



Rep. Daniel Didech

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10300HB1168ham001

LRB103 04746 RLC 57573 a

1 AMENDMENT TO HOUSE BILL 1168

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 1168 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 3 and 4 as follows:

6 (725 ILCS 120/3) (from Ch. 38, par. 1403)

7 (Text of Section before amendment by P.A. 102-982)

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

10 (a) "Crime victim" or "victim" means: (1) any natural  
11 person determined by the prosecutor or the court to have  
12 suffered direct physical or psychological harm as a result of  
13 a violent crime perpetrated or attempted against that person  
14 or direct physical or psychological harm as a result of (i) a  
15 violation of Section 11-501 of the Illinois Vehicle Code or  
16 similar provision of a local ordinance or (ii) a violation of

1 Section 9-3 of the Criminal Code of 1961 or the Criminal Code  
2 of 2012; (2) in the case of a crime victim who is under 18  
3 years of age or an adult victim who is incompetent or  
4 incapacitated, both parents, legal guardians, foster parents,  
5 or a single adult representative; (3) in the case of an adult  
6 deceased victim, 2 representatives who may be the spouse,  
7 parent, child or sibling of the victim, or the representative  
8 of the victim's estate; and (4) an immediate family member of a  
9 victim under clause (1) of this paragraph (a) chosen by the  
10 victim. If the victim is 18 years of age or over, the victim  
11 may choose any person to be the victim's representative. In no  
12 event shall the defendant or any person who aided and abetted  
13 in the commission of the crime be considered a victim, a crime  
14 victim, or a representative of the victim.

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

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

23 (a-5) "Confer" means to consult together, share  
24 information, compare opinions and carry on a discussion or  
25 deliberation.

26 (a-7) "Sentence" includes, but is not limited to, the

1 imposition of sentence, a request for a reduction in sentence,  
2 parole, mandatory supervised release, aftercare release, early  
3 release, inpatient treatment, outpatient treatment,  
4 conditional release after a finding that the defendant is not  
5 guilty by reason of insanity, clemency, or a proposal that  
6 would reduce the defendant's sentence or result in the  
7 defendant's release. "Early release" refers to a discretionary  
8 release.

9 (a-9) "Sentencing" includes, but is not limited to, the  
10 imposition of sentence and a request for a reduction in  
11 sentence, parole, mandatory supervised release, aftercare  
12 release, early release, consideration of inpatient treatment  
13 or outpatient treatment, or conditional release after a  
14 finding that the defendant is not guilty by reason of  
15 insanity.

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

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

25 (c) "Violent crime" means: (1) any felony in which force  
26 or threat of force was used against the victim; (2) any offense

1 involving sexual exploitation, sexual conduct, or sexual  
2 penetration; (3) a violation of Section 11-20.1, 11-20.1B,  
3 11-20.3, 11-23, or 11-23.5 of the Criminal Code of 1961 or the  
4 Criminal Code of 2012; (4) domestic battery or stalking; (5)  
5 violation of an order of protection, a civil no contact order,  
6 or a stalking no contact order; (6) any misdemeanor which  
7 results in death or great bodily harm to the victim; or (7) any  
8 violation of Section 9-3 of the Criminal Code of 1961 or the  
9 Criminal Code of 2012, or Section 11-501 of the Illinois  
10 Vehicle Code, or a similar provision of a local ordinance, if  
11 the violation resulted in personal injury or death. "Violent  
12 crime" includes any action committed by a juvenile that would  
13 be a violent crime if committed by an adult. For the purposes  
14 of this paragraph, "personal injury" shall include any Type A  
15 injury as indicated on the traffic accident report completed  
16 by a law enforcement officer that requires immediate  
17 professional attention in either a doctor's office or medical  
18 facility. A type A injury shall include severely bleeding  
19 wounds, distorted extremities, and injuries that require the  
20 injured party to be carried from the scene.

21 (d) (Blank).

22 (e) "Court proceedings" includes, but is not limited to,  
23 the preliminary hearing, any post-arraignment hearing the  
24 effect of which may be the release of the defendant from  
25 custody or to alter the conditions of bond, change of plea  
26 hearing, the trial, any pretrial or post-trial hearing,

1 sentencing, any oral argument or hearing before an Illinois  
2 appellate court, any hearing under the Mental Health and  
3 Developmental Disabilities Code or Section 5-2-4 of the  
4 Unified Code of Corrections after a finding that the defendant  
5 is not guilty by reason of insanity, including a hearing for  
6 conditional release, any hearing related to a modification of  
7 sentence, probation revocation hearing, aftercare release or  
8 parole hearings, post-conviction relief proceedings, habeas  
9 corpus proceedings and clemency proceedings related to the  
10 defendant's conviction or sentence. For purposes of the  
11 victim's right to be present, "court proceedings" does not  
12 include (1) hearings under Section 109-1 of the Code of  
13 Criminal Procedure of 1963, (2) grand jury proceedings, (3)  
14 status hearings, or (4) the issuance of an order or decision of  
15 an Illinois court that dismisses a charge, reverses a  
16 conviction, reduces a sentence, or releases an offender under  
17 a court rule.

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

21 (g) "Victim's attorney" means an attorney retained by the  
22 victim for the purposes of asserting the victim's  
23 constitutional and statutory rights. An attorney retained by  
24 the victim means an attorney who is hired to represent the  
25 victim at the victim's expense or an attorney who has agreed to  
26 provide pro bono representation. Nothing in this statute

1 creates a right to counsel at public expense for a victim.

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

4 (Source: P.A. 102-1104, eff. 1-1-23.)

5 (Text of Section after amendment by P.A. 102-982)

6 Sec. 3. The terms used in this Act shall have the following  
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12 or direct physical or psychological harm as a result of (i) a  
13 violation of Section 11-501 of the Illinois Vehicle Code or  
14 similar provision of a local ordinance or (ii) a violation of  
15 Section 9-3 of the Criminal Code of 1961 or the Criminal Code  
16 of 2012; (2) in the case of a crime victim who is under 18  
17 years of age or an adult victim who is incompetent or  
18 incapacitated, both parents, legal guardians, foster parents,  
19 or a single adult representative; (3) in the case of an adult  
20 deceased victim, 2 representatives who may be the spouse,  
21 parent, child or sibling of the victim, or the representative  
22 of the victim's estate; and (4) an immediate family member of a  
23 victim under clause (1) of this paragraph (a) chosen by the  
24 victim. If the victim is 18 years of age or over, the victim  
25 may choose any person to be the victim's representative. In no

1 event shall the defendant or any person who aided and abetted  
2 in the commission of the crime be considered a victim, a crime  
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5 decisions regarding an offender's release, sentence reduction,  
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7 the purpose of its proceedings.

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

12 (a-5) "Confer" means to consult together, share  
13 information, compare opinions and carry on a discussion or  
14 deliberation.

15 "DNA database" means a collection of DNA profiles from  
16 forensic casework or specimens from anonymous, identified, and  
17 unidentified sources that are created to search DNA records  
18 against each other to develop investigative leads among  
19 forensic cases.

20 (a-7) "Sentence" includes, but is not limited to, the  
21 imposition of sentence, a request for a reduction in sentence,  
22 parole, mandatory supervised release, aftercare release, early  
23 release, inpatient treatment, outpatient treatment,  
24 conditional release after a finding that the defendant is not  
25 guilty by reason of insanity, clemency, or a proposal that  
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1 defendant's release. "Early release" refers to a discretionary  
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23 11-20.3, 11-23, or 11-23.5 of the Criminal Code of 1961 or the  
24 Criminal Code of 2012; (4) domestic battery or stalking; (5)  
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26 or a stalking no contact order; (6) any misdemeanor which



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

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17 the preliminary hearing, any post-arraignment hearing the  
18 effect of which may be the release of the defendant from  
19 custody or to alter the conditions of bond, change of plea  
20 hearing, the trial, any pretrial or post-trial hearing,  
21 sentencing, any oral argument or hearing before an Illinois  
22 appellate court, any hearing under the Mental Health and  
23 Developmental Disabilities Code or Section 5-2-4 of the  
24 Unified Code of Corrections after a finding that the defendant  
25 is not guilty by reason of insanity, including a hearing for  
26 conditional release, any hearing related to a modification of

1 sentence, probation revocation hearing, aftercare release or  
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4 defendant's conviction or sentence. For purposes of the  
5 victim's right to be present, "court proceedings" does not  
6 include (1) grand jury proceedings, (2) status hearings, or  
7 (3) the issuance of an order or decision of an Illinois court  
8 that dismisses a charge, reverses a conviction, reduces a  
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11 friends of the victim, witnesses to the crime, or any other  
12 person associated with the victim or prisoner.

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

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

22 (Source: P.A. 102-982, eff. 7-1-23; 102-1104, eff. 1-1-23.)

23 (725 ILCS 120/4) (from Ch. 38, par. 1404)

24 Sec. 4. Rights of crime victims.

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

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

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

9           (1.6) Except as otherwise provided in Section 9.5 of  
10 the Criminal Identification Act or Section 3-3013 of the  
11 Counties Code, whenever a person's DNA profile is  
12 collected due to the person being a victim of a crime, that  
13 specific profile collected in conjunction with that  
14 criminal investigation shall not be entered into any DNA  
15 database.

16           (2) The right to timely notification of all court  
17 proceedings.

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

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

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

25           (6) The right to the timely disposition of the case  
26 following the arrest of the accused.

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

3           (7.5) The right to have the safety of the victim and  
4 the victim's family considered in determining whether to  
5 release the defendant and setting conditions of release  
6 after arrest and conviction.

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

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

16           (10) The right to restitution.

17           (b) Any law enforcement agency that investigates an  
18 offense committed in this State shall provide a crime victim  
19 with a written statement and explanation of the rights of  
20 crime victims under this amendatory Act of the 99th General  
21 Assembly within 48 hours of law enforcement's initial contact  
22 with a victim. The statement shall include information about  
23 crime victim compensation, including how to contact the Office  
24 of the Illinois Attorney General to file a claim, and  
25 appropriate referrals to local and State programs that provide  
26 victim services. The content of the statement shall be

1 provided to law enforcement by the Attorney General. Law  
2 enforcement shall also provide a crime victim with a sign-off  
3 sheet that the victim shall sign and date as an  
4 acknowledgement that he or she has been furnished with  
5 information and an explanation of the rights of crime victims  
6 and compensation set forth in this Act.

7 (b-5) Upon the request of the victim, the law enforcement  
8 agency having jurisdiction shall provide a free copy of the  
9 police report concerning the victim's incident, as soon as  
10 practicable, but in no event later than 5 business days from  
11 the request.

12 (c) The Clerk of the Circuit Court shall post the rights of  
13 crime victims set forth in Article I, Section 8.1(a) of the  
14 Illinois Constitution and subsection (a) of this Section  
15 within 3 feet of the door to any courtroom where criminal  
16 proceedings are conducted. The clerk may also post the rights  
17 in other locations in the courthouse.

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

24 (Source: P.A. 100-1087, eff. 1-1-19; 101-652, eff. 1-1-23.)

25 Section 95. No acceleration or delay. Where this Act makes

1 changes in a statute that is represented in this Act by text  
2 that is not yet or no longer in effect (for example, a Section  
3 represented by multiple versions), the use of that text does  
4 not accelerate or delay the taking effect of (i) the changes  
5 made by this Act or (ii) provisions derived from any other  
6 Public Act."