



93RD GENERAL ASSEMBLY
State of Illinois
2003 and 2004

Introduced 02/04/04, by Maria Antonia Berrios

SYNOPSIS AS INTRODUCED:

725 ILCS 120/6

from Ch. 38, par. 1406

Amends the Rights of Crime Victims and Witnesses Act. Permits the grandparent of the victim of a violent crime to present a victim impact statement. Provides that the court has discretion to determine the number of oral presentations of victim impact statements. Provides that any written victim impact statement submitted to the Office of the State's Attorney shall be considered by the court during its consideration of aggravation and mitigation in plea proceedings under Supreme Court Rule 402. Effective immediately.

LRB093 15194 RLC 40790 b

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 Rights of Crime Victims and Witnesses Act is
5 amended by changing Section 6 as follows:

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

7 Sec. 6. Rights to present victim impact statement.

8 (a) In any case where a defendant has been convicted of a
9 violent crime or a juvenile has been adjudicated a delinquent
10 for a violent crime ~~except those in which both parties have~~
11 ~~agreed to the imposition of a specific sentence,~~ and a victim
12 of the violent crime or the victim's spouse, guardian, parent,
13 grandparent, or other immediate family or household member is
14 present in the courtroom at the time of the sentencing or the
15 disposition hearing, the victim or his or her representative
16 shall have the right and the victim's spouse, guardian, parent,
17 grandparent, and ~~or~~ other immediate family or household member
18 upon his, her, or their request may be permitted by the court
19 to address the court regarding the impact that the defendant's
20 criminal conduct or the juvenile's delinquent conduct has had
21 upon them and the victim. The court has discretion to determine
22 the number of oral presentations of victim impact statements.

23 Any impact statement must have been prepared in writing in
24 conjunction with the Office of the State's Attorney prior to
25 the initial hearing or sentencing, before it can be presented
26 orally or in writing at the sentencing hearing. In conjunction
27 with the Office of the State's Attorney, a victim impact
28 statement that is presented orally may be done so by the victim
29 or the victim's spouse, guardian, parent, grandparent, or other
30 immediate family or household member or his, her, or their
31 representative. At the sentencing hearing, the prosecution may
32 introduce that evidence either in its case in chief or in

1 rebuttal. The court shall consider any impact statement
2 admitted along with all other appropriate factors in
3 determining the sentence of the defendant or disposition of
4 such juvenile.

5 (b) The crime victim has the right to prepare a victim
6 impact statement and present it to the Office of the State's
7 Attorney at any time during the proceedings. Any written victim
8 impact statement submitted to the Office of the State's
9 Attorney shall be considered by the court during its
10 consideration of aggravation and mitigation in plea
11 proceedings under Supreme Court Rule 402.

12 (c) This Section shall apply to any victims of a violent
13 crime during any dispositional hearing under Section 5-705 of
14 the Juvenile Court Act of 1987 which takes place pursuant to an
15 adjudication of delinquency for any such offense.

16 (Source: P.A. 91-693, eff. 4-13-00; 92-412, eff. 1-1-02.)

17 Section 99. Effective date. This Act takes effect upon
18 becoming law.