92_HB0863sam001

LRB9204826RCsbam

AMENDMENT TO HOUSE BILL 863 AMENDMENT NO. ____. Amend House Bill 863 as follows: by replacing everything after the enacting clause with the following:

5 "Section 5. The Rights of Crime Victims and Witnesses
6 Act is amended by changing Section 6 as follows:

7 (725 ILCS 120/6) (from Ch. 38, par. 1406)

Sec. 6. Rights to present victim impact statement. 8 9 (a) In any case where a defendant has been convicted of 10 a violent crime or a juvenile has been adjudicated a delinquent for a violent crime except those in which both 11 parties have agreed to the imposition of a specific sentence, 12 and a victim of the violent crime or the victim's spouse, 13 14 guardian, parent, or other immediate family or household member is present in the courtroom at the time of 15 the sentencing or the disposition hearing, the victim or his or 16 her representative shall have the right and the victim's 17 spouse, guardian, parent, or other immediate family or 18 household member upon his, or her, or their request may be 19 permitted by the court to shall-have-the-right-to address the 20 21 court regarding the impact <u>that</u> which the defendant's 22 criminal conduct or the juvenile's delinquent conduct has had

1 upon them and the victim. Any If--the-victim-chooses-to 2 exercise-this-right,-the impact statement must have been prepared in writing in conjunction with the Office of the 3 4 State's Attorney prior to the initial hearing or sentencing, before it can be presented orally or in writing at the 5 б sentencing hearing. In conjunction with the Office of the 7 State's Attorney, a victim impact statement that is presented 8 orally may be done so by the victim or the victim's spouse, 9 guardian, parent, or other immediate family or household member or his, or her, or their representative. At the 10 11 sentencing hearing, the prosecution may introduce that evidence either in its case in chief or in rebuttal. The 12 13 court shall consider any impact statement admitted statements made-by-the-vietim, along with all other appropriate factors 14 15 in determining the sentence of the defendant or disposition 16 of such juvenile.

17 (b) The crime victim has the right to prepare a victim
18 impact statement and present it to the Office of the State's
19 Attorney at any time during the proceedings.

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

24 (Source: P.A. 90-590, eff. 1-1-99; 91-693, eff. 4-13-00.)".

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