



## 95TH GENERAL ASSEMBLY

### State of Illinois

2007 and 2008

HB0975

Introduced 2/8/2007, by Rep. Franco Coladipietro

#### SYNOPSIS AS INTRODUCED:

725 ILCS 120/4.5

730 ILCS 5/3-2-3.1

from Ch. 38, par. 1003-2-3.1

Amends the Rights of Crime Victims and Witnesses Act. Provides that the Prisoner Review Board shall inform a victim or any other concerned citizen, upon written request, of the prisoner's release on international transfer or exchange. Amends the Unified Code of Corrections. Provides that before any transfer or exchange of convicted offenders to the country of which they are citizens or nationals may occur, the Director of Corrections shall notify in writing the Prisoner Review Board and the Office of the State's Attorney which obtained the defendant's conviction. Effective immediately.

LRB095 08201 RLC 28370 b

FISCAL NOTE ACT  
MAY APPLY

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 Rights of Crime Victims and Witnesses Act is  
5 amended by changing Section 4.5 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  
17 closed.

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

19 (1) shall provide notice of the filing of information,  
20 the return of an indictment by which a prosecution for any  
21 violent crime is commenced, or the filing of a petition to  
22 adjudicate a minor as a delinquent for a violent crime;

23 (2) shall provide notice of the date, time, and place

1 of trial;

2 (3) or victim advocate personnel shall provide  
3 information of social services and financial assistance  
4 available for victims of crime, including information of  
5 how to apply for these services and assistance;

6 (4) shall assist in having any stolen or other personal  
7 property held by law enforcement authorities for  
8 evidentiary or other purposes returned as expeditiously as  
9 possible, pursuant to the procedures set out in Section  
10 115-9 of the Code of Criminal Procedure of 1963;

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

16 (6) shall provide information whenever possible, of a  
17 secure waiting area during court proceedings that does not  
18 require victims to be in close proximity to defendant or  
19 juveniles accused of a violent crime, and their families  
20 and friends;

21 (7) shall provide notice to the crime victim of the  
22 right to have a translator present at all court  
23 proceedings;

24 (8) in the case of the death of a person, which death  
25 occurred in the same transaction or occurrence in which  
26 acts occurred for which a defendant is charged with an

1 offense, shall notify the spouse, parent, child or sibling  
2 of the decedent of the date of the trial of the person or  
3 persons allegedly responsible for the death;

4 (9) shall inform the victim of the right to have  
5 present at all court proceedings, subject to the rules of  
6 evidence, an advocate or other support person of the  
7 victim's choice, and the right to retain an attorney, at  
8 the victim's own expense, who, upon written notice filed  
9 with the clerk of the court and State's Attorney, is to  
10 receive copies of all notices, motions and court orders  
11 filed thereafter in the case, in the same manner as if the  
12 victim were a named party in the case; and

13 (10) at the sentencing hearing shall make a good faith  
14 attempt to explain the minimum amount of time during which  
15 the 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 information concerning the release of the  
19 defendant under subparagraph (d) (1) of this Section; and

20 (11) shall request restitution at sentencing and shall  
21 consider restitution in any plea negotiation, as provided  
22 by law.

23 (c) At the written request of the crime victim, the office  
24 of the State's Attorney shall:

25 (1) provide notice a reasonable time in advance of the  
26 following court proceedings: preliminary hearing, any

1 hearing the effect of which may be the release of defendant  
2 from custody, or to alter the conditions of bond and the  
3 sentencing hearing. The crime victim shall also be notified  
4 of the cancellation of the court proceeding in sufficient  
5 time, wherever possible, to prevent an unnecessary  
6 appearance in court;

7 (2) provide notice within a reasonable time after  
8 receipt of notice from the custodian, of the release of the  
9 defendant on bail or personal recognizance or the release  
10 from detention of a minor who has been detained for a  
11 violent crime;

12 (3) explain in nontechnical language the details of any  
13 plea or verdict of a defendant, or any adjudication of a  
14 juvenile as a delinquent for a violent crime;

15 (4) where practical, consult with the crime victim  
16 before the Office of the State's Attorney makes an offer of  
17 a plea bargain to the defendant or enters into negotiations  
18 with the defendant concerning a possible plea agreement,  
19 and shall consider the written victim impact statement, if  
20 prepared prior to entering into a plea agreement;

21 (5) provide notice of the ultimate disposition of the  
22 cases arising from an indictment or an information, or a  
23 petition to have a juvenile adjudicated as a delinquent for  
24 a violent crime;

25 (6) provide notice of any appeal taken by the defendant  
26 and information on how to contact the appropriate agency

1 handling the appeal;

2 (7) provide notice of any request for post-conviction  
3 review filed by the defendant under Article 122 of the Code  
4 of Criminal Procedure of 1963, and of the date, time and  
5 place of any hearing concerning the petition. Whenever  
6 possible, notice of the hearing shall be given in advance;

7 (8) forward a copy of any statement presented under  
8 Section 6 to the Prisoner Review Board to be considered by  
9 the Board in making its determination under subsection (b)  
10 of Section 3-3-8 of the Unified Code of Corrections.

11 (d) (1) The Prisoner Review Board shall inform a victim or  
12 any other concerned citizen, upon written request, of the  
13 prisoner's release on parole, mandatory supervised release,  
14 electronic detention, work release, international transfer or  
15 exchange, or by the custodian of the discharge of any  
16 individual who was adjudicated a delinquent for a violent crime  
17 from State custody and by the sheriff of the appropriate county  
18 of any such person's final discharge from county custody. The  
19 Prisoner Review Board, upon written request, shall provide to a  
20 victim or any other concerned citizen a recent photograph of  
21 any person convicted of a felony, upon his or her release from  
22 custody. The Prisoner Review Board, upon written request, shall  
23 inform a victim or any other concerned citizen when feasible at  
24 least 7 days prior to the prisoner's release on furlough of the  
25 times and dates of such furlough. Upon written request by the  
26 victim or any other concerned citizen, the State's Attorney

1 shall notify the person once of the times and dates of release  
2 of a prisoner sentenced to periodic imprisonment. Notification  
3 shall be based on the most recent information as to victim's or  
4 other concerned citizen's residence or other location  
5 available to the notifying authority. For purposes of this  
6 paragraph (1) of subsection (d), "concerned citizen" includes  
7 relatives of the victim, friends of the victim, witnesses to  
8 the crime, or any other person associated with the victim or  
9 prisoner.

10 (2) When the defendant has been committed to the  
11 Department of Human Services pursuant to Section 5-2-4 or  
12 any other provision of the Unified Code of Corrections, the  
13 victim may request to be notified by the releasing  
14 authority of the defendant's discharge from State custody.

15 (3) In the event of an escape from State custody, the  
16 Department of Corrections or the Department of Juvenile  
17 Justice immediately shall notify the Prisoner Review Board  
18 of the escape and the Prisoner Review Board shall notify  
19 the victim. The notification shall be based upon the most  
20 recent information as to the victim's residence or other  
21 location available to the Board. When no such information  
22 is available, the Board shall make all reasonable efforts  
23 to obtain the information and make the notification. When  
24 the escapee is apprehended, the Department of Corrections  
25 or the Department of Juvenile Justice immediately shall  
26 notify the Prisoner Review Board and the Board shall notify

1 the victim.

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

17 (5) If a statement is presented under Section 6, the  
18 Prisoner Review Board shall inform the victim of any order  
19 of discharge entered by the Board pursuant to Section 3-3-8  
20 of the Unified Code of Corrections.

21 (6) At the written request of the victim of the crime  
22 for which the prisoner was sentenced, the Prisoner Review  
23 Board shall notify the victim of the death of the prisoner  
24 if the prisoner died while on parole or mandatory  
25 supervised release.

26 (7) When a defendant who has been committed to the



1 Department of Corrections, the Department of Juvenile  
2 Justice, or the Department of Human Services is released or  
3 discharged and subsequently committed to the Department of  
4 Human Services as a sexually violent person and the victim  
5 had requested to be notified by the releasing authority of  
6 the defendant's discharge 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 (e) The officials named in this Section may satisfy some or  
11 all of their obligations to provide notices and other  
12 information through participation in a statewide victim and  
13 witness notification system established by the Attorney  
14 General under Section 8.5 of this Act.

15 (f) To permit a victim of a violent crime to provide  
16 information to the Prisoner Review Board for consideration by  
17 the Board at a parole hearing of a person who committed the  
18 crime against the victim in accordance with clause (d)(4) of  
19 this Section or at a proceeding to determine the conditions of  
20 mandatory supervised release of a person sentenced to a  
21 determinate sentence or at a hearing on revocation of mandatory  
22 supervised release of a person sentenced to a determinate  
23 sentence, the Board shall establish a toll-free number that may  
24 be accessed by the victim of a violent crime to present that  
25 information to the Board.

26 (Source: P.A. 93-235, eff. 7-22-03; 94-696, eff. 6-1-06.)

1 Section 10. The Unified Code of Corrections is amended by  
2 changing Section 3-2-3.1 as follows:

3 (730 ILCS 5/3-2-3.1) (from Ch. 38, par. 1003-2-3.1)

4 Sec. 3-2-3.1. Treaties. If a treaty in effect between the  
5 United States and a foreign country provides for the transfer  
6 or exchange of convicted offenders to the country of which they  
7 are citizens or nationals, the Governor may, on behalf of the  
8 State and subject to the terms of the treaty, authorize the  
9 Director of Corrections to consent to the transfer or exchange  
10 of offenders and take any other action necessary to initiate  
11 the participation of this State in the treaty. Before any  
12 transfer or exchange may occur, the Director of Corrections  
13 shall notify in writing the Prisoner Review Board and the  
14 Office of the State's Attorney which obtained the defendant's  
15 conviction.

16 (Source: P.A. 83-587.)

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