

1 AN ACT in relation to crime victims and witnesses.

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
5 is 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
9 enforcement, prosecutors, judges and corrections will provide
10 information, 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
13 the status of the investigation, except where the State's
14 Attorney determines that disclosure of such information would
15 unreasonably interfere with the investigation, until such
16 time as the alleged assailant is apprehended or the
17 investigation is closed.

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

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

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

26 (3) or victim advocate personnel shall provide
27 information of social services and financial assistance
28 available for victims of crime, including information of
29 how to apply for these services and assistance;

30 (4) shall assist in having any stolen or other
31 personal property held by law enforcement authorities for

1 evidentiary or other purposes returned as expeditiously
2 as possible, pursuant to the procedures set out in
3 Section 115-9 of the Code of Criminal Procedure of 1963;

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

9 (6) shall provide information whenever possible, of
10 a secure waiting area during court proceedings that does
11 not require victims to be in close proximity to defendant
12 or juveniles accused of a violent crime, and their
13 families and friends;

14 (7) shall provide notice to the crime victim of the
15 right to have a translator present at all court
16 proceedings;

17 (8) in the case of the death of a person, which
18 death occurred in the same transaction or occurrence in
19 which acts occurred for which a defendant is charged with
20 an offense, shall notify the spouse, parent, child or
21 sibling of the decedent of the date of the trial of the
22 person or persons allegedly responsible for the death;

23 (9) shall inform the victim of the right to have
24 present at all court proceedings, subject to the rules of
25 evidence, an advocate or other support person of the
26 victim's choice, and the right to retain an attorney, at
27 the victim's own expense, who, upon written notice filed
28 with the clerk of the court and State's Attorney, is to
29 receive copies of all notices, motions and court orders
30 filed thereafter in the case, in the same manner as if
31 the victim were a named party in the case; and

32 (10) at the sentencing hearing shall make a good
33 faith attempt to explain the minimum amount of time
34 during which the defendant may actually be physically

1 imprisoned. The Office of the State's Attorney shall
2 further notify the crime victim of the right to request
3 from the Prisoner Review Board information concerning the
4 release of the defendant under subparagraph (d)(1) of
5 this Section; and

6 (11) shall request restitution at sentencing and
7 shall consider restitution in any plea negotiation, as
8 provided by law.

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

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

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

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

27 (4) where practical, consult with the crime victim
28 before the Office of the State's Attorney makes an offer
29 of a plea bargain to the defendant or enters into
30 negotiations with the defendant concerning a possible
31 plea agreement, and shall consider the written victim
32 impact statement, if prepared prior to entering into a
33 plea agreement;

34 (5) provide notice of the ultimate disposition of

1 the cases arising from an indictment or an information,
2 or a petition to have a juvenile adjudicated as a
3 delinquent for a violent crime;

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

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

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

17 (d) (1) If a victim or other concerned citizen signs a
18 written request for the notifications provided for in
19 this subsection (d) and submits the request to the
20 State's Attorney of the County where the prisoner was
21 prosecuted, the State's Attorney shall submit the written
22 request to the Prisoner Review Board. The Prisoner
23 Review Board, without any further request for
24 notification from the victim or other concerned citizen,
25 shall: (i) inform a victim or any other concerned
26 citizen, upon written request, of the prisoner's release
27 on parole, mandatory supervised release, electronic
28 detention, work release or by the custodian of the
29 discharge of any individual who was adjudicated a
30 delinquent for a violent crime from State custody and by
31 the sheriff of the appropriate county of any such
32 person's final discharge from county custody; (ii)---The
33 Prisoner--Review--Board,--upon--written--request,---shall
34 provide to a victim or any other concerned citizen a

1 recent photograph of any person convicted of a felony,
 2 upon his or her release from custody; ~~(iii)-The-Prisoner~~
 3 ~~Review-Board, upon-written-request, shall~~ inform a victim
 4 or any other concerned citizen when feasible at least 7
 5 days prior to the prisoner's release on furlough of the
 6 times and dates of such furlough; ~~and (iv)-Upon-written~~
 7 ~~request-by-the-victim-or-any-other-concerned-citizen, the~~
 8 ~~State's-Attorney shall~~ notify the person once of the
 9 times and dates of release of a prisoner sentenced to
 10 periodic imprisonment. Notification shall be based on
 11 the most recent information as to victim's or other
 12 concerned citizen's residence or other location available
 13 to the notifying authority. For purposes of this
 14 paragraph (1) of subsection (d), "concerned citizen"
 15 includes relatives of the victim, friends of the victim,
 16 witnesses to the crime, or any other person associated
 17 with the victim or prisoner.

18 (2) When the defendant has been committed to the
 19 Department of Human Services pursuant to Section 5-2-4 or
 20 any other provision of the Unified Code of Corrections,
 21 the victim shall ~~may--request--to~~ be notified by the
 22 releasing authority of the defendant's discharge from
 23 State custody if the victim has signed the written
 24 request as provided in paragraph (1) of this subsection
 25 (d).

26 (2.5) Only one written request must be signed and
 27 submitted by the victim or other concerned citizen in
 28 order to receive every one of the notifications provided
 29 in this subsection (d). The State's Attorney must submit
 30 the appropriate written request form to the Prisoner
 31 Review Board or the Department of Human Services, as the
 32 case may be.

33 (3) In the event of an escape from State custody,
 34 the Department of Corrections immediately shall notify

1 the Prisoner Review Board of the escape and the Prisoner
2 Review Board shall notify the victim. The notification
3 shall be based upon the most recent information as to the
4 victim's residence or other location available to the
5 Board. When no such information is available, the Board
6 shall make all reasonable efforts to obtain the
7 information and make the notification. When the escapee
8 is apprehended, the Department of Corrections immediately
9 shall notify the Prisoner Review Board and the Board
10 shall notify the victim.

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

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

28 (6) At the written request of the victim of the
29 crime for which the prisoner was sentenced, the Prisoner
30 Review Board shall notify the victim of the death of the
31 prisoner if the prisoner died while on parole or
32 mandatory supervised release.

33 (7) When a defendant who has been committed to the
34 Department of Corrections or the Department of Human

1 Services is released or discharged and subsequently
2 committed to the Department of Human Services as a
3 sexually violent person and the victim had requested to
4 be notified by the releasing authority of the defendant's
5 discharge from State custody, the releasing authority
6 shall provide to the Department of Human Services such
7 information that would allow the Department of Human
8 Services to contact the victim.

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

14 (Source: P.A. 90-14, eff. 7-1-97; 90-793, eff. 8-14-98;
15 91-237, eff. 1-1-00; 91-693, eff. 4-13-00.)

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