

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 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 prior to the
12 time of the trial has been diagnosed by a physician to suffer
13 from (i) any form of dementia, developmental disability, or
14 other form of mental incapacity or (ii) any physical
15 infirmity ~~which--prevents-the-eligible-adult's-appearance-in~~
16 ~~court~~, including but not limited to prosecutions for
17 violations of Sections 10-1, 10-2, 10-3, 10-3.1, 10-4, 11-11,
18 12-1, 12-2, 12-3, 12-3.2, 12-4, 12-4.1, 12-4.2, 12-4.5,
19 12-4.6, 12-4.7, 12-5, 12-6, 12-7.3, 12-7.4, 12-11, 12-11.1,
20 12-13, 12-14, 12-15, 12-16, 12-21, 16-1, 16-1.3, 17-1, and
21 17-3, 18-1, 18-2, 18-3, 18-4, 18-5, 20-1.1, 24-1.2, and 33A-2
22 of the Criminal Code of 1961, the following evidence shall be
23 admitted as an exception to the hearsay rule:

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

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

1 financial exploitation perpetrated upon or against the
2 eligible adult.

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

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

8 (2) The eligible adult either:

9 (A) testifies at the proceeding; or

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

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

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

23 (Source: P.A. 90-628, eff. 1-1-99.)

24 Section 99. Effective date. This Act takes effect upon
25 becoming law.