

1 AN ACT in relation to crime victims.

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) The Prisoner Review Board shall inform a victim
18 or any other concerned citizen, upon written request, of
19 the prisoner's release on parole, mandatory supervised
20 release, electronic detention, work release or by the
21 custodian of the discharge of any individual who was
22 adjudicated a delinquent for a violent crime from State
23 custody and by the sheriff of the appropriate county of
24 any such person's final discharge from county custody.
25 The Prisoner Review Board, upon written request, shall
26 provide to a victim or any other concerned citizen a
27 recent photograph of any person convicted of a felony,
28 upon his or her release from custody. The Prisoner Review
29 Board, upon written request, shall inform a victim or any
30 other concerned citizen when feasible at least 7 days
31 prior to the prisoner's release on furlough of the times
32 and dates of such furlough. Upon written request by the
33 victim or any other concerned citizen, the State's
34 Attorney shall notify the person once of the times and

1 dates of release of a prisoner sentenced to periodic
2 imprisonment. Notification shall be based on the most
3 recent information as to victim's or other concerned
4 citizen's residence or other location available to the
5 notifying authority. For purposes of this paragraph (1)
6 of subsection (d), "concerned citizen" includes relatives
7 of the victim, friends of the victim, witnesses to the
8 crime, or any other person associated with the victim or
9 prisoner.

10 (2) When the defendant has been committed to the
11 Department of Human Services pursuant to Section 5-2-4 or
12 any other provision of the Unified Code of Corrections,
13 the victim may request to be notified by the releasing
14 authority of the defendant's discharge from State
15 custody.

16 (3) In the event of an escape from State custody,
17 the Department of Corrections immediately shall notify
18 the Prisoner Review Board of the escape and the Prisoner
19 Review Board shall notify the victim. The notification
20 shall be based upon the most recent information as to the
21 victim's residence or other location available to the
22 Board. When no such information is available, the Board
23 shall make all reasonable efforts to obtain the
24 information and make the notification. When the escapee
25 is apprehended, the Department of Corrections immediately
26 shall notify the Prisoner Review Board and the Board
27 shall notify the victim.

28 (4) The victim of the crime for which the prisoner
29 has been sentenced shall receive reasonable written
30 notice not less than 15 days prior to the parole hearing
31 and may submit, in writing, on film, videotape or other
32 electronic means or in the form of a recording or in
33 person at the parole hearing or if a victim of domestic
34 violence or sexual assault, by calling the toll-free

1 number established in subsection (f) of this Section,
2 information for consideration by the Prisoner Review
3 Board. The victim shall be notified within 7 days after
4 the prisoner has been granted parole and shall be
5 informed of the right to inspect the registry of parole
6 decisions, established under subsection (g) of Section
7 3-3-5 of the Unified Code of Corrections. The provisions
8 of this paragraph (4) are subject to the Open Parole
9 Hearings Act.

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

14 (6) At the written request of the victim of the
15 crime for which the prisoner was sentenced, the Prisoner
16 Review Board shall notify the victim of the death of the
17 prisoner if the prisoner died while on parole or
18 mandatory supervised release.

19 (7) When a defendant who has been committed to the
20 Department of Corrections or the Department of Human
21 Services is released or discharged and subsequently
22 committed to the Department of Human Services as a
23 sexually violent person and the victim had requested to
24 be notified by the releasing authority of the defendant's
25 discharge from State custody, the releasing authority
26 shall provide to the Department of Human Services such
27 information that would allow the Department of Human
28 Services to contact the victim.

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

34 (f) To permit a victim of domestic violence or sexual

1 assault to provide information to the Prisoner Review Board
 2 for consideration by the Board at a parole hearing of a
 3 person who committed the crime against the victim in
 4 accordance with clause (d)(4) of this Section, the Board
 5 shall establish a toll-free number that may be accessed by
 6 the victim of domestic violence or sexual assault to present
 7 that information to the Board. In this subsection (f),
 8 "victim of domestic violence or sexual assault" means a
 9 person who is a victim of a felony that involved an act of
 10 sexual penetration or sexual conduct against the victim or
 11 involved felony domestic battery, aggravated domestic
 12 battery, a felony violation of an order of protection, or any
 13 other felony that involved force or threat of force committed
 14 by a family or household member as defined in Section 103 of
 15 the Illinois Domestic Violence Act of 1986.

16 (Source: P.A. 90-14, eff. 7-1-97; 90-793, eff. 8-14-98;
 17 91-237, eff. 1-1-00; 91-693, eff. 4-13-00.)

18 Section 10. The Open Parole Hearings Act is amended by
 19 changing Section 25 as follows:

20 (730 ILCS 105/25) (from Ch. 38, par. 1675)

21 Sec. 25. Notification of future parole hearings.

22 (a) The Board shall notify the State's Attorney of the
 23 committing county of the pending hearing and the victim of
 24 all forthcoming parole hearings at least 15 days in advance.
 25 Written notification shall contain:

- 26 (1) notification of the place of the hearing;
- 27 (2) the date and approximate time of the hearing;
- 28 (3) their right to enter a statement, to appear in
 29 person, and to submit other information by video tape,
 30 tape recording, or other electronic means in the form and
 31 manner described by the Board or if a victim of domestic
 32 violence or sexual assault as defined in subsection (f)

1 of Section 4.5 of the Rights of Crime Victims and
2 Witnesses Act, by calling the toll-free number
3 established in subsection (f) of that Section.

4 Notification to the victims shall be at the last known
5 address of the victim. It shall be the responsibility of the
6 victim to notify the board of any changes in address and
7 name.

8 (b) However, at any time the victim may request by a
9 written certified statement that the Prisoner Review Board
10 stop sending notice under this Section.

11 (d) No later than 7 days after a parole hearing the
12 Board shall send notice of its decision to the State's
13 Attorney and victim. If parole is denied, the Board shall
14 within a reasonable period of time notify the victim of the
15 month and year of the next scheduled hearing.

16 (Source: P.A. 87-224.)