

1 AN ACT in relation to the elderly.

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

4 Section 5. The Code of Criminal Procedure of 1963 is
5 amended by changing Section 115-10.3 as follows:

6 (725 ILCS 5/115-10.3)

7 Sec. 115-10.3. Hearsay exception regarding elder adults.

8 (a) In a prosecution for a physical act, abuse, neglect,
9 or financial exploitation perpetrated upon or against an
10 eligible adult, as defined in the Elder Abuse and Neglect
11 Act, who at the time the act was committed or before ~~prior-to~~
12 the time of the trial has been diagnosed by a physician to
13 suffer from (i) any form of dementia, developmental
14 disability, or other form of mental incapacity or (ii) any
15 physical infirmity, including but not limited to prosecutions
16 for violations of Sections 10-1, 10-2, 10-3, 10-3.1, 10-4,
17 11-11, 12-1, 12-2, 12-3, 12-3.2, 12-4, 12-4.1, 12-4.2,
18 12-4.5, 12-4.6, 12-4.7, 12-5, 12-6, 12-7.3, 12-7.4, 12-11,
19 12-11.1, 12-13, 12-14, 12-15, 12-16, 12-21, 16-1, 16-1.3,
20 17-1, 17-3, 18-1, 18-2, 18-3, 18-4, 18-5, 20-1.1, 24-1.2, and
21 33A-2 of the Criminal Code of 1961, the following evidence
22 shall be admitted as an exception to the hearsay rule:

23 (1) testimony by an eligible adult, of an out of
24 court statement made by the eligible adult, that he or
25 she complained of such act to another; and

26 (2) testimony of an out of court statement made by
27 the eligible adult, describing any complaint of such act
28 or matter or detail pertaining to any act which is an
29 element of an offense which is the subject of a
30 prosecution for a physical act, abuse, neglect, or
31 financial exploitation perpetrated upon or against the

1 eligible adult.

2 (b) Such testimony shall only be admitted if:

3 (1) The court finds in a hearing conducted outside
4 the presence of the jury that the time, content, and
5 circumstances of the statement provide sufficient
6 safeguards of reliability; and

7 (2) The eligible adult either:

8 (A) testifies at the proceeding; or

9 (B) is unavailable as a witness and there is
10 corroborative evidence of the act which is the
11 subject of the statement.

12 (c) If a statement is admitted pursuant to this Section,
13 the court shall instruct the jury that it is for the jury to
14 determine the weight and credibility to be given the
15 statement and that, in making the determination, it shall
16 consider the condition of the eligible adult, the nature of
17 the statement, the circumstances under which the statement
18 was made, and any other relevant factor.

19 (d) The proponent of the statement shall give the
20 adverse party reasonable notice of his or her intention to
21 offer the statement and the particulars of the statement.

22 (Source: P.A. 92-91, eff. 7-18-01.)