

1 AN ACT concerning criminal law.

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 as follows:

6 (725 ILCS 120/4) (from Ch. 38, par. 1404)

7 Sec. 4. Rights of crime victims.

8 (a) Crime victims shall have the following rights:

9 (1) The right to be treated with fairness and respect
10 for their dignity and privacy and to be free from
11 harassment, intimidation, and abuse throughout the
12 criminal justice process.

13 (1.1) When a person reports being a crime victim as
14 defined in Section 3, the right to be treated with
15 fairness and respect during the investigatory process,
16 including the right to be free from deception, which is
17 the knowing communication of false facts about evidence.

18 (1.5) The right to notice and to a hearing before a
19 court ruling on a request for access to any of the victim's
20 records, information, or communications which are
21 privileged or confidential by law.

22 (1.6) Except as otherwise provided in Section 9.5 of
23 the Criminal Identification Act or Section 3-3013 of the

1 Counties Code, whenever a person's DNA profile is
2 collected due to the person being a victim of a crime, as
3 identified by law enforcement, that specific profile
4 collected in conjunction with that criminal investigation
5 shall not be entered into any DNA database. Nothing in
6 this paragraph (1.6) shall be interpreted to contradict
7 rules and regulations developed by the Federal Bureau of
8 Investigation relating to the National DNA Index System or
9 Combined DNA Index System.

10 (2) The right to timely notification of all court
11 proceedings.

12 (3) The right to communicate with the prosecution.

13 (4) The right to be heard at any post-arraignment
14 court proceeding in which a right of the victim is at issue
15 and any court proceeding involving a post-arraignment
16 release decision, plea, or sentencing.

17 (5) The right to be notified of the conviction, the
18 sentence, the imprisonment and the release of the accused.

19 (6) The right to the timely disposition of the case
20 following the arrest of the accused.

21 (7) The right to be reasonably protected from the
22 accused through the criminal justice process.

23 (7.5) The right to have the safety of the victim and
24 the victim's family considered in determining whether to
25 release the defendant and setting conditions of release
26 after arrest and conviction.

1 (8) The right to be present at the trial and all other
2 court proceedings on the same basis as the accused, unless
3 the victim is to testify and the court determines that the
4 victim's testimony would be materially affected if the
5 victim hears other testimony at the trial.

6 (9) The right to have present at all court
7 proceedings, including proceedings under the Juvenile
8 Court Act of 1987, subject to the rules of evidence, an
9 advocate and other support person of the victim's choice.

10 (10) The right to restitution.

11 (b) Any law enforcement agency that investigates an
12 offense committed in this State shall provide a crime victim
13 with a written statement and explanation of the rights of
14 crime victims under this amendatory Act of the 99th General
15 Assembly within 48 hours of law enforcement's initial contact
16 with a victim. The statement shall include information about
17 crime victim compensation, including how to contact the Office
18 of the Illinois Attorney General to file a claim, and
19 appropriate referrals to local and State programs that provide
20 victim services. The content of the statement shall be
21 provided to law enforcement by the Attorney General. Law
22 enforcement shall also provide a crime victim with a sign-off
23 sheet that the victim shall sign and date as an
24 acknowledgement that he or she has been furnished with
25 information and an explanation of the rights of crime victims
26 and compensation set forth in this Act.

1 (b-5) Upon the request of the victim, the law enforcement
2 agency having jurisdiction shall provide a free copy of the
3 police report concerning the victim's incident, as soon as
4 practicable, but in no event later than 5 business days from
5 the request.

6 (c) The Clerk of the Circuit Court shall post the rights of
7 crime victims set forth in Article I, Section 8.1(a) of the
8 Illinois Constitution and subsection (a) of this Section
9 within 3 feet of the door to any courtroom where criminal
10 proceedings are conducted. The clerk may also post the rights
11 in other locations in the courthouse.

12 (d) At any point, the victim has the right to retain a
13 victim's attorney who may be present during all stages of any
14 interview, investigation, or other interaction with
15 representatives of the criminal justice system. Treatment of
16 the victim should not be affected or altered in any way as a
17 result of the victim's decision to exercise this right.

18 (Source: P.A. 103-792, eff. 1-1-25.)