



## 97TH GENERAL ASSEMBLY

### State of Illinois

2011 and 2012

HB5187

Introduced 2/8/2012, by Rep. Rita Mayfield

#### SYNOPSIS AS INTRODUCED:

50 ILCS 705/7	from Ch. 85, par. 507
725 ILCS 120/4	from Ch. 38, par. 1404
725 ILCS 120/4.5	

Amends the Illinois Police Training Act. Provides that the curriculum for probationary police officers shall include training in techniques designed to promote effective communication at the initial contact with crime victims and ways to comprehensively explain to victims and witnesses their rights under the Rights of Crime Victims and Witnesses Act and the Crime Victims Compensation Act. Amends the Rights of Crime Victims and Witnesses Act. Provides that any law enforcement agency that investigates an offense committed in the State shall provide a crime victim with a written statement and explanation of the rights of crime victims within 48 hours of law enforcement's initial contact with a victim. Provides that the Clerk of the Circuit Court shall post the rights of crime victims set forth in the Illinois Constitution and the Act within 3 feet of the door to any courtroom where criminal proceedings are conducted. Provides that the clerk may also post the rights in other locations in the courthouse. Provides that when the defendant has been committed to the Department of Human Services, the victim may request to be notified by the releasing authority of the approval by the court of an on-grounds pass, a supervised off-grounds pass, an unsupervised off-grounds pass, or conditional release; the release on an off-grounds pass; the return from an off-grounds pass; transfer to another facility; conditional release; escape; death; or final discharge from State custody.

LRB097 17232 RLC 65228 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 Illinois Police Training Act is amended by  
5 changing Section 7 as follows:

6 (50 ILCS 705/7) (from Ch. 85, par. 507)

7 Sec. 7. Rules and standards for schools. The Board shall  
8 adopt rules and minimum standards for such schools which shall  
9 include but not be limited to the following:

10 a. The curriculum for probationary police officers which  
11 shall be offered by all certified schools shall include but not  
12 be limited to courses of arrest, search and seizure, civil  
13 rights, human relations, cultural diversity, including racial  
14 and ethnic sensitivity, criminal law, law of criminal  
15 procedure, vehicle and traffic law including uniform and  
16 non-discriminatory enforcement of the Illinois Vehicle Code,  
17 traffic control and accident investigation, techniques of  
18 obtaining physical evidence, court testimonies, statements,  
19 reports, firearms training, first-aid (including  
20 cardiopulmonary resuscitation), handling of juvenile  
21 offenders, recognition of mental conditions which require  
22 immediate assistance and methods to safeguard and provide  
23 assistance to a person in need of mental treatment, law of

1 evidence, the hazards of high-speed police vehicle chases with  
2 an emphasis on alternatives to the high-speed chase, and  
3 physical training. The curriculum shall include specific  
4 training in techniques for immediate response to and  
5 investigation of cases of domestic violence and of sexual  
6 assault of adults and children. The curriculum shall include  
7 training in techniques designed to promote effective  
8 communication at the initial contact with crime victims and  
9 ways to comprehensively explain to victims and witnesses their  
10 rights under the Rights of Crime Victims and Witnesses Act and  
11 the Crime Victims Compensation Act. The curriculum shall also  
12 include a block of instruction aimed at identifying and  
13 interacting with persons with autism and other developmental  
14 disabilities, reducing barriers to reporting crimes against  
15 persons with autism, and addressing the unique challenges  
16 presented by cases involving victims or witnesses with autism  
17 and other developmental disabilities. The curriculum for  
18 permanent police officers shall include but not be limited to  
19 (1) refresher and in-service training in any of the courses  
20 listed above in this subparagraph, (2) advanced courses in any  
21 of the subjects listed above in this subparagraph, (3) training  
22 for supervisory personnel, and (4) specialized training in  
23 subjects and fields to be selected by the board.

24 b. Minimum courses of study, attendance requirements and  
25 equipment requirements.

26 c. Minimum requirements for instructors.

1           d. Minimum basic training requirements, which a  
2 probationary police officer must satisfactorily complete  
3 before being eligible for permanent employment as a local law  
4 enforcement officer for a participating local governmental  
5 agency. Those requirements shall include training in first aid  
6 (including cardiopulmonary resuscitation).

7           e. Minimum basic training requirements, which a  
8 probationary county corrections officer must satisfactorily  
9 complete before being eligible for permanent employment as a  
10 county corrections officer for a participating local  
11 governmental agency.

12           f. Minimum basic training requirements which a  
13 probationary court security officer must satisfactorily  
14 complete before being eligible for permanent employment as a  
15 court security officer for a participating local governmental  
16 agency. The Board shall establish those training requirements  
17 which it considers appropriate for court security officers and  
18 shall certify schools to conduct that training.

19           A person hired to serve as a court security officer must  
20 obtain from the Board a certificate (i) attesting to his or her  
21 successful completion of the training course; (ii) attesting to  
22 his or her satisfactory completion of a training program of  
23 similar content and number of hours that has been found  
24 acceptable by the Board under the provisions of this Act; or  
25 (iii) attesting to the Board's determination that the training  
26 course is unnecessary because of the person's extensive prior

1 law enforcement experience.

2 Individuals who currently serve as court security officers  
3 shall be deemed qualified to continue to serve in that capacity  
4 so long as they are certified as provided by this Act within 24  
5 months of the effective date of this amendatory Act of 1996.  
6 Failure to be so certified, absent a waiver from the Board,  
7 shall cause the officer to forfeit his or her position.

8 All individuals hired as court security officers on or  
9 after the effective date of this amendatory Act of 1996 shall  
10 be certified within 12 months of the date of their hire, unless  
11 a waiver has been obtained by the Board, or they shall forfeit  
12 their positions.

13 The Sheriff's Merit Commission, if one exists, or the  
14 Sheriff's Office if there is no Sheriff's Merit Commission,  
15 shall maintain a list of all individuals who have filed  
16 applications to become court security officers and who meet the  
17 eligibility requirements established under this Act. Either  
18 the Sheriff's Merit Commission, or the Sheriff's Office if no  
19 Sheriff's Merit Commission exists, shall establish a schedule  
20 of reasonable intervals for verification of the applicants'  
21 qualifications under this Act and as established by the Board.

22 (Source: P.A. 95-171, eff. 1-1-08.)

23 Section 10. The Rights of Crime Victims and Witnesses Act  
24 is amended by changing Sections 4 and 4.5 as follows:

1 (725 ILCS 120/4) (from Ch. 38, par. 1404)

2 Sec. 4. Rights of crime victims.

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

4 (1) The right to be treated with fairness and respect  
5 for their dignity and privacy throughout the criminal  
6 justice process.

7 (2) The right to notification of court proceedings.

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

9 (4) The right to make a statement to the court at  
10 sentencing.

11 (5) The right to information about the conviction,  
12 sentence, imprisonment and release of the accused.

13 (6) The right to the timely disposition of the case  
14 following the arrest of the accused.

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

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

22 (9) the right to have present at all court proceedings,  
23 including proceedings under the Juvenile Court Act of 1987,  
24 subject to the admonition of the rules of confidentiality  
25 and subject to the rules of evidence, a victim-witness  
26 specialist, an advocate or other support person of the

1 victim's choice.

2 (10) The right to restitution.

3 (b) Any law enforcement agency that investigates an offense  
4 committed in this State shall provide a crime victim with a  
5 written statement and explanation of the rights of crime  
6 victims within 48 hours of law enforcement's initial contact  
7 with a victim. The statement shall include information about  
8 crime victim compensation, including how to contact the Office  
9 of the Illinois Attorney General to file a claim, and  
10 appropriate referrals to local and State programs that provide  
11 victim services. The content of the statement shall be provided  
12 to law enforcement by the Attorney General. Law enforcement  
13 shall also provide a crime victim with a sign-off sheet that  
14 the victim shall sign and date as an acknowledgement that he or  
15 she has been furnished with information and an explanation of  
16 the rights of crime victims and compensation set forth in this  
17 Act.

18 (c) The Clerk of the Circuit Court shall post the rights of  
19 crime victims set forth in Article I, Section 8.1(a) of the  
20 Illinois Constitution and subsection (a) of this Section within  
21 3 feet of the door to any courtroom where criminal proceedings  
22 are conducted. The clerk may also post the rights in other  
23 locations in the courthouse.

24 (d) A statement and explanation of the rights of crime  
25 victims set forth in paragraph (a) of this Section shall be  
26 given to a crime victim at the initial contact with the

1 criminal justice system by the appropriate authorities and  
2 shall be conspicuously posted in all court facilities.

3 (Source: P.A. 95-591, eff. 6-1-08.)

4 (725 ILCS 120/4.5)

5 Sec. 4.5. Procedures to implement the rights of crime  
6 victims. To afford crime victims their rights, law enforcement,  
7 prosecutors, judges and corrections will provide information,  
8 as appropriate of the following procedures:

9 (a) At the request of the crime victim, law enforcement  
10 authorities investigating the case shall provide notice of the  
11 status of the investigation, except where the State's Attorney  
12 determines that disclosure of such information would  
13 unreasonably interfere with the investigation, until such time  
14 as the alleged assailant is apprehended or the investigation is  
15 closed.

16 (a-5) When law enforcement authorities re-open a closed  
17 case to resume investigating, they shall provide notice of the  
18 re-opening of the case, except where the State's Attorney  
19 determines that disclosure of such information would  
20 unreasonably interfere with the investigation.

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

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



1           (2) shall provide notice of the date, time, and place  
2 of trial;

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

7           (3.5) or victim advocate personnel shall provide  
8 information about available victim services, including  
9 referrals to programs, counselors, and agencies that  
10 assist a victim to deal with trauma, loss, and grief;

11           (4) shall assist in having any stolen or other personal  
12 property held by law enforcement authorities for  
13 evidentiary or other purposes returned as expeditiously as  
14 possible, pursuant to the procedures set out in Section  
15 115-9 of the Code of Criminal Procedure of 1963;

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

21           (6) shall provide information whenever possible, of a  
22 secure waiting area during court proceedings that does not  
23 require victims to be in close proximity to defendant or  
24 juveniles accused of a violent crime, and their families  
25 and friends;

26           (7) shall provide notice to the crime victim of the

1 right to have a translator present at all court proceedings  
2 and, in compliance with the federal Americans with  
3 Disabilities Act of 1990, the right to communications  
4 access through a sign language interpreter or by other  
5 means;

6 (8) in the case of the death of a person, which death  
7 occurred in the same transaction or occurrence in which  
8 acts occurred for which a defendant is charged with an  
9 offense, shall notify the spouse, parent, child or sibling  
10 of the decedent of the date of the trial of the person or  
11 persons allegedly responsible for the death;

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

21 (10) at the sentencing hearing shall make a good faith  
22 attempt to explain the minimum amount of time during which  
23 the defendant may actually be physically imprisoned. The  
24 Office of the State's Attorney shall further notify the  
25 crime victim of the right to request from the Prisoner  
26 Review Board information concerning the release of the

1 defendant under subparagraph (d) (1) of this Section;

2 (11) shall request restitution at sentencing and shall  
3 consider restitution in any plea negotiation, as provided  
4 by law; and

5 (12) shall, upon the court entering a verdict of not  
6 guilty by reason of insanity, inform the victim of the  
7 notification services available from the Department of  
8 Human Services, including the statewide telephone number,  
9 under subparagraph (d) (2) of this Section.

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

12 (1) provide notice a reasonable time in advance of the  
13 following court proceedings: preliminary hearing, any  
14 hearing the effect of which may be the release of defendant  
15 from custody, or to alter the conditions of bond and the  
16 sentencing hearing. The crime victim shall also be notified  
17 of the cancellation of the court proceeding in sufficient  
18 time, wherever possible, to prevent an unnecessary  
19 appearance in court;

20 (2) provide notice within a reasonable time after  
21 receipt of notice from the custodian, of the release of the  
22 defendant on bail or personal recognizance or the release  
23 from detention of a minor who has been detained for a  
24 violent crime;

25 (3) explain in nontechnical language the details of any  
26 plea or verdict of a defendant, or any adjudication of a

1 juvenile as a delinquent for a violent crime;

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

8 (5) provide notice of the ultimate disposition of the  
9 cases arising from an indictment or an information, or a  
10 petition to have a juvenile adjudicated as a delinquent for  
11 a violent crime;

12 (6) provide notice of any appeal taken by the defendant  
13 and information on how to contact the appropriate agency  
14 handling the appeal;

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

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

24 (d) (1) The Prisoner Review Board shall inform a victim or  
25 any other concerned citizen, upon written request, of the  
26 prisoner's release on parole, mandatory supervised release,

1 electronic detention, work release, international transfer or  
2 exchange, or by the custodian of the discharge of any  
3 individual who was adjudicated a delinquent for a violent crime  
4 from State custody and by the sheriff of the appropriate county  
5 of any such person's final discharge from county custody. The  
6 Prisoner Review Board, upon written request, shall provide to a  
7 victim or any other concerned citizen a recent photograph of  
8 any person convicted of a felony, upon his or her release from  
9 custody. The Prisoner Review Board, upon written request, shall  
10 inform a victim or any other concerned citizen when feasible at  
11 least 7 days prior to the prisoner's release on furlough of the  
12 times and dates of such furlough. Upon written request by the  
13 victim or any other concerned citizen, the State's Attorney  
14 shall notify the person once of the times and dates of release  
15 of a prisoner sentenced to periodic imprisonment. Notification  
16 shall be based on the most recent information as to victim's or  
17 other concerned citizen's residence or other location  
18 available to the notifying authority.

19 (2) When the defendant has been committed to the Department  
20 of Human Services pursuant to Section 5-2-4 or any other  
21 provision of the Unified Code of Corrections, the victim may  
22 request to be notified by the releasing authority of the  
23 approval by the court of an on-grounds pass, a supervised  
24 off-grounds pass, an unsupervised off-grounds pass, or  
25 conditional release; the release on an off-grounds pass; the  
26 return from an off-grounds pass; transfer to another facility;

1 conditional release; escape; death; ~~defendant's furloughs,~~  
2 ~~temporary release,~~ or final discharge from State custody. The  
3 Department of Human Services shall establish and maintain a  
4 statewide telephone number to be used by victims to make  
5 notification requests under these provisions and shall  
6 publicize this telephone number on its website and to the  
7 State's Attorney of each county.

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

20 (4) The victim of the crime for which the prisoner has been  
21 sentenced shall receive reasonable written notice not less than  
22 30 days prior to the parole interview and may submit, in  
23 writing, on film, videotape or other electronic means or in the  
24 form of a recording or in person at the parole interview or if  
25 a victim of a violent crime, by calling the toll-free number  
26 established in subsection (f) of this Section, information for

1 consideration by the Prisoner Review Board. The victim shall be  
2 notified within 7 days after the prisoner has been granted  
3 parole and shall be informed of the right to inspect the  
4 registry of parole decisions, established under subsection (g)  
5 of Section 3-3-5 of the Unified Code of Corrections. The  
6 provisions of this paragraph (4) are subject to the Open Parole  
7 Hearings Act.

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

12 (6) At the written request of the victim of the crime for  
13 which the prisoner was sentenced or the State's Attorney of the  
14 county where the person seeking parole was prosecuted, the  
15 Prisoner Review Board shall notify the victim and the State's  
16 Attorney of the county where the person seeking parole was  
17 prosecuted of the death of the prisoner if the prisoner died  
18 while on parole or mandatory supervised release.

19 (7) When a defendant who has been committed to the  
20 Department of Corrections, the Department of Juvenile Justice,  
21 or the Department of Human Services is released or discharged  
22 and subsequently committed to the Department of Human Services  
23 as a sexually violent person and the victim had requested to be  
24 notified by the releasing authority of the defendant's  
25 discharge, conditional release, death, or escape from State  
26 custody, the releasing authority shall provide to the

1 Department of Human Services such information that would allow  
2 the Department of Human Services to contact the victim.

3 (8) When a defendant has been convicted of a sex offense as  
4 defined in Section 2 of the Sex Offender Registration Act and  
5 has been sentenced to the Department of Corrections or the  
6 Department of Juvenile Justice, the Prisoner Review Board shall  
7 notify the victim of the sex offense of the prisoner's  
8 eligibility for release on parole, mandatory supervised  
9 release, electronic detention, work release, international  
10 transfer or exchange, or by the custodian of the discharge of  
11 any individual who was adjudicated a delinquent for a sex  
12 offense from State custody and by the sheriff of the  
13 appropriate county of any such person's final discharge from  
14 county custody. The notification shall be made to the victim at  
15 least 30 days, whenever possible, before release of the sex  
16 offender.

17 (e) The officials named in this Section may satisfy some or  
18 all of their obligations to provide notices and other  
19 information through participation in a statewide victim and  
20 witness notification system established by the Attorney  
21 General under Section 8.5 of this Act.

22 (f) To permit a victim of a violent crime to provide  
23 information to the Prisoner Review Board for consideration by  
24 the Board at a parole hearing of a person who committed the  
25 crime against the victim in accordance with clause (d)(4) of  
26 this Section or at a proceeding to determine the conditions of



1 mandatory supervised release of a person sentenced to a  
2 determinate sentence or at a hearing on revocation of mandatory  
3 supervised release of a person sentenced to a determinate  
4 sentence, the Board shall establish a toll-free number that may  
5 be accessed by the victim of a violent crime to present that  
6 information to the Board.

7 (Source: P.A. 96-328, eff. 8-11-09; 96-875, eff. 1-22-10;  
8 97-457, eff. 1-1-12; 97-572, eff. 1-1-12; revised 9-14-11.)