

1 AN ACT in relation to victims' rights.

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 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  
9 a violent crime or a juvenile has been adjudicated a  
10 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 guardian, parent, or other immediate family or household  
14 member is present in the courtroom at the time of the  
15 sentencing or the disposition hearing, the victim and the  
16 victim's spouse, guardian, parent, or other immediate family  
17 or household member upon his, ~~or~~ her, or their request may  
18 ~~shall-have-the-right--to~~ address the court regarding the  
19 impact that ~~which~~ the defendant's criminal conduct or the  
20 juvenile's delinquent conduct has had upon them and the  
21 victim. ~~Any If-the-victim-chooses-to-exercise-this-right,-the~~  
22 impact statement must have been prepared in writing in  
23 conjunction with the Office of the State's Attorney prior to  
24 the initial hearing or sentencing, before it can be presented  
25 orally or in writing at the sentencing hearing. In  
26 conjunction with the Office of the State's Attorney, a victim  
27 impact statement that is presented orally may be done so by  
28 the victim or the victim's spouse, guardian, parent, or other  
29 immediate family or household member or his, or her, or their  
30 representative. The prosecution may introduce that evidence  
31 either in its case in chief or in rebuttal. The court shall

1 consider any impact statement ~~statements-made-by-the-victim~~,  
2 along with all other appropriate factors in determining the  
3 sentence of the defendant or disposition of such juvenile.

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

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

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