



## 95TH GENERAL ASSEMBLY

### State of Illinois

2007 and 2008

HB2759

Introduced 2/26/2007, by Rep. Michael J. Madigan - Barbara Flynn Currie - Robert S. Molaro

#### SYNOPSIS AS INTRODUCED:

720 ILCS 5/2-10.1

from Ch. 38, par. 2-10.1

Amends the Criminal Code of 1961. Makes a technical change in a Section concerning the definition of "severely or profoundly mentally retarded person".

LRB095 00962 RLC 20964 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 Criminal Code of 1961 is amended by changing  
5 Section 2-10.1 as follows:

6 (720 ILCS 5/2-10.1) (from Ch. 38, par. 2-10.1)

7 Sec. 2-10.1. "Severely or profoundly mentally retarded  
8 person" means a person (i) whose intelligence quotient does not  
9 exceed 40 or (ii) whose intelligence quotient does not exceed  
10 55 and ~~and~~ who suffers from significant mental illness to the  
11 extent that the person's ability to exercise rational judgment  
12 is impaired. In any proceeding in which the defendant is  
13 charged with committing a violation of Section 10-2, 10-5,  
14 11-15.1, 11-19.1, 11-19.2, 11-20.1, 12-4.3, 12-14, or 12-16 of  
15 this Code against a victim who is alleged to be a severely or  
16 profoundly mentally retarded person, any findings concerning  
17 the victim's status as a severely or profoundly mentally  
18 retarded person, made by a court after a judicial admission  
19 hearing concerning the victim under Articles V and VI of  
20 Chapter 4 of the Mental Health and Developmental Disabilities  
21 Code shall be admissible.

22 (Source: P.A. 92-434, eff. 1-1-02.)