



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB5966

Introduced 2/10/2010, by Rep. Chapin Rose

SYNOPSIS AS INTRODUCED:

725 ILCS 120/6

from Ch. 38, par. 1406

Amends the Rights of Crime Victims and Witnesses Act. Provides that in any case where a defendant has been convicted of a violent crime or a juvenile has been adjudicated a delinquent for a violent crime and a victim of the violent crime or the victim's spouse, guardian, parent, grandparent, or other immediate family or household member is present in the courtroom at the time of the sentencing or the disposition hearing, the victim or his or her representative shall have the right and the victim's spouse, guardian, parent, grandparent, and other immediate family or household member upon his, her, or their request shall (rather than may) be permitted by the court to address the court regarding the impact that the defendant's criminal conduct or the juvenile's delinquent conduct has had upon them and the victim.

LRB096 18865 RLC 35780 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 and a victim of the violent crime or the
11 victim's spouse, guardian, parent, grandparent, or other
12 immediate family or household member is present in the
13 courtroom at the time of the sentencing or the disposition
14 hearing, the victim or his or her representative shall have the
15 right and the victim's spouse, guardian, parent, grandparent,
16 and other immediate family or household member upon his, her,
17 or their request shall ~~may~~ be permitted by the court to address
18 the court regarding the impact that the defendant's criminal
19 conduct or the juvenile's delinquent conduct has had upon them
20 and the victim. The court has discretion to determine the
21 number of oral presentations of victim impact statements. Any
22 impact statement must have been prepared in writing in
23 conjunction with the Office of the State's Attorney prior to

1 the initial hearing or sentencing, before it can be presented
2 orally or in writing at the sentencing hearing. In conjunction
3 with the Office of the State's Attorney, a victim impact
4 statement that is presented orally may be done so by the victim
5 or the victim's spouse, guardian, parent, grandparent, or other
6 immediate family or household member or his, her, or their
7 representative. At the sentencing hearing, the prosecution may
8 introduce that evidence either in its case in chief or in
9 rebuttal. The court shall consider any impact statement
10 admitted along with all other appropriate factors in
11 determining the sentence of the defendant or disposition of
12 such juvenile.

13 (a-5) In any case where a defendant has been found not
14 guilty by reason of insanity of a violent crime and a hearing
15 has been ordered by the court under the Mental Health and
16 Developmental Disabilities Code to determine if the defendant
17 is: (1) in need of mental health services on an inpatient
18 basis; (2) in need of mental health services on an outpatient
19 basis; or (3) not in need of mental health services and a
20 victim of the violent crime or the victim's spouse, guardian,
21 parent, grandparent, or other immediate family or household
22 member is present in the courtroom at the time of the initial
23 commitment hearing, the victim or his or her representative
24 shall have the right and the victim's spouse, guardian, parent,
25 grandparent, and other immediate family or household members
26 upon their request may be permitted by the court to address the

1 court regarding the impact that the defendant's criminal
2 conduct has had upon them and the victim. The court has
3 discretion to determine the number of oral presentations of
4 victim impact statements. Any impact statement must have been
5 prepared in writing in conjunction with the Office of the
6 State's Attorney prior to the initial commitment hearing,
7 before it may be presented orally or in writing at the
8 commitment hearing. In conjunction with the Office of the
9 State's Attorney, a victim impact statement that is presented
10 orally may be presented so by the victim or the victim's
11 spouse, guardian, parent, grandparent, or other immediate
12 family or household member or his or her representative. At the
13 initial commitment hearing, the State's Attorney may introduce
14 the statement either in its case in chief or in rebuttal. The
15 court may only consider the impact statement along with all
16 other appropriate factors in determining the: (1) threat of
17 serious physical harm poised by the respondent to himself or
18 herself, or to another person; (2) location of inpatient or
19 outpatient mental health services ordered by the court, but
20 only after complying with all other applicable administrative,
21 rule, and statutory requirements; (3) maximum period of
22 commitment for inpatient mental health services; and (4)
23 conditions of release for outpatient mental health services
24 ordered by the court.

25 (b) The crime victim has the right to prepare a victim
26 impact statement and present it to the Office of the State's

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

6 (c) This Section shall apply to any victims of a violent
7 crime during any dispositional hearing under Section 5-705 of
8 the Juvenile Court Act of 1987 which takes place pursuant to an
9 adjudication or trial or plea of delinquency for any such
10 offense.

11 (Source: P.A. 95-591, eff. 6-1-08; 96-117, eff. 1-1-10.)