

**SB3834**



**104TH GENERAL ASSEMBLY**

**State of Illinois**

**2025 and 2026**

**SB3834**

Introduced 2/6/2026, by Sen. Elgie R. Sims, Jr.

**SYNOPSIS AS INTRODUCED:**

725 ILCS 5/106B-5

Amends the Code of Criminal Procedure of 1963. Deletes provision that there is a rebuttable presumption that the testimony of a victim who is a child under 13 years of age shall testify outside the courtroom and the child's testimony shall be shown in the courtroom by means of a closed circuit television. Deletes that the presumption may be overcome if the defendant can prove by clear and convincing evidence that the child victim will not suffer severe emotional distress. Provides that if the court denies the State's request for the child victim's testimony to be taken outside of the courtroom, the court shall toll the speedy trial requirements under the speedy trial provisions of the Code for 30 days to allow the State to present the motion to the court again before trial requesting the child's testimony to be taken outside the courtroom by means of a closed-circuit television.

LRB104 19030 RLC 32475 b

**A BILL FOR**

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 Code of Criminal Procedure of 1963 is  
5 amended by changing Section 106B-5 as follows:

6 (725 ILCS 5/106B-5)

7 Sec. 106B-5. Testimony by a victim who is a child or a  
8 person with a moderate, severe, or profound intellectual  
9 disability or a person affected by a developmental disability.

10 (a) In a proceeding in the prosecution of an offense of  
11 criminal sexual assault, predatory criminal sexual assault of  
12 a child, aggravated criminal sexual assault, criminal sexual  
13 abuse, aggravated criminal sexual abuse, aggravated battery,  
14 or aggravated domestic battery, trafficking in persons,  
15 involuntary servitude, or involuntary sexual servitude of a  
16 minor, a court may order that the testimony of a victim who is  
17 a child under the age of 18 years or a person with a moderate,  
18 severe, or profound intellectual disability or a person  
19 affected by a developmental disability be taken outside the  
20 courtroom and shown in the courtroom by means of a closed  
21 circuit television if:

- 22 (1) the testimony is taken during the proceeding; and  
23 (2) the judge determines that testimony by the child

1 victim or victim with a moderate, severe, or profound  
2 intellectual disability or victim affected by a  
3 developmental disability in the courtroom will result in  
4 the child or person with a moderate, severe, or profound  
5 intellectual disability or person affected by a  
6 developmental disability suffering serious emotional  
7 distress such that the child or person with a moderate,  
8 severe, or profound intellectual disability or person  
9 affected by a developmental disability cannot reasonably  
10 communicate or that the child or person with a moderate,  
11 severe, or profound intellectual disability or person  
12 affected by a developmental disability will suffer severe  
13 emotional distress that is likely to cause the child or  
14 person with a moderate, severe, or profound intellectual  
15 disability or person affected by a developmental  
16 disability to suffer severe adverse effects.

17 (b) Only the prosecuting attorney, the attorney for the  
18 defendant, and the judge may question the child or person with  
19 a moderate, severe, or profound intellectual disability or  
20 person affected by a developmental disability.

21 (c) The operators of the closed circuit television shall  
22 make every effort to be unobtrusive.

23 (d) Only the following persons may be in the room with the  
24 child or person with a moderate, severe, or profound  
25 intellectual disability or person affected by a developmental  
26 disability when the child or person with a moderate, severe,

1 or profound intellectual disability or person affected by a  
2 developmental disability testifies by closed circuit  
3 television:

4 (1) the prosecuting attorney;

5 (2) the attorney for the defendant;

6 (3) the judge;

7 (4) the operators of the closed circuit television  
8 equipment; and

9 (5) any person or persons whose presence, in the  
10 opinion of the court, contributes to the well-being of the  
11 child or person with a moderate, severe, or profound  
12 intellectual disability or person affected by a  
13 developmental disability, including a person who has dealt  
14 with the child in a therapeutic setting concerning the  
15 abuse, a parent or guardian of the child or person with a  
16 moderate, severe, or profound intellectual disability or  
17 person affected by a developmental disability, and court  
18 security personnel.

19 (e) During the child's or person with a moderate, severe,  
20 or profound intellectual disability or person affected by a  
21 developmental disability's testimony by closed circuit  
22 television, the defendant shall be in the courtroom and shall  
23 not communicate with the jury if the cause is being heard  
24 before a jury.

25 (f) The defendant shall be allowed to communicate with the  
26 persons in the room where the child or person with a moderate,

1 severe, or profound intellectual disability or person affected  
2 by a developmental disability is testifying by any appropriate  
3 electronic method.

4 (f-5) (Blank). ~~There is a rebuttable presumption that the~~  
5 ~~testimony of a victim who is a child under 13 years of age~~  
6 ~~shall testify outside the courtroom and the child's testimony~~  
7 ~~shall be shown in the courtroom by means of a closed circuit~~  
8 ~~television. This presumption may be overcome if the defendant~~  
9 ~~can prove by clear and convincing evidence that the child~~  
10 ~~victim will not suffer severe emotional distress.~~

11 (f-6) Before the court permits the testimony of a victim  
12 outside the courtroom that is to be shown in the courtroom by  
13 means of a closed circuit television, the court must make a  
14 finding that the testimony by means of closed circuit  
15 television does not prejudice the defendant.

16 (g) The provisions of this Section do not apply if the  
17 defendant represents himself pro se.

18 (h) This Section may not be interpreted to preclude, for  
19 purposes of identification of a defendant, the presence of  
20 both the victim and the defendant in the courtroom at the same  
21 time.

22 (i) This Section applies to prosecutions pending on or  
23 commenced on or after the effective date of this amendatory  
24 Act of 1994.

25 (j) For the purposes of this Section, "developmental  
26 disability" includes, but is not limited to, cerebral palsy,

1 epilepsy, and autism.

2 (f-7) If the court denies the State's request for the  
3 child victim's testimony to be taken outside of the courtroom,  
4 the court shall toll the speedy trial requirements under  
5 Section 103-5 for 30 days to allow the State to present the  
6 motion to the court again before trial requesting the child's  
7 testimony to be taken outside the courtroom by means of a  
8 closed-circuit television.

9 (Source: P.A. 103-164, eff. 1-1-24; 104-159, eff. 1-1-26.)