



Rep. Justin Slaughter

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1 AMENDMENT TO HOUSE BILL 3584

2 AMENDMENT NO. _____. Amend House Bill 3584 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Rights of Crime Victims and Witnesses Act
5 is amended by changing Sections 4.5 and 6 as follows:

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 enforcement,
9 prosecutors, judges, and corrections will provide information,
10 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 is

1 closed.

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

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

9 (1) shall provide notice of the filing of an
10 information, the return of an indictment, or the filing of
11 a petition to adjudicate a minor as a delinquent for a
12 violent crime;

13 (2) shall provide timely notice of the date, time, and
14 place of court proceedings; of any change in the date,
15 time, and place of court proceedings; and of any
16 cancellation of court proceedings. Notice shall be
17 provided in sufficient time, wherever possible, for the
18 victim to make arrangements to attend or to prevent an
19 unnecessary appearance at court proceedings;

20 (3) or victim advocate personnel shall provide
21 information of social services and financial assistance
22 available for victims of crime, including information of
23 how to apply for these services and assistance;

24 (3.5) or victim advocate personnel shall provide
25 information about available victim services, including
26 referrals to programs, counselors, and agencies that

1 assist a victim to deal with trauma, loss, and grief;

2 (4) shall assist in having any stolen or other personal
3 property held by law enforcement authorities for
4 evidentiary or other purposes returned as expeditiously as
5 possible, pursuant to the procedures set out in Section
6 115-9 of the Code of Criminal Procedure of 1963;

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

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

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

22 (8) (blank);

23 (8.5) shall inform the victim of the right to be
24 present at all court proceedings, unless the victim is to
25 testify and the court determines that the victim's
26 testimony would be materially affected if the victim hears

1 other testimony at trial;

2 (9) shall inform the victim of the right to have
3 present at all court proceedings, subject to the rules of
4 evidence and confidentiality, an advocate and other
5 support person of the victim's choice;

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

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

23 (10) at the sentencing shall make a good faith attempt
24 to explain the minimum amount of time during which the
25 defendant may actually be physically imprisoned. The
26 Office of the State's Attorney shall further notify the

1 crime victim of the right to request from the Prisoner
2 Review Board or Department of Juvenile Justice information
3 concerning the release of the defendant;

4 (11) shall request restitution at sentencing and as
5 part of a plea agreement if the victim requests
6 restitution;

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

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

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

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

1 trial. If the State's Attorney has not consulted with the
2 victim prior to making an offer or entering into plea
3 negotiations with the defendant, the Office of the State's
4 Attorney shall notify the victim of the offer or the
5 negotiations within 2 business days and confer with the
6 victim;

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

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

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

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

1 Section 3-3-8 of the Unified Code of Corrections.

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

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

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

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

25 (3) Standing. The victim has standing to assert the
26 rights enumerated in subsection (a) of Article I, Section

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

8 (4) Assertion of and enforcement of rights.

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

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

1 requesting enforcement in open court in the criminal
2 case outside the presence of the jury.

3 (C) If the prosecuting attorney asserts a victim's
4 right or seeks enforcement of a right, and the court
5 denies the assertion of the right or denies the request
6 for enforcement of a right, the victim or victim's
7 attorney may file a motion to assert the victim's right
8 or to request enforcement of the right within 10 days
9 of the court's ruling. The motion need not demonstrate
10 the grounds for a motion for reconsideration. The court
11 shall rule on the merits of the motion.

12 (D) The court shall take up and decide any motion
13 or request asserting or seeking enforcement of a
14 victim's right without delay, unless a specific time
15 period is specified by law or court rule. The reasons
16 for any decision denying the motion or request shall be
17 clearly stated on the record.

18 (5) Violation of rights and remedies.

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

25 (A-5) Consideration of an issue of a substantive
26 nature or an issue that implicates the constitutional

1 or statutory right of a victim at a court proceeding
2 labeled as a status hearing shall constitute a per se
3 violation of a victim's right.

4 (B) The appropriate remedy shall include only
5 actions necessary to provide the victim the right to
6 which the victim was entitled and may include reopening
7 previously held proceedings; however, in no event
8 shall the court vacate a conviction. Any remedy shall
9 be tailored to provide the victim an appropriate remedy
10 without violating any constitutional right of the
11 defendant. In no event shall the appropriate remedy be
12 a new trial, damages, or costs.

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

16 (7) Right to attend trial. A party must file a written
17 motion to exclude a victim from trial at least 60 days
18 prior to the date set for trial. The motion must state with
19 specificity the reason exclusion is necessary to protect a
20 constitutional right of the party, and must contain an
21 offer of proof. The court shall rule on the motion within
22 30 days. If the motion is granted, the court shall set
23 forth on the record the facts that support its finding that
24 the victim's testimony will be materially affected if the
25 victim hears other testimony at trial.

26 (8) Right to have advocate and support person present

1 at court proceedings.

2 (A) A party who intends to call an advocate as a
3 witness at trial must seek permission of the court
4 before the subpoena is issued. The party must file a
5 written motion at least 90 days before trial that sets
6 forth specifically the issues on which the advocate's
7 testimony is sought and an offer of proof regarding (i)
8 the content of the anticipated testimony of the
9 advocate; and (ii) the relevance, admissibility, and
10 materiality of the anticipated testimony. The court
11 shall consider the motion and make findings within 30
12 days of the filing of the motion. If the court finds by
13 a preponderance of the evidence that: (i) the
14 anticipated testimony is not protected by an absolute
15 privilege; and (ii) the anticipated testimony contains
16 relevant, admissible, and material evidence that is
17 not available through other witnesses or evidence, the
18 court shall issue a subpoena requiring the advocate to
19 appear to testify at an in camera hearing. The
20 prosecuting attorney and the victim shall have 15 days
21 to seek appellate review before the advocate is
22 required to testify at an ex parte in camera
23 proceeding.

24 The prosecuting attorney, the victim, and the
25 advocate's attorney shall be allowed to be present at
26 the ex parte in camera proceeding. If, after conducting

1 the ex parte in camera hearing, the court determines
2 that due process requires any testimony regarding
3 confidential or privileged information or
4 communications, the court shall provide to the
5 prosecuting attorney, the victim, and the advocate's
6 attorney a written memorandum on the substance of the
7 advocate's testimony. The prosecuting attorney, the
8 victim, and the advocate's attorney shall have 15 days
9 to seek appellate review before a subpoena may be
10 issued for the advocate to testify at trial. The
11 presence of the prosecuting attorney at the ex parte in
12 camera proceeding does not make the substance of the
13 advocate's testimony that the court has ruled
14 inadmissible subject to discovery.

15 (B) If a victim has asserted the right to have a
16 support person present at the court proceedings, the
17 victim shall provide the name of the person the victim
18 has chosen to be the victim's support person to the
19 prosecuting attorney, within 60 days of trial. The
20 prosecuting attorney shall provide the name to the
21 defendant. If the defendant intends to call the support
22 person as a witness at trial, the defendant must seek
23 permission of the court before a subpoena is issued.
24 The defendant must file a written motion at least 45
25 days prior to trial that sets forth specifically the
26 issues on which the support person will testify and an

1 offer of proof regarding: (i) the content of the
2 anticipated testimony of the support person; and (ii)
3 the relevance, admissibility, and materiality of the
4 anticipated testimony.

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

23 If the court does not allow the defendant to
24 inquire about matters outside the scope of the direct
25 examination, the support person shall be allowed to
26 remain in the courtroom after the support person has

1 been called by the defendant or the defendant has
2 rested. The court shall allow the support person to
3 testify in the State's rebuttal.

4 If the prosecuting attorney does not intend to call
5 the support person in the State's case-in-chief, the
6 court shall verify with the support person whether the
7 support person, if called as a witness, would testify
8 as set forth in the offer of proof. If the court finds
9 that the support person would testify as set forth in
10 the offer of proof, the court shall rule on the
11 relevance, materiality, and admissibility of the
12 anticipated testimony. If the court rules the
13 anticipated testimony is admissible, the court shall
14 issue the subpoena. The support person may remain in
15 the courtroom after the support person testifies and
16 shall be allowed to testify in rebuttal.

17 If the court excludes the victim's support person
18 during the State's case-in-chief, the victim shall be
19 allowed to choose another support person to be present
20 in court.

21 If the victim fails to designate a support person
22 within 60 days of trial and the defendant has
23 subpoenaed the support person to testify at trial, the
24 court may exclude the support person from the trial
25 until the support person testifies. If the court
26 excludes the support person the victim may choose

1 another person as a support person.

2 (9) Right to notice and hearing before disclosure of
3 confidential or privileged information or records. A
4 defendant who seeks to subpoena records of or concerning
5 the victim that are confidential or privileged by law must
6 seek permission of the court before the subpoena is issued.
7 The defendant must file a written motion and an offer of
8 proof regarding the relevance, admissibility and
9 materiality of the records. If the court finds by a
10 preponderance of the evidence that: (A) the records are not
11 protected by an absolute privilege and (B) the records
12 contain relevant, admissible, and material evidence that
13 is not available through other witnesses or evidence, the
14 court shall issue a subpoena requiring a sealed copy of the
15 records be delivered to the court to be reviewed in camera.
16 If, after conducting an in camera review of the records,
17 the court determines that due process requires disclosure
18 of any portion of the records, the court shall provide
19 copies of what it intends to disclose to the prosecuting
20 attorney and the victim. The prosecuting attorney and the
21 victim shall have 30 days to seek appellate review before
22 the records are disclosed to the defendant. The disclosure
23 of copies of any portion of the records to the prosecuting
24 attorney does not make the records subject to discovery.

25 (10) Right to notice of court proceedings. If the
26 victim is not present at a court proceeding in which a

1 right of the victim is at issue, the court shall ask the
2 prosecuting attorney whether the victim was notified of the
3 time, place, and purpose of the court proceeding and that
4 the victim had a right to be heard at the court proceeding.
5 If the court determines that timely notice was not given or
6 that the victim was not adequately informed of the nature
7 of the court proceeding, the court shall not rule on any
8 substantive issues, accept a plea, or impose a sentence and
9 shall continue the hearing for the time necessary to notify
10 the victim of the time, place and nature of the court
11 proceeding. The time between court proceedings shall not be
12 attributable to the State under Section 103-5 of the Code
13 of Criminal Procedure of 1963.

14 (11) Right to timely disposition of the case. A victim
15 has the right to timely disposition of the case so as to
16 minimize the stress, cost, and inconvenience resulting
17 from the victim's involvement in the case. Before ruling on
18 a motion to continue trial or other court proceeding, the
19 court shall inquire into the circumstances for the request
20 for the delay and, if the victim has provided written
21 notice of the assertion of the right to a timely
22 disposition, and whether the victim objects to the delay.
23 If the victim objects, the prosecutor shall inform the
24 court of the victim's objections. If the prosecutor has not
25 conferred with the victim about the continuance, the
26 prosecutor shall inform the court of the attempts to

1 confer. If the court finds the attempts of the prosecutor
2 to confer with the victim were inadequate to protect the
3 victim's right to be heard, the court shall give the
4 prosecutor at least 3 but not more than 5 business days to
5 confer with the victim. In ruling on a motion to continue,
6 the court shall consider the reasons for the requested
7 continuance, the number and length of continuances that
8 have been granted, the victim's objections and procedures
9 to avoid further delays. If a continuance is granted over
10 the victim's objection, the court shall specify on the
11 record the reasons for the continuance and the procedures
12 that have been or will be taken to avoid further delays.

13 (12) Right to Restitution.

14 (A) If the victim has asserted the right to
15 restitution and the amount of restitution is known at
16 the time of sentencing, the court shall enter the
17 judgment of restitution at the time of sentencing.

18 (B) If the victim has asserted the right to
19 restitution and the amount of restitution is not known
20 at the time of sentencing, the prosecutor shall, within
21 5 days after sentencing, notify the victim what
22 information and documentation related to restitution
23 is needed and that the information and documentation
24 must be provided to the prosecutor within 45 days after
25 sentencing. Failure to timely provide information and
26 documentation related to restitution shall be deemed a

1 waiver of the right to restitution. The prosecutor
2 shall file and serve within 60 days after sentencing a
3 proposed judgment for restitution and a notice that
4 includes information concerning the identity of any
5 victims or other persons seeking restitution, whether
6 any victim or other person expressly declines
7 restitution, the nature and amount of any damages
8 together with any supporting documentation, a
9 restitution amount recommendation, and the names of
10 any co-defendants and their case numbers. Within 30
11 days after receipt of the proposed judgment for
12 restitution, the defendant shall file any objection to
13 the proposed judgment, a statement of grounds for the
14 objection, and a financial statement. If the defendant
15 does not file an objection, the court may enter the
16 judgment for restitution without further proceedings.
17 If the defendant files an objection and either party
18 requests a hearing, the court shall schedule a hearing.

19 (13) Access to presentence reports.

20 (A) The victim may request a copy of the
21 presentence report prepared under the Unified Code of
22 Corrections from the State's Attorney. The State's
23 Attorney shall redact the following information before
24 providing a copy of the report:

25 (i) the defendant's mental history and
26 condition;

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

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

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

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

12 (D) The State's Attorney must advise the victim
13 that the victim must maintain the confidentiality of
14 the report and other information. Any dissemination of
15 the report or information that was not stated at a
16 court proceeding constitutes indirect criminal
17 contempt of court.

18 (14) Appellate relief. If the trial court denies the
19 relief requested, the victim, the victim's attorney, or the
20 prosecuting attorney may file an appeal within 30 days of
21 the trial court's ruling. The trial or appellate court may
22 stay the court proceedings if the court finds that a stay
23 would not violate a constitutional right of the defendant.
24 If the appellate court denies the relief sought, the
25 reasons for the denial shall be clearly stated in a written
26 opinion. In any appeal in a criminal case, the State may

1 assert as error the court's denial of any crime victim's
2 right in the proceeding to which the appeal relates.

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

6 (16) The right to be reasonably protected from the
7 accused throughout the criminal justice process and the
8 right to have the safety of the victim and the victim's
9 family considered in denying or fixing the amount of bail,
10 determining whether to release the defendant, and setting
11 conditions of release after arrest and conviction. A victim
12 of domestic violence, a sexual offense, or stalking may
13 request the entry of a protective order under Article 112A
14 of the Code of Criminal Procedure of 1963.

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

1 Review Board, upon written request, shall inform a victim or
2 any other concerned citizen when feasible at least 7 days prior
3 to the prisoner's release on furlough of the times and dates of
4 such furlough. Upon written request by the victim or any other
5 concerned citizen, the State's Attorney shall notify the person
6 once of the times and dates of release of a prisoner sentenced
7 to periodic imprisonment. Notification shall be based on the
8 most recent information as to victim's or other concerned
9 citizen's residence or other location available to the
10 notifying authority.

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

25 (3) In the event of an escape from State custody, the
26 Department of Corrections or the Department of Juvenile Justice

1 immediately shall notify the Prisoner Review Board of the
2 escape and the Prisoner Review Board shall notify the victim.
3 The notification shall be based upon the most recent
4 information as to the victim's residence or other location
5 available to the Board. When no such information is available,
6 the Board shall make all reasonable efforts to obtain the
7 information and make the notification. When the escapee is
8 apprehended, the Department of Corrections or the Department of
9 Juvenile Justice immediately shall notify the Prisoner Review
10 Board and the Board shall notify the victim.

11 (4) The victim of the crime for which the prisoner has been
12 sentenced shall receive reasonable written notice not less than
13 30 days prior to the parole hearing or target aftercare release
14 date and may submit, in writing, on film, videotape, or other
15 electronic means or in the form of a recording prior to the
16 parole hearing or target aftercare release date or in person at
17 the parole hearing or aftercare release protest hearing or if a
18 victim of a violent crime, by calling the toll-free number
19 established in subsection (f) of this Section, information for
20 consideration by the Prisoner Review Board or Department of
21 Juvenile Justice. The victim shall be notified within 7 days
22 after the prisoner has been granted parole or aftercare release
23 and shall be informed of the right to inspect the registry of
24 parole decisions, established under subsection (g) of Section
25 3-3-5 of the Unified Code of Corrections. The provisions of
26 this paragraph (4) are subject to the Open Parole Hearings Act.

1 Victim impact statements received by the Board shall be
2 confidential and privileged.

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

7 (6) At the written or oral request of the victim of the
8 crime for which the prisoner was sentenced or the State's
9 Attorney of the county where the person seeking parole or
10 aftercare release was prosecuted, the Prisoner Review Board or
11 Department of Juvenile Justice shall notify the victim and the
12 State's Attorney of the county where the person seeking parole
13 or aftercare release was prosecuted of the death of the
14 prisoner if the prisoner died while on parole or aftercare
15 release or mandatory supervised release.

16 (7) When a defendant who has been committed to the
17 Department of Corrections, the Department of Juvenile Justice,
18 or the Department of Human Services is released or discharged
19 and subsequently committed to the Department of Human Services
20 as a sexually violent person and the victim had requested to be
21 notified by the releasing authority of the defendant's
22 discharge, conditional release, death, or escape from State
23 custody, the releasing authority shall provide to the
24 Department of Human Services such information that would allow
25 the Department of Human Services to contact the victim.

26 (8) When a defendant has been convicted of a sex offense as

1 defined in Section 2 of the Sex Offender Registration Act and
2 has been sentenced to the Department of Corrections or the
3 Department of Juvenile Justice, the Prisoner Review Board or
4 the Department of Juvenile Justice shall notify the victim of
5 the sex offense of the prisoner's eligibility for release on
6 parole, aftercare release, mandatory supervised release,
7 electronic detention, work release, international transfer or
8 exchange, or by the custodian of the discharge of any
9 individual who was adjudicated a delinquent for a sex offense
10 from State custody and by the sheriff of the appropriate county
11 of any such person's final discharge from county custody. The
12 notification shall be made to the victim at least 30 days,
13 whenever possible, before release of the sex offender.

14 (e) The officials named in this Section may satisfy some or
15 all of their obligations to provide notices and other
16 information through participation in a statewide victim and
17 witness notification system established by the Attorney
18 General under Section 8.5 of this Act.

19 (f) To permit a crime victim of a violent crime to provide
20 information to the Prisoner Review Board or the Department of
21 Juvenile Justice for consideration by the Board or Department
22 at a parole hearing or before an aftercare release decision of
23 a person who committed the crime against the victim in
24 accordance with clause (d)(4) of this Section or at a
25 proceeding to determine the conditions of mandatory supervised
26 release of a person sentenced to a determinate sentence or at a

1 hearing on revocation of mandatory supervised release of a
2 person sentenced to a determinate sentence, the Board shall
3 establish a toll-free number that may be accessed by the victim
4 of a violent crime to present that information to the Board.

5 (Source: P.A. 99-413, eff. 8-20-15; 99-628, eff. 1-1-17;
6 100-199, eff. 1-1-18; 100-961, eff. 1-1-19; revised 10-3-18.)

7 (725 ILCS 120/6) (from Ch. 38, par. 1406)

8 Sec. 6. Right to be heard at sentencing.

9 (a) A crime victim shall be allowed to present an oral or
10 written statement in any case in which a defendant has been
11 convicted of a violent crime or a juvenile has been adjudicated
12 delinquent for a violent crime after a bench or jury trial, or
13 a defendant who was charged with a violent crime and has been
14 convicted under a plea agreement of a crime that is not a
15 violent crime as defined in subsection (c) of Section 3 of this
16 Act. The court shall allow a victim to make an oral statement
17 if the victim is present in the courtroom and requests to make
18 an oral statement. An oral statement includes the victim or a
19 representative of the victim reading the written statement. The
20 court may allow persons impacted by the crime who are not
21 victims under subsection (a) of Section 3 of this Act to
22 present an oral or written statement. A victim and any person
23 making an oral statement shall not be put under oath or subject
24 to cross-examination. The court shall consider any statement
25 presented along with all other appropriate factors in

1 determining the sentence of the defendant or disposition of
2 such juvenile.

3 (a-1) In any case where a defendant has been convicted of a
4 violation of any statute, ordinance, or regulation relating to
5 the operation or use of motor vehicles, the use of streets and
6 highways by pedestrians or the operation of any other wheeled
7 or tracked vehicle, except parking violations, if the violation
8 resulted in great bodily harm or death, the person who suffered
9 great bodily harm, the injured person's representative, or the
10 representative of a deceased person shall be entitled to notice
11 of the sentencing hearing. "Representative" includes the
12 spouse, guardian, grandparent, or other immediate family or
13 household member of an injured or deceased person. The injured
14 person or his or her representative and a representative of the
15 deceased person shall have the right to address the court
16 regarding the impact that the defendant's criminal conduct has
17 had upon them. If more than one representative of an injured or
18 deceased person is present in the courtroom at the time of
19 sentencing, the court has discretion to permit one or more of
20 the representatives to present an oral impact statement. A
21 victim and any person making an oral statement shall not be put
22 under oath or subject to cross-examination. The court shall
23 consider any impact statement presented along with all other
24 appropriate factors in determining the sentence of the
25 defendant.

26 (a-5) A crime victim shall be allowed to present an oral

1 and written victim impact statement at a hearing ordered by the
2 court under the Mental Health and Developmental Disabilities
3 Code to determine if the defendant is: (1) in need of mental
4 health services on an inpatient basis; (2) in need of mental
5 health services on an outpatient basis; or (3) not in need of
6 mental health services, unless the defendant was under 18 years
7 of age at the time the offense was committed. The court shall
8 allow a victim to make an oral impact statement if the victim
9 is present in the courtroom and requests to make an oral
10 statement. An oral statement includes the victim or a
11 representative of the victim reading the written impact
12 statement. The court may allow persons impacted by the crime
13 who are not victims under subsection (a) of Section 3 of this
14 Act, to present an oral or written statement. A victim and any
15 person making an oral statement shall not be put under oath or
16 subject to cross-examination. The court may only consider the
17 impact statement along with all other appropriate factors in
18 determining the: (1) threat of serious physical harm posed
19 ~~poised~~ by the respondent to himself or herself, or to another
20 person; (2) location of inpatient or outpatient mental health
21 services ordered by the court, but only after complying with
22 all other applicable administrative, rule, and statutory
23 requirements; (3) maximum period of commitment for inpatient
24 mental health services; and (4) conditions of release for
25 outpatient mental health services ordered by the court.

26 (b) The crime victim has the right to prepare a victim

1 impact statement and present it to the Office of the State's
2 Attorney at any time during the proceedings. Any written victim
3 impact statement submitted to the Office of the State's
4 Attorney shall be considered by the court during its
5 consideration of aggravation and mitigation in plea
6 proceedings under Supreme Court Rule 402.

7 (b-5) The crime victim has the right to register with the
8 Prisoner Review Board's victim registry. The crime victim has
9 the right to submit a victim impact statement to the Board for
10 consideration at hearings as provided in the Open Parole
11 Hearings Act or at an executive clemency hearing as provided in
12 Section 3-3-13 of the Unified Code of Corrections. Victim
13 impact statements received by the Board shall be confidential
14 and privileged.

15 (c) This Section shall apply to any victims during any
16 dispositional hearing under Section 5-705 of the Juvenile Court
17 Act of 1987 which takes place pursuant to an adjudication or
18 trial or plea of delinquency for any such offense.

19 (d) If any provision of this Section or its application to
20 any person or circumstance is held invalid, the invalidity of
21 that provision does not affect any other provision or
22 application of this Section that can be given effect without
23 the invalid provision or application.

24 (Source: P.A. 99-413, eff. 8-20-15; 100-961, eff. 1-1-19;
25 revised 10-3-18.)

1 Section 10. The Unified Code of Corrections is amended by
2 changing Sections 3-3-4 and 3-3-13 as follows:

3 (730 ILCS 5/3-3-4) (from Ch. 38, par. 1003-3-4)

4 Sec. 3-3-4. Preparation for parole hearing.

5 (a) The Prisoner Review Board shall consider the parole of
6 each eligible person committed to the Department of Corrections
7 at least 30 days prior to the date he or she shall first become
8 eligible for parole.

9 (b) A person eligible for parole shall, no less than 15
10 days in advance of his or her parole interview, prepare a
11 parole plan in accordance with the rules of the Prisoner Review
12 Board. The person shall be assisted in preparing his or her
13 parole plan by personnel of the Department of Corrections, and
14 may, for this purpose, be released on furlough under Article
15 11. The Department shall also provide assistance in obtaining
16 information and records helpful to the individual for his or
17 her parole hearing. If the person eligible for parole has a
18 petition or any written submissions prepared on his or her
19 behalf by an attorney or other representative, the attorney or
20 representative for the person eligible for parole must serve by
21 certified mail the State's Attorney of the county where he or
22 she was prosecuted with the petition or any written submissions
23 15 days after his or her parole interview. The State's Attorney
24 shall provide the attorney for the person eligible for parole
25 with a copy of his or her letter in opposition to parole via

1 certified mail within 5 business days of the en banc hearing.

2 (c) Any member of the Board shall have access at all
3 reasonable times to any committed person and to his or her
4 master record file within the Department, and the Department
5 shall furnish such a report to the Board concerning the conduct
6 and character of any such person prior to his or her parole
7 interview.

8 (d) In making its determination of parole, the Board shall
9 consider:

10 (1) (blank);

11 (2) the report under Section 3-8-2 or 3-10-2;

12 (3) a report by the Department and any report by the
13 chief administrative officer of the institution or
14 facility;

15 (4) a parole progress report;

16 (5) a medical and psychological report, if requested by
17 the Board;

18 (6) material in writing, or on film, video tape or
19 other electronic means in the form of a recording submitted
20 by the person whose parole is being considered;

21 (7) material in writing, or on film, video tape or
22 other electronic means in the form of a recording or
23 testimony submitted by the State's Attorney and the victim
24 or a concerned citizen pursuant to the Rights of Crime
25 Victims and Witnesses Act; and

26 (8) the person's eligibility for commitment under the

1 Sexually Violent Persons Commitment Act.

2 (e) The prosecuting State's Attorney's office shall
3 receive from the Board reasonable written notice not less than
4 30 days prior to the parole interview and may submit relevant
5 information by oral argument or testimony of victims and
6 concerned citizens, or both, in writing, or on film, video tape
7 or other electronic means or in the form of a recording to the
8 Board for its consideration. Upon written request of the
9 State's Attorney's office, the Prisoner Review Board shall hear
10 protests to parole, except in counties of 1,500,000 or more
11 inhabitants where there shall be standing objections to all
12 such petitions. If a State's Attorney who represents a county
13 of less than 1,500,000 inhabitants requests a protest hearing,
14 the inmate's counsel or other representative shall also receive
15 notice of such request. This hearing shall take place the month
16 following the inmate's parole interview. If the inmate's parole
17 interview is rescheduled then the Prisoner Review Board shall
18 promptly notify the State's Attorney of the new date. The
19 person eligible for parole shall be heard at the next scheduled
20 en banc hearing date. If the case is to be continued, the
21 State's Attorney's office and the attorney or representative
22 for the person eligible for parole will be notified of any
23 continuance within 5 business days. The State's Attorney may
24 waive the written notice.

25 (f) The victim of the violent crime for which the prisoner
26 has been sentenced shall receive notice of a parole hearing as

1 provided in paragraph (4) of subsection (d) of Section 4.5 of
2 the Rights of Crime Victims and Witnesses Act.

3 (g) Any recording considered under the provisions of
4 subsection (d) (6), (d) (7) or (e) of this Section shall be in
5 the form designated by the Board. Such recording shall be both
6 visual and aural. Every voice on the recording and person
7 present shall be identified and the recording shall contain
8 either a visual or aural statement of the person submitting
9 such recording, the date of the recording and the name of the
10 person whose parole eligibility is being considered. Such
11 recordings shall be retained by the Board and shall be deemed
12 to be submitted at any subsequent parole hearing if the victim
13 or State's Attorney submits in writing a declaration clearly
14 identifying such recording as representing the present
15 position of the victim or State's Attorney regarding the issues
16 to be considered at the parole hearing.

17 (h) The Board shall not release any material to the inmate,
18 the inmate's attorney, any third party, or any other person
19 containing any information from the victim ~~or from a person~~
20 ~~related to the victim by blood, adoption, or marriage~~ who has
21 provided a victim impact statement to the Board ~~written~~
22 ~~objections, testified at any hearing, or submitted audio or~~
23 ~~visual objections to the inmate's parole~~, unless provided with
24 a waiver from the victim ~~that objecting party~~. The Board shall
25 not release the names or addresses of any person on its victim
26 registry to any other person except the victim, a law

1 enforcement agency, or other victim notification system.

2 Victim impact statements shall be confidential and privileged.

3 (Source: P.A. 98-463, eff. 8-16-13; 98-558, eff. 1-1-14;
4 98-717, eff. 1-1-15; 99-628, eff. 1-1-17.)

5 (730 ILCS 5/3-3-13) (from Ch. 38, par. 1003-3-13)

6 Sec. 3-3-13. Procedure for Executive Clemency.

7 (a) Petitions seeking pardon, commutation, or reprieve
8 shall be addressed to the Governor and filed with the Prisoner
9 Review Board. The petition shall be in writing and signed by
10 the person under conviction or by a person on his behalf. It
11 shall contain a brief history of the case, the reasons for
12 seeking executive clemency, and other relevant information the
13 Board may require.

14 (a-5) After a petition has been denied by the Governor, the
15 Board may not accept a repeat petition for executive clemency
16 for the same person until one full year has elapsed from the
17 date of the denial. The Chairman of the Board may waive the
18 one-year requirement if the petitioner offers in writing new
19 information that was unavailable to the petitioner at the time
20 of the filing of the prior petition and which the Chairman
21 determines to be significant. The Chairman also may waive the
22 one-year waiting period if the petitioner can show that a
23 change in circumstances of a compelling humanitarian nature has
24 arisen since the denial of the prior petition.

25 (b) Notice of the proposed application shall be given by

1 the Board to the committing court and the state's attorney of
2 the county where the conviction was had.

3 (c) The Board shall, if requested and upon due notice, give
4 a hearing to each application, allowing representation by
5 counsel, if desired, after which it shall confidentially advise
6 the Governor by a written report of its recommendations which
7 shall be determined by majority vote. The Board shall meet to
8 consider such petitions no less than 4 times each year.

9 Application for executive clemency under this Section may
10 not be commenced on behalf of a person who has been sentenced
11 to death without the written consent of the defendant, unless
12 the defendant, because of a mental or physical condition, is
13 incapable of asserting his or her own claim. The written report
14 of the Board's recommendations to the Governor shall be
15 privileged.

16 (d) The Governor shall decide each application and
17 communicate his decision to the Board which shall notify the
18 petitioner.

19 In the event a petitioner who has been convicted of a Class
20 X felony is granted a release, after the Governor has
21 communicated such decision to the Board, the Board shall give
22 written notice to the Sheriff of the county from which the
23 offender was sentenced if such sheriff has requested that such
24 notice be given on a continuing basis. In cases where arrest of
25 the offender or the commission of the offense took place in any
26 municipality with a population of more than 10,000 persons, the

1 Board shall also give written notice to the proper law
2 enforcement agency for said municipality which has requested
3 notice on a continuing basis.

4 (e) Nothing in this Section shall be construed to limit the
5 power of the Governor under the constitution to grant a
6 reprieve, commutation of sentence, or pardon.

7 (Source: P.A. 89-112, eff. 7-7-95; 89-684, eff. 6-1-97.)

8 Section 15. The Open Parole Hearings Act is amended by
9 changing Section 35 as follows:

10 (730 ILCS 105/35) (from Ch. 38, par. 1685)

11 Sec. 35. Victim impact statements.

12 (a) The Board shall receive and consider victim impact
13 statements.

14 (b) Victim impact statements either oral, written,
15 video-taped, tape recorded or made by other electronic means
16 shall not be considered public documents under provisions of
17 the Freedom of Information Act.

18 (b-5) Other than as provided in subsection (c), the Board
19 shall not release any material to the inmate, the inmate's
20 attorney, any third party, or any other person that contains
21 any information from the victim who has provided a victim
22 impact statement to the Board, unless provided with a waiver
23 from the victim. The Board shall not release the names or
24 addresses of any person on its victim registry to any other

1 person except the victim, a law enforcement agency, or other
2 victim notification system. Victim impact statements received
3 by the Board shall be confidential and privileged.

4 (c) The inmate or his or her attorney shall be informed of
5 the existence of a victim impact statement and its contents
6 under provisions of Board rules. This shall not be construed to
7 permit disclosure to an inmate of any information which might
8 result in the risk of threats or physical harm to a victim or
9 complaining witness.

10 (d) The inmate shall be given the opportunity to answer a
11 victim impact statement, either orally or in writing.

12 (e) All written victim impact statements shall be part of
13 the applicant's, releasee's, or parolee's parole file.

14 (Source: P.A. 97-299, eff. 8-11-11; 98-558, eff. 1-1-14.)".