

1 AN ACT in relation to criminal law.

2 Be it enacted by the People of the State of Illinois,
3 represented in the General Assembly:

4 Section 5. The Criminal Code of 1961 is amended by
5 changing Section 2-10.1 as follows:

6 (720 ILCS 5/2-10.1) (from Ch. 38, par. 2-10.1)

7 Sec. 2-10.1. "Institutionalized severely or profoundly
8 mentally retarded person" means a person who is
9 institutionalized in a developmental disability facility,
10 nursing home facility, or long term care facility and either
11 (i) the person's intelligence quotient does not exceed 40 or
12 (ii) the person's intelligence quotient does not exceed 55
13 and the person suffers from significant mental illness to the
14 extent that the person's ability to exercise rational
15 judgment is impaired. In any proceeding in which the
16 defendant is charged with committing a violation of Section
17 10-2, 10-5, 11-15.1, 11-19.1, 11-19.2, 11-20.1, 12-4.3,
18 12-14, or 12-16 of this Code against a victim who is alleged
19 to be an institutionalized severely or profoundly mentally
20 retarded person, any findings concerning the victim's status
21 as an institutionalized severely or profoundly mentally
22 retarded person, made by a court after a judicial admission
23 hearing concerning the victim under Articles V and VI of
24 Chapter 4 of the Mental Health and Developmental Disabilities
25 Code is ~~shall~~-be admissible.

26 (Source: P.A. 87-1198.)