of a victim at a court proceeding
25 labeled as a status hearing shall constitute a per se
26 violation of a victim's right.

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

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

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

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

23 (7) Right to attend trial.

24 (A) A party must file a written motion to exclude a
25 victim from trial at least 60 days prior to the date
26 set for trial. The motion must state with specificity

1 the reason exclusion is necessary to protect a
2 constitutional right of the party, and must contain an
3 offer of proof. The court shall rule on the motion
4 within 30 days. If the motion is granted, the court
5 shall set forth on the record the facts that support
6 its finding that the victim's testimony will be
7 materially affected if the victim hears other
8 testimony at trial.

9 (B) A victim, as defined in Section 3, shall not be
10 excluded from any part of the trial unless the
11 procedure in subparagraph (A) of this paragraph (7)
12 was timely followed.

13 (8) Right to have advocate and support person present
14 at court proceedings.

15 (A) A party who intends to call an advocate as a
16 witness at trial must seek permission of the court
17 before the subpoena is issued. The party must file a
18 written motion at least 90 days before trial that sets
19 forth specifically the issues on which the advocate's
20 testimony is sought and an offer of proof regarding
21 (i) the content of the anticipated testimony of the
22 advocate; and (ii) the relevance, admissibility, and
23 materiality of the anticipated testimony. The court
24 shall consider the motion and make findings within 30
25 days of the filing of the motion. If the court finds by
26 a preponderance of the evidence that: (i) the

1 anticipated testimony is not protected by an absolute
2 privilege; and (ii) the anticipated testimony contains
3 relevant, admissible, and material evidence that is
4 not available through other witnesses or evidence, the
5 court shall issue a subpoena requiring the advocate to
6 appear to testify at an in camera hearing. The
7 prosecuting attorney and the victim shall have 15 days
8 to seek appellate review before the advocate is
9 required to testify at an ex parte in camera
10 proceeding.

11 The prosecuting attorney, the victim, and the
12 advocate's attorney shall be allowed to be present at
13 the ex parte in camera proceeding. If, after
14 conducting the ex parte in camera hearing, the court
15 determines that due process requires any testimony
16 regarding confidential or privileged information or
17 communications, the court shall provide to the
18 prosecuting attorney, the victim, and the advocate's
19 attorney a written memorandum on the substance of the
20 advocate's testimony. The prosecuting attorney, the
21 victim, and the advocate's attorney shall have 15 days
22 to seek appellate review before a subpoena may be
23 issued for the advocate to testify at trial. The
24 presence of the prosecuting attorney at the ex parte
25 in camera proceeding does not make the substance of
26 the advocate's testimony that the court has ruled

1 inadmissible subject to discovery.

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

18 If the prosecuting attorney intends to call the
19 support person as a witness during the State's
20 case-in-chief, the prosecuting attorney shall inform
21 the court of this intent in the response to the
22 defendant's written motion. The victim may choose a
23 different person to be the victim's support person.
24 The court may allow the defendant to inquire about
25 matters outside the scope of the direct examination
26 during cross-examination. If the court allows the

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

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

18 If the prosecuting attorney does not intend to
19 call the support person in the State's case-in-chief,
20 the court shall verify with the support person whether
21 the support person, if called as a witness, would
22 testify as set forth in the offer of proof. If the
23 court finds that the support person would testify as
24 set forth in the offer of proof, the court shall rule
25 on the relevance, materiality, and admissibility of
26 the anticipated testimony. If the court rules the

1 anticipated testimony is admissible, the court shall
2 issue the subpoena. The support person may remain in
3 the courtroom after the support person testifies and
4 shall be allowed to testify in rebuttal.

5 If the court excludes the victim's support person
6 during the State's case-in-chief, the victim shall be
7 allowed to choose another support person to be present
8 in court.

9 If the victim fails to designate a support person
10 within 60 days of trial and the defendant has
11 subpoenaed the support person to testify at trial, the
12 court may exclude the support person from the trial
13 until the support person testifies. If the court
14 excludes the support person the victim may choose
15 another person as a support person.

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

18 (A) A defendant who seeks to subpoena testimony or
19 records of or concerning the victim that are
20 confidential or privileged by law must seek permission
21 of the court before the subpoena is issued. The
22 defendant must file a written motion and an offer of
23 proof regarding the relevance, admissibility and
24 materiality of the testimony or records. If the court
25 finds by a preponderance of the evidence that:

26 (i) the testimony or records are not protected

1 by an absolute privilege and

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

26 (B) A prosecuting attorney who seeks to subpoena

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

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

1 identified by law enforcement, that specific profile
2 collected in conjunction with that criminal investigation
3 shall not be entered into any DNA database. Nothing in
4 this paragraph (9.5) shall be interpreted to contradict
5 rules and regulations developed by the Federal Bureau of
6 Investigation relating to the National DNA Index System or
7 Combined DNA Index System.

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

25 (11) Right to timely disposition of the case. A victim
26 has the right to timely disposition of the case so as to

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

24 (12) Right to Restitution.

25 (A) If the victim has asserted the right to
26 restitution and the amount of restitution is known at

1 the time of sentencing, the court shall enter the
2 judgment of restitution at the time of sentencing.

3 (B) If the victim has asserted the right to
4 restitution and the amount of restitution is not known
5 at the time of sentencing, the prosecutor shall,
6 within 5 days after sentencing, notify the victim what
7 information and documentation related to restitution
8 is needed and that the information and documentation
9 must be provided to the prosecutor within 45 days
10 after sentencing. Failure to timely provide
11 information and documentation related to restitution
12 shall be deemed a waiver of the right to restitution.
13 The prosecutor shall file and serve within 60 days
14 after sentencing a proposed judgment for restitution
15 and a notice that includes information concerning the
16 identity of any victims or other persons seeking
17 restitution, whether any victim or other person
18 expressly declines restitution, the nature and amount
19 of any damages together with any supporting
20 documentation, a restitution amount recommendation,
21 and the names of any co-defendants and their case
22 numbers. Within 30 days after receipt of the proposed
23 judgment for restitution, the defendant shall file any
24 objection to the proposed judgment, a statement of
25 grounds for the objection, and a financial statement.
26 If the defendant does not file an objection, the court

1 may enter the judgment for restitution without further
2 proceedings. If the defendant files an objection and
3 either party requests a hearing, the court shall
4 schedule a hearing.

5 (13) Access to presentence reports.

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

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

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

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

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

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

24 (D) The State's Attorney must advise the victim
25 that the victim must maintain the confidentiality of
26 the report and other information. Any dissemination of

1 the report or information that was not stated at a
2 court proceeding constitutes indirect criminal
3 contempt of court.

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

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

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

1 of 1963.

2 (d) Procedures after the imposition of sentence.

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

1 (1.5) The Prisoner Review Board shall notify a victim
2 of a prisoner's pardon, commutation of sentence, release
3 on furlough, or early release from State custody, if the
4 victim has previously requested that notification. The
5 notification shall be based upon the most recent
6 information available to the Board as to the victim's
7 residence or other location. The notification requirement
8 under this paragraph (1.5) is in addition to any
9 notification requirements under any other statewide victim
10 notification systems. The Board shall document its efforts
11 to provide the required notification if a victim alleges
12 lack of notification under this paragraph (1.5).

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

1 State's Attorney of each county.

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

20 (4) The victim of the crime for which the prisoner has
21 been sentenced has the right to register with the Prisoner
22 Review Board's victim registry. Victims registered with
23 the Board shall receive reasonable written notice not less
24 than 30 days prior to the parole hearing or target
25 aftercare release date. The victim has the right to submit
26 a victim statement for consideration by the Prisoner

1 Review Board or the Department of Juvenile Justice in
2 writing, on film, videotape, or other electronic means, or
3 in the form of a recording prior to the parole hearing or
4 target aftercare release date, or in person at the parole
5 hearing or aftercare release protest hearing, or by
6 calling the toll-free number established in subsection (f)
7 of this Section. The victim shall be notified within 7
8 days after the prisoner has been granted parole or
9 aftercare release and shall be informed of the right to
10 inspect the registry of parole decisions, established
11 under subsection (g) of Section 3-3-5 of the Unified Code
12 of Corrections. The provisions of this paragraph (4) are
13 subject to the Open Parole Hearings Act. Victim statements
14 provided to the Board shall be confidential and
15 privileged, including any statements received prior to
16 January 1, 2020 (the effective date of Public Act
17 101-288), except if the statement was an oral statement
18 made by the victim at a hearing open to the public.

19 (4-1) The crime victim, including any person who has
20 had a final, plenary, non-emergency, or emergency
21 protective order granted against the petitioner or parole
22 candidate under Article 112A of the Code of Criminal
23 Procedure of 1963, the Illinois Domestic Violence Act of
24 1986, the Stalking No Contact Order Act, or the Civil No
25 Contact Order Act, has the right to submit a victim
26 statement, in support or opposition, for consideration by

1 the Prisoner Review Board or the Department of Juvenile
2 Justice prior to or at a hearing to determine the
3 conditions of mandatory supervised release of a person
4 sentenced to a determinate sentence or at a hearing on
5 revocation of mandatory supervised release of a person
6 sentenced to a determinate sentence. A victim statement
7 may be submitted in writing, on film, videotape, or other
8 electronic means, or in the form of a recording, or orally
9 at a hearing, or by calling the toll-free number
10 established in subsection (f) of this Section. Victim
11 statements provided to the Board shall be confidential and
12 privileged, including any statements received prior to
13 January 1, 2020 (the effective date of Public Act
14 101-288), except if the statement was an oral statement
15 made by the victim at a hearing open to the public.

16 (4-2) The crime victim, including any person who has
17 had a final, plenary, non-emergency, or emergency
18 protective order granted against the petitioner or parole
19 candidate under Article 112A of the Code of Criminal
20 Procedure of 1963, the Illinois Domestic Violence Act of
21 1986, the Stalking No Contact Order Act, or the Civil No
22 Contact Order Act, has the right to submit a victim
23 statement, in support or opposition, to the Prisoner
24 Review Board for consideration at an executive clemency
25 hearing as provided in Section 3-3-13 of the Unified Code
26 of Corrections. A victim statement may be submitted in

1 writing, on film, videotape, or other electronic means, or
2 in the form of a recording prior to a hearing, or orally at
3 a hearing, or by calling the toll-free number established
4 in subsection (f) of this Section. Victim statements
5 provided to the Board shall be confidential and
6 privileged, including any statements received prior to
7 January 1, 2020 (the effective date of Public Act
8 101-288), except if the statement was an oral statement
9 made by the victim at a hearing open to the public.

10 (5) If a statement is presented under Section 6, the
11 Prisoner Review Board or Department of Juvenile Justice
12 shall inform the victim of any order of discharge pursuant
13 to Section 3-2.5-85 or 3-3-8 of the Unified Code of
14 Corrections.

15 (6) At the written or oral request of the victim of the
16 crime for which the prisoner was sentenced or the State's
17 Attorney of the county where the person seeking parole or
18 aftercare release was prosecuted, the Prisoner Review
19 Board or Department of Juvenile Justice shall notify the
20 victim and the State's Attorney of the county where the
21 person seeking parole or aftercare release was prosecuted
22 of the death of the prisoner if the prisoner died while on
23 parole or aftercare release or mandatory supervised
24 release.

25 (7) When a defendant who has been committed to the
26 Department of Corrections, the Department of Juvenile

1 Justice, or the Department of Human Services is released
2 or discharged and subsequently committed to the Department
3 of Human Services as a sexually violent person and the
4 victim had requested to be notified by the releasing
5 authority of the defendant's discharge, conditional
6 release, death, or escape from State custody, the
7 releasing authority shall provide to the Department of
8 Human Services such information that would allow the
9 Department of Human Services to contact the victim.

10 (8) When a defendant has been convicted of a sex
11 offense as defined in Section 2 of the Sex Offender
12 Registration Act and has been sentenced to the Department
13 of Corrections or the Department of Juvenile Justice, the
14 Prisoner Review Board or the Department of Juvenile
15 Justice shall notify the victim of the sex offense of the
16 prisoner's eligibility for release on parole, aftercare
17 release, mandatory supervised release, electronic
18 detention, work release, international transfer or
19 exchange, or by the custodian of the discharge of any
20 individual who was adjudicated a delinquent for a sex
21 offense from State custody and by the sheriff of the
22 appropriate county of any such person's final discharge
23 from county custody. The notification shall be made to the
24 victim at least 30 days, whenever possible, before release
25 of the sex offender.

26 (e) (Blank). ~~The officials named in this Section may~~

1 ~~satisfy some or all of their obligations to provide notices~~
2 ~~and other information through participation in a statewide~~
3 ~~victim and witness notification system established by the~~
4 ~~Attorney General under Section 8.5 of this Act.~~

5 (f) The Prisoner Review Board shall establish a toll-free
6 number that may be accessed by the crime victim to present a
7 victim statement to the Board in accordance with paragraphs
8 (4), (4-1), and (4-2) of subsection (d). The Prisoner Review
9 Board shall provide registered and identified victims with the
10 contact information for the State victim assistance hotline as
11 part of its process to obtain a victim witness statement and as
12 part of its notification.

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

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

18 (725 ILCS 120/8.5)

19 Sec. 8.5. Statewide victim and witness notification
20 system.

21 (a) The Attorney General may establish a crime victim and
22 witness notification system to assist public officials in
23 carrying out their duties to notify and inform crime victims
24 and witnesses under Section 4.5 of this Act or under
25 subsections (a), (a-2), and (a-3) of Section 120 of the Sex

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

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

1 ~~operation of the system.~~

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

14 (d) The provision of information to crime victims and
15 witnesses through the Attorney General's notification system
16 satisfies a given State or local official's corresponding
17 obligation to provide the information. ~~The provision of~~
18 ~~information to crime victims and witnesses through the~~
19 ~~Attorney General's notification system satisfies a given State~~
20 ~~or local official's corresponding obligation to provide the~~
21 ~~information.~~

22 (e) The Attorney General may provide for telephonic,
23 electronic, or other public access to the database established
24 under this Section. ~~The Attorney General may provide for~~
25 ~~telephonic, electronic, or other public access to the database~~
26 ~~established under this Section.~~

1 (f) (Blank).

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

10 ~~(1) The Committee shall consult with and advise the~~
11 ~~Attorney General as to the exercise of the Attorney~~
12 ~~General's authority under this Section, including, but not~~
13 ~~limited to:~~

14 ~~(i) the design, scope, and operation of the~~
15 ~~notification system;~~

16 ~~(ii) the content of any rules adopted to implement~~
17 ~~this Section;~~

18 ~~(iii) the procurement of hardware, software, and~~
19 ~~support for the system, including choice of supplier~~
20 ~~or operator; and~~

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

24 ~~(2) The Committee shall review the status and~~
25 ~~operation of the system and report any findings and~~
26 ~~recommendations for changes to the Attorney General and~~

1 ~~the General Assembly by November 1 of each year.~~

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

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

17 (i) (Blank). ~~The Attorney General shall conduct an~~
18 ~~internal review of the witness notification system to review~~
19 ~~timely notice to victims and witnesses throughout the State~~
20 ~~and shall make recommendations to the General Assembly for~~
21 ~~improvements in the procedures and technologies used in the~~
22 ~~system. The Attorney General shall submit the recommendations~~
23 ~~to the General Assembly on or before July 1, 2026.~~

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

25 Section 20. The Sexually Violent Persons Commitment Act is

1 amended by changing Section 75 as follows:

2 (725 ILCS 207/75)

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

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

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

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

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

14 (b) If the court places a civilly committed sexually
15 violent person on conditional release under Section 40 or 60
16 of this Act or discharges a person under Section 65, or if a
17 detainee or civilly committed sexually violent person escapes,
18 dies, or is subject to any court-ordered change in custody
19 status of the detainee or sexually violent person, the
20 Department shall make a reasonable attempt, if he or she can be
21 found, to notify all of the following who have requested
22 notification under this Act or under the Rights of Crime
23 Victims and Witnesses Act and may utilize the statewide victim
24 and witness notification system to notify:

25 (1) Whichever of the following persons is appropriate

1 in accordance with the provisions of subsection (a) (3):

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

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

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

7 (2) The Department of Corrections or the Department of
8 Juvenile Justice.

9 (c) The notice under subsection (b) of this Section shall
10 inform the Department of Corrections or the Department of
11 Juvenile Justice and the person notified under paragraph
12 (b) (1) of this Section of the name of the person committed
13 under this Act and the date the person is placed on conditional
14 release, discharged, or if a detainee or civilly committed
15 sexually violent person escapes, dies, or is subject to any
16 court-ordered change in the custody status of the detainee or
17 sexually violent person. The Department shall send the notice,
18 postmarked within one business day of the court order
19 requiring the preparation of a conditional release plan under
20 paragraph (b) (3) of Section 40 or subsection (f) of Section 60
21 and another notice postmarked within one business day of the
22 court order approving the conditional release, discharge, or
23 any court-ordered change in the custody status of the detainee
24 or sexually violent person, unless unusual circumstances do
25 not permit advance written notification, or immediately if a
26 detainee or civilly committed sexually violent person escapes

1 or dies, to the Department of Corrections or the Department of
2 Juvenile Justice and the last-known address of the person
3 notified under paragraph (b) (1) of this Section.

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

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

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

1 (750 ILCS 61/10)

2 Sec. 10. Definitions. In this Act, unless the context
3 otherwise requires:

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

6 "Substitute address" means the address assigned to a
7 program participant by the Address Confidentiality Program.

8 ~~"Address" means a residential street address, school~~
9 ~~address, or work address of an individual, as specified on the~~
10 ~~individual's application to be a program participant under~~
11 ~~this Act.~~

12 "Program participant" means a person certified as a
13 program participant under this Act.

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

18 "Eligible person" means a person 18 years of age or older
19 who is the victim of domestic violence, sexual assault, human
20 trafficking, or stalking; the parent or guardian of a minor or
21 disabled adult who is a victim of domestic violence, sexual
22 assault, human trafficking, or stalking; or a household member
23 of a victim of domestic violence, sexual assault, human
24 trafficking, or stalking.

25 "Domestic violence" has the same meaning as in the

1 Illinois Domestic Violence Act of 1986 and includes a threat
2 of domestic violence against an individual in a domestic
3 situation, regardless of whether the domestic violence or
4 threat has been reported to law enforcement officers.

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

9 "Sexual assault" has the same meaning as sexual conduct or
10 sexual penetration as defined in the Civil No Contact Order
11 Act. "Sexual assault" includes a threat of sexual assault,
12 regardless of whether the sexual assault or threat has been
13 reported to law enforcement officers.

14 "Stalking" has the same meaning as in the Stalking No
15 Contact Order Act. "Stalking" includes a threat of stalking,
16 regardless of whether the stalking or threat has been reported
17 to law enforcement officers.

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

19 (750 ILCS 61/15)

20 Sec. 15. Address confidentiality program; application;
21 certification.

22 (a) An eligible applicant, as defined by this Section, ~~An~~
23 ~~adult person, a parent or guardian acting on behalf of a minor,~~
24 ~~or a guardian acting on behalf of a person with a disability,~~
25 ~~as defined in Article 11a of the Probate Act of 1975,~~ may apply

1 to the Attorney General to have an address designated by the
2 Attorney General serve as the person's address or the address
3 of the minor or person with a disability. The Attorney General
4 shall approve an application if it is filed in the manner and
5 on the form prescribed by him or her and if it contains:

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

16 (1.3) a sworn statement that the applicant fears for
17 the applicant's safety or the applicant's children's
18 safety, or the safety of the minor or person with a
19 disability on whose behalf the application is made, or the
20 safety of a household member;

21 (1.5) an explanation supporting the statements made
22 under subsections (1) and (1.3);

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

25 (3) an Illinois ~~a State~~ mailing address where the
26 applicant can be contacted by the Attorney General, and

1 the phone number or numbers where the applicant can be
2 called by the Attorney General;

3 (3.5) proof of an Illinois ~~a State~~ residential street
4 address where the applicant resides or a signed statement
5 affirming the applicant's status as homeless in Illinois
6 indicating that the applicant will be moving to an
7 Illinois residential street address within 30 days ~~this~~
8 ~~State~~;

9 (4) the new Illinois residential street address
10 "confidential address" ~~address or addresses~~ that the
11 applicant requests not be disclosed for the reason that
12 disclosure will increase the risk of domestic violence,
13 sexual assault, human trafficking, or stalking; and

14 (5) the signature of the applicant and of any
15 individual or representative of any office designated in
16 writing under Section 40 of this Act who assisted in the
17 preparation of the application, and the date on which the
18 applicant signed the application.

19 (a-1) For applicants applying on behalf of a minor or
20 person with a disability, the Attorney General may request
21 proof of guardianship, as defined in Article 11a of the
22 Probate Act of 1975, or proof of legal custody, as defined in
23 Section 10-20.12b of the School Code, before certifying a
24 minor or person with a disability as a program participant.

25 (b) Applications shall be filed with the office of the
26 Attorney General.

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

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

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

19 (750 ILCS 61/20)

20 Sec. 20. Certification cancellation.

21 (a) If the program participant obtains a legal change of
22 identity to a new, unassociated name ~~a name change,~~ the
23 applicant loses ~~he or she loses~~ certification as a program
24 participant.

25 (b) The Attorney General may cancel a program

1 participant's certification if:

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

9 (2) mail forwarded by the Attorney General to the
10 program participant's confidential address is returned as
11 nondeliverable;

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

14 (4) a program participant is unable or unwilling to
15 maintain the confidentiality of the program participant's
16 confidential address;

17 (5) a program participant fails to respond to the
18 program's request for verification of the participant's
19 residential address within 7 days; or

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

22 (c) A person whose certification is cancelled for any
23 reason listed in subsections (a) or (b) may reapply to the
24 program at any time after the person's certification has been
25 cancelled. ~~The Attorney General may cancel certification of a~~
26 ~~program participant if mail forwarded by the Attorney General~~

1 ~~to the program participant's address is returned as~~
2 ~~nondeliverable.~~

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

5 (e) If a program participant loses certification or the
6 certification is cancelled, mail addressed to the former
7 program participant must be returned to the sender.

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

9 (750 ILCS 61/25)

10 Sec. 25. Agency use of designated address.

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

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

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

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

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

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

9 (750 ILCS 61/30)

10 Sec. 30. Voting by program participant; use of designated
11 address by election authority.

12 (a) A program participant who is otherwise qualified to
13 vote may register to vote by submitting an Illinois Address
14 Confidentiality Program Voter Registration Application created
15 by the State Board of Elections to the appropriate election
16 authority. The State Board of Elections shall adopt rules to
17 ensure the integrity of the voting process and the
18 confidentiality of the program participant. Upon request, the
19 election authority shall transmit the vote by mail ballot to
20 the program participant at the address designated by the
21 participant in the applicant's ~~his or her~~ application. Neither
22 the name nor the address of a program participant shall be
23 included in any list of registered voters available to the
24 public.

25 (b) The election authority may not make the participant's

1 address contained in voter registration records available for
2 public inspection or copying except under the following
3 circumstances:

4 (1) if requested by a law enforcement agency, to the
5 law enforcement agency; and

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

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

9 (750 ILCS 61/35)

10 Sec. 35. Disclosure of address prohibited; exceptions. The
11 Attorney General may not make a program participant's
12 confidential address, ~~other than the address designated by the~~
13 ~~Attorney General,~~ available for inspection or copying, except
14 under the following circumstances:

15 (a) if requested by a law enforcement agency, to the
16 law enforcement agency;

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

19 (c) (blank).

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

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

24 (750 ILCS 61/40)

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

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

11 Section 99. Effective date. This Act takes effect January
12 1, 2027, except as follows: (i) the changes to Section 2 of the
13 Sexual Assault Survivors Emergency Treatment Act take effect
14 June 1, 2027; (ii) the changes to Section 8.5 of the Rights of
15 Crime Victims and Witnesses Act take effect July 1, 2026; and
16 (iii) this Section takes effect July 1, 2026.