



## Select Victims' Rights – Illinois

### USING THIS RESOURCE

This resource is intended to provide a base of knowledge regarding crime victims' rights in Illinois and promising practices to ensure compliance with and enforcement of those rights. To keep this *Guide* as user-friendly as possible in light of the breadth, complexity and evolving nature of law, the *Guide* does not include all laws. The *Guide* is intended for informational purposes only. It does not constitute legal advice, nor does it substitute for legal advice. For more in-depth information about the laws governing privacy, confidentiality and privilege in Illinois, see the companion resource: *Law Enforcement-Based Victim Services in Illinois: Privacy, Privilege and Confidentiality*.

The following icons are used throughout this resource to highlight key moments for the user.



= Promising Practices: As used in this *Guide*, the “promising practices” indicator highlights procedures, methods or techniques, grounded in victim-centered and trauma-informed research and experience, that afford victims meaningful rights in the justice system.



= Take Note: As used in this *Guide*, the “take note” indicator provides context for the law cited or discussed. For example, if a law has a particularly narrow application or does not explicitly prohibit an action the “take note” indicator is used to highlight or provide clarity around the law.

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## TABLE OF CONTENTS AND INDEX OF RIGHTS<sup>1</sup>

<b>Using This Resource</b> .....	1
<b>Select Definitions</b> .....	4
<b>Select Crime Victims' Rights</b> .....	13
Right to Access Reports	
Police Reports .....	20–21
Presentence Reports .....	40–41
Right to Assert and Request Enforcement of Rights .....	18–19, 19, 32, 33, 34, 35–36, 37–38, 38, 38–39, 40, 42–45, 47–49
Right to Attorney .....	21–22, 27, 32, 33
Right to Confer .....	14, 28, 30
Right to Courtroom Accommodations	
Advocate Presence .....	17, 26–27, 35–37, 46
Alternative Means of Testifying .....	68–69
Courtroom Closure .....	67–68
Sign Language Interpreter .....	25, 56
Support Person Presence .....	17, 26–27, 35–37, 46, 68–69
Translator .....	25
Use of Facility Dogs .....	70

<sup>1</sup> This table of contents and index of rights provides specific page references for many of the victims' rights laws contained within this *Guide*. The referenced laws are often narrower in scope than the broader rights identified in the index and may contain components of multiple core rights. Not all of the laws contained within this *Guide* are referenced in the table of contents and index; therefore, it is recommended that this document be reviewed in full.

Right to Compensation .....	20, 23
Right to Due Process, Fairness, Dignity and Respect.....	13, 19, 54
Right to be Free from Harassment, Intimidation and Abuse .....	13
Right to Employment-Related Rights.....	25, 73–77
Right to be Heard .....	14, 27–28, 31, 33, 34, 37–38, 38, 42–45, 46, 47–49, 54–55, 56–57, 70, 70–72, 72
Right to Information About Victims' Rights .....	20, 21, 23, 24, 46, 62–64, 82–84
Right to Notice.....	13, 14, 15, 20, 22, 23, 25, 26, 27, 28, 29, 30, 31, 37–38, 39–40, 42–45, 46, 53–54, 64–66, 70
Right to be Present .....	14, 16–17, 21, 26, 34–35, 35–37, 70
Right to Privacy .....	13, 19, 25, 37–38, 42–45, 56–57, 57, 60–62, 64–66, 66–67, 67, 67–68, 68–69, 70–72, 73–77, 77–79, 79–80, 80–81, 81–82, 84–85, 85–87, 87–88
Right to Procedures for Disclosing Information/Records.....	13, 37–38
Right to Prompt Return of Property.....	24
Right to Protection .....	13, 14, 15, 15–16, 16, 25, 28, 29, 41–42, 42–45, 53–54, 67–68, 68–69, 72, 77–79, 79–80, 80–81, 81–82, 82–84, 84–85, 85–87, 87–88, 88–89
Right to Restitution.....	17–18, 28–29, 39–40
Right to Timely Disposition.....	15, 38–39

SELECT DEFINITIONS	Illinois Statutes
<p><b>Rights of Crime Victims and Witnesses Act Definitions.</b></p> <p>(a) “Crime victim” or “victim” means: (1) any natural person determined by the prosecutor or the court to have suffered direct physical or psychological harm as a result of a violent crime perpetrated or attempted against that person or direct physical or psychological harm as a result of (i) a violation of Section 11-501 of the Illinois Vehicle Code<sup>1</sup> or similar provision of a local ordinance or (ii) a violation of Section 9-3 of the Criminal Code of 1961 or the Criminal Code of 2012;<sup>2</sup> (2) in the case of a crime victim who is under 18 years of age or an adult victim who is incompetent or incapacitated, both parents, legal guardians, foster parents, or a single adult representative; (3) in the case of an adult deceased victim, 2 representatives who may be the spouse, parent, child or sibling of the victim, or the representative of the victim’s estate; and (4) an immediate family member of a victim under clause (1) of this paragraph (a) chosen by the victim. If the victim is 18 years of age or over, the victim may choose any person to be the victim’s representative. In no event shall the defendant or any person who aided and abetted in the commission of the crime be considered a victim, a crime victim, or a representative of the victim.</p> <p>A board, agency, or other governmental entity making decisions regarding an offender’s release, sentence reduction, or clemency can determine additional persons are victims for the purpose of its proceedings.</p> <p>(a-3) “Advocate” means a person whose communications with the victim are privileged under Section 8-802.1 or 8-802.2 of the Code of Civil Procedure, or Section 227 of the Illinois Domestic Violence Act of 1986.</p> <p>(a-5) “Confer” means to consult together, share information, compare opinions and carry on a discussion or deliberation.</p> <p>(a-7) “Sentence” includes, but is not limited to, the imposition of sentence, a request for a</p>	<p>725 Ill. Comp. Stat. Ann. 120/3.</p>

reduction in sentence, parole, mandatory supervised release, aftercare release, early release, inpatient treatment, outpatient treatment, conditional release after a finding that the defendant is not guilty by reason of insanity, clemency, or a proposal that would reduce the defendant's sentence or result in the defendant's release. "Early release" refers to a discretionary release.

(a-9) "Sentencing" includes, but is not limited to, the imposition of sentence and a request for a reduction in sentence, parole, mandatory supervised release, aftercare release, early release, consideration of inpatient treatment or outpatient treatment, or conditional release after a finding that the defendant is not guilty by reason of insanity.

(a-10) "Status hearing" means a hearing designed to provide information to the court, at which no motion of a substantive nature and no constitutional or statutory right of a crime victim is implicated or at issue.

(b) "Witness" means: any person who personally observed the commission of a crime and who will testify on behalf of the State of Illinois; or a person who will be called by the prosecution to give testimony establishing a necessary nexus between the offender and the violent crime.

(c) "Violent crime" means: (1) any felony in which force or threat of force was used against the victim; (2) any offense involving sexual exploitation, sexual conduct, or sexual penetration; (3) a violation of Section 11-20.1, 11-20.1B, 11-20.3, 11-23, or 11-23.5 of the Criminal Code of 1961 or the Criminal Code of 2012; (4) domestic battery or stalking; (5) violation of an order of protection, a civil no contact order, or a stalking no contact order; (6) any misdemeanor which results in death or great bodily harm to the victim; or (7) any violation of Section 9-3 of the Criminal Code of 1961 or the Criminal Code of 2012, or Section 11-501 of the Illinois Vehicle Code, or a similar provision of a local ordinance, if the violation resulted in personal injury or death. "Violent crime" includes any action committed by a juvenile that would be a violent crime if committed by an adult. For the purposes of this paragraph, "personal injury" shall include any Type A injury as indicated on the traffic accident report completed by a law enforcement officer that requires immediate professional attention in either a doctor's office or medical facility. A type A injury shall

include severely bleeding wounds, distorted extremities, and injuries that require the injured party to be carried from the scene.

(d) (Blank).

(e) "Court proceedings" includes, but is not limited to, the preliminary hearing, any post-arraignment hearing the effect of which may be the release of the defendant from custody or to alter the conditions of bond, change of plea hearing, the trial, any pretrial or post-trial hearing, sentencing, any oral argument or hearing before an Illinois appellate court, any hearing under the Mental Health and Developmental Disabilities Code<sup>3</sup> or Section 5-2-4 of the Unified Code of Corrections<sup>4</sup> after a finding that the defendant is not guilty by reason of insanity, including a hearing for conditional release, any hearing related to a modification of sentence, probation revocation hearing, aftercare release or parole hearings, post-conviction relief proceedings, habeas corpus proceedings and clemency proceedings related to the defendant's conviction or sentence. For purposes of the victim's right to be present, "court proceedings" does not include (1) hearings under Section 109-1 of the Code of Criminal Procedure of 1963, (2) grand jury proceedings, (3) status hearings, or (4) the issuance of an order or decision of an Illinois court that dismisses a charge, reverses a conviction, reduces a sentence, or releases an offender under a court rule.



(f) "Concerned citizen" includes relatives of the victim, friends of the victim, witnesses to the crime, or any other person associated with the victim or prisoner.


(g) "Victim's attorney" means an attorney retained by the victim for the purposes of asserting the victim's constitutional and statutory rights. An attorney retained by the victim means an attorney who is hired to represent the victim at the victim's expense or an attorney who has agreed to provide pro bono representation. Nothing in this statute creates a right to counsel at public expense for a victim.

(h) "Support person" means a person chosen by a victim to be present at court proceedings.



<sup>1</sup> 625 ILCS 5/11-501.



<sup>2</sup> 720 ILCS 5/9-3.


<p><sup>3</sup> 405 ILCS 5/1-100 et seq.</p> <p><sup>4</sup> 730 ILCS 5/5-2-4.</p> <p> These definitions explicitly apply to the Rights of Crime Victims and Witnesses Act, 725 Ill. Comp. Stat. Ann. 120.</p>	
<p><b>Privacy of Child Victims of Criminal Sexual Offenses Act Definitions.</b></p> <p>As used in this Act, “Child” means any person under 18 years of age.</p> <p>For the purposes of this Act, “criminal history record information” means:</p> <ul style="list-style-type: none"> <li>(i) chronologically maintained arrest information, such as traditional arrest logs or blotters;</li> <li>(ii) the name of a person in the custody of a law enforcement agency and the charges for which that person is being held;</li> <li>(iii) court records that are public;</li> <li>(iv) records that are otherwise available under State or local law; or</li> <li>(v) records in which the requesting party is the individual identified, except as provided under part (vii) of paragraph (c) of subsection (1) of Section 7 of the Freedom of Information Act.</li> </ul> <p> These definitions explicitly apply to the Privacy of Child Victims of Criminal Sexual Offenses Act, 725 Ill. Comp. Stat. Ann. 190.</p>	<p>725 Ill. Comp. Stat. Ann. 190/2; 725 Ill. Comp. Stat. Ann. 190/3.</p>
<p><b>Sexual Assault Incident Procedure Act Definitions.</b></p> <p>“Board” means the Illinois Law Enforcement Training Standards Board.</p> <p>“Evidence-based, trauma-informed, victim-centered” means policies, procedures, programs, and practices that have been demonstrated to minimize retraumatization associated with the</p>	<p>725 Ill. Comp. Stat. Ann. 203/10.</p>


<p>criminal justice process by recognizing the presence of trauma symptoms and acknowledging the role that trauma has played in a sexual assault or sexual abuse victim's life and focusing on the needs and concerns of a victim that ensures compassionate and sensitive delivery of services in a nonjudgmental manner.</p> <p>“Law enforcement agency having jurisdiction” means the law enforcement agency in the jurisdiction where an alleged sexual assault or sexual abuse occurred.</p> <p>“Sexual assault evidence” means evidence collected in connection with a sexual assault or sexual abuse investigation, including, but not limited to, evidence collected using the Illinois State Police Sexual Assault Evidence Collection Kit as defined in Section 1a of the Sexual Assault Survivors Emergency Treatment Act.</p> <p>“Sexual assault or sexual abuse” means an act of nonconsensual sexual conduct or sexual penetration, as defined in Section 12-12 of the Criminal Code of 1961 or Section 11-0.1 of the Criminal Code of 2012, including, without limitation, acts prohibited under Sections 12-13 through 12-16 of the Criminal Code of 1961 or Sections 11-1.20 through 11-1.60 of the Criminal Code of 2012.</p> <p> These definitions expressly apply to the Sexual Assault Incident Procedure Act, 725 Ill. Comp. Stat. Ann. 203.</p>	
<p><b>Sexually Violent Persons Commitment Act: Victims' Right to Notice Definitions.</b></p> <p>As used in this Section, the term:</p> <p>(1) “Act of sexual violence” means an act or attempted act that is a basis for an allegation made in a petition under paragraph (b)(1) of Section 15 of this Act.</p> <p>(2) “Member of the family” means spouse, child, sibling, parent, or legal guardian.</p> <p>(3) “Victim” means a person against whom an act of sexual violence has been committed.</p>	<p>725 Ill. Comp. Stat. Ann. 207/75(a).</p>










 These definitions expressly apply to the section of the Sexually Violent Persons Commitment Act that governs victim notice, 725 Ill. Comp. Stat. Ann. 207/75.	
<p><b>Open Parole Hearings Act Definitions.</b></p> <p>“Victim” means a victim or witness of a violent crime as defined in subsection (a) of Section 3 of the Bill of Rights for Victims and Witnesses of Violent Crime Act,<sup>2</sup> or any person legally related to the victim by blood, marriage, adoption, or guardianship, or any friend of the victim, or any concerned citizen.</p> <p><sup>2</sup> 725 ILCS 120/3.</p>  This definition expressly applies to the Open Parole Hearings Act, 730 Ill. Comp. Stat. Ann. 105.	730 Ill. Comp. Stat. Ann. 105/5(f).
<p><b>Rape Crisis Counselor-Victim Privilege Definitions.</b></p> <p>As used in this Act:</p> <p>(1) “Rape crisis organization” means any organization or association the major purpose of which is providing information, counseling, and psychological support to victims of any or all of the crimes of aggravated criminal sexual assault, predatory criminal sexual assault of a child, criminal sexual assault, sexual relations between siblings, criminal sexual abuse and aggravated criminal sexual abuse.</p> <p>(2) “Rape crisis counselor” means a person who is a psychologist, social worker, employee, or volunteer in any organization or association defined as a rape crisis organization under this Section, who has undergone 40 hours of training and is under the control of a direct services supervisor of a rape crisis organization.</p>	735 Ill. Comp. Stat. Ann. 5/8-802.1(b).





<p>(3) “Victim” means a person who is the subject of, or who seeks information, counseling, or advocacy services as a result of an aggravated criminal sexual assault, predatory criminal sexual assault of a child, criminal sexual assault, sexual relations within families, criminal sexual abuse, aggravated criminal sexual abuse, sexual exploitation of a child, indecent solicitation of a child, public indecency, exploitation of a child, promoting juvenile prostitution as described in subdivision (a)(4) of Section 11-14.4, or an attempt to commit any of these offenses.</p> <p>(4) “Confidential communication” means any communication between a victim and a rape crisis counselor in the course of providing information, counseling, and advocacy. The term includes all records kept by the counselor or by the organization in the course of providing services to an alleged victim concerning the alleged victim and the services provided.</p> <p> These definitions explicitly apply to the rape crisis counselor-victim privilege, 735 Ill. Comp. Stat. Ann. 5/8-802.1(b).</p>	
<p><b>Counselor-Victim Privilege Definitions.</b></p> <p>As used in this Act, “violent crimes” include, but are not limited to, any felony in which force or threat of force was used against the victim or any misdemeanor which results in death or great bodily harm to the victim.</p> <p> This definition explicitly applies to the counselor-victim privilege, 735 Ill. Comp. Stat. Ann. 5/8-802.2(b).</p>	<p>735 Ill. Comp. Stat. Ann. 5/8-802.2(b).</p>
<p><b>Domestic Violence Counselor-Victim Privilege Definitions.</b></p> <p>As used in this Section:</p>	<p>750 Ill. Comp. Stat. Ann. 60/227(a).</p>






<p>(1) “Domestic violence program” means any unit of local government, organization, or association whose major purpose is to provide one or more of the following: information, crisis intervention, emergency shelter, referral, counseling, advocacy, or emotional support to victims of domestic violence.</p> <p>(2) “Domestic violence advocate or counselor” means any person (A) who has undergone a minimum of forty hours of training in domestic violence advocacy, crisis intervention, and related areas, and (B) who provides services to victims through a domestic violence program either on an employed or volunteer basis.</p> <p>(3) “Confidential communication” means any communication between an alleged victim of domestic violence and a domestic violence advocate or counselor in the course of providing information, counseling, or advocacy. The term includes all records kept by the advocate or counselor or by the domestic violence program in the course of providing services to an alleged victim concerning the alleged victim and the services provided. The confidential nature of the communication is not waived by the presence at the time of the communication of any additional persons, including but not limited to an interpreter, to further express the interests of the domestic violence victim or by the advocate’s or counselor’s disclosure to such an additional person with the consent of the victim when reasonably necessary to accomplish the purpose for which the advocate or counselor is consulted.</p> <p>(4) “Domestic violence victim” means any person who consults a domestic violence counselor for the purpose of securing advice, counseling or assistance related to one or more alleged incidents of domestic violence.</p> <p>(5) “Domestic violence” means abuse as defined in this Act.<sup>1</sup></p> <p><sup>1</sup> Former Ill. Rev. Stat. ¶ 2301-1 et seq. (repealed; see, now, 750 ILCS 60/101 et seq.).</p> <p> These definitions explicitly apply to the domestic violence counselor-victim privilege, 750 Ill. Comp. Stat. Ann. 60/227.</p>	

<p><b>Address Confidentiality for Victims of Domestic Violence Act Definitions.</b></p> <p>In this Act, unless the context otherwise requires:</p> <p>“Address” means a residential street address, school address, or work address of an individual, as specified on the individual’s application to be a program participant under this Act.</p> <p>“Program participant” means a person certified as a program participant under this Act.</p> <p>“Domestic violence” has the same meaning as in the Illinois Domestic Violence Act of 1986<sup>1</sup> and includes a threat of domestic violence against an individual in a domestic situation, regardless of whether the domestic violence or threat has been reported to law enforcement officers.</p> <p><sup>1</sup> 750 ILCS 60/101 et seq.</p> <p> The text of this section is effective until January 1, 2021. New text, extending the address confidentiality program to victims of sexual assault and stalking, will go into effect January 1, 2021.</p>	<p>750 Ill. Comp. Stat. Ann. 61/10.</p>
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SELECT CRIME VICTIMS' RIGHTS	Illinois Constitutional Provisions and Statutes
<p><b>Victims' Right to Be Treated with Fairness and Respect for Their Dignity and Privacy and To Be Free from Harassment, Intimidation and Abuse.</b></p> <p>Crime victims, as defined by law, shall have [t]he right to be treated with fairness and respect for their dignity and privacy and to be free from harassment, intimidation, and abuse throughout the criminal justice process.</p> <p> Ill. Const. art. 1, § 8.1(a)(1) and 725 Ill. Comp. Stat. Ann. 120/4(a)(1) afford identical rights.</p>	<p>Ill. Const. art. 1, § 8.1(a)(1); 725 Ill. Comp. Stat. Ann. 120/4(a)(1).</p>
<p><b>Victims' Rights to Notice and a Hearing Before Court Ruling on Request for Access to Victims' Privileged or Confidential Records, Information and Communications.</b></p> <p>Crime victims, as defined by law, shall have [t]he right to notice and to a hearing before a court ruling on a request for access to any of the victim's records, information, or communications which are privileged or confidential by law.</p> <p> Ill. Const. art. 1, § 8.1(a)(2) and 725 Ill. Comp. Stat. Ann. 120/4(a)(1.5) afford identical rights.</p> <p> 725 Ill. Comp. Stat. Ann. 120/4.5(c-5)(9) details the procedure to be followed to afford victims these rights.</p>	<p>Ill. Const. art. 1, § 8.1(a)(2); 725 Ill. Comp. Stat. Ann. 120/4(a)(1.5).</p>






<p><b>Victims' Right to Timely Notification of All Court Proceedings.</b></p> <p>Crime victims, as defined by law, shall have [t]he right to timely notification of all court proceedings.</p> <p> Ill. Const. art. 1, § 8.1(a)(3) and 725 Ill. Comp. Stat. Ann. 120/4(a)(2) afford identical rights.</p>	<p>Ill. Const. art. 1, § 8.1(a)(3); 725 Ill. Comp. Stat. Ann. 120/4(a)(2).</p>
<p><b>Victims' Right to Communicate with the Prosecution.</b></p> <p>Crime victims, as defined by law, shall have [t]he right to communicate with the prosecution.</p> <p> Ill. Const. art. 1, § 8.1(a)(4) and 725 Ill. Comp. Stat. Ann. 120/4(a)(3) afford identical rights.</p>	<p>Ill. Const. art. 1, § 8.1(a)(4); 725 Ill. Comp. Stat. Ann. 120/4(a)(3).</p>
<p><b>Victims' Right to Be Heard at Any Post-Arrest Proceeding.</b></p> <p>Crime victims, as defined by law, shall have [t]he right to be heard at any post-arrest court proceeding in which a right of the victim is at issue and any court proceeding involving a post-arrest release decision, plea, or sentencing.</p> <p> Ill. Const. art. 1, § 8.1(a)(5) and 725 Ill. Comp. Stat. Ann. 120/4(a)(4) afford identical rights.</p> <p> Under 725 Ill. Comp. Stat. Ann. 120/4.5(c-5)(6), “[w]hen a victim has the right to be heard, the court shall allow the victim to exercise the right in any reasonable manner the victim chooses.”</p>	<p>Ill. Const. art. 1, § 8.1(a)(5); 725 Ill. Comp. Stat. Ann. 120/4(a)(4).</p>


<p><b>Victims' Right to Notice of Accused's Conviction, Sentence, Imprisonment and Release.</b></p> <p>Crime victims, as defined by law, shall have [t]he right to be notified of the conviction, the sentence, the imprisonment, and the release of the accused.</p> <p> Ill. Const. art. 1, § 8.1(a)(6) and 725 Ill. Comp. Stat. Ann. 120/4(a)(5) afford identical rights.</p> <p> Various statutes govern the procedure for victim notice of an offender's conviction, sentence, imprisonment and release. <i>See, e.g.,</i> 725 Ill. Comp. Stat. Ann. 120/4.5(d) (procedures to implement victims' rights after sentencing); 725 Ill. Comp. Stat. Ann. 120/8.5 (statewide victim and witness notification system).</p>	<p>Ill. Const. art. 1, § 8.1(a)(6); 725 Ill. Comp. Stat. Ann. 120/4(a)(5).</p>
<p><b>Victims' Right to Timely Disposition of the Case.</b></p> <p>Crime victims, as defined by law, shall have [t]he right to timely disposition of the case following the arrest of the accused.</p> <p> Ill. Const. art. 1, § 8.1(a)(7) and 725 Ill. Comp. Stat. Ann. 120/4(a)(6) afford identical rights.</p>	<p>Ill. Const. art. 1, § 8.1(a)(7); 725 Ill. Comp. Stat. Ann. 120/4(a)(6).</p>
<p><b>Victims' Right to Reasonable Protection from the Accused.</b></p> <p>Crime victims, as defined by law, shall have [t]he right to be reasonably protected from the accused throughout the criminal justice process.</p> <p> Ill. Const. art. 1, § 8.1(a)(8) and 725 Ill. Comp. Stat. Ann. 120/4(a)(7) afford identical</p>	<p>Ill. Const. art. 1, § 8.1(a)(8); 725 Ill. Comp. Stat. Ann. 120/4(a)(7).</p>



<p>rights.</p> <p> 725 Ill. Comp. Stat. Ann. 120/4.5(c-5)(16) provides that victims of domestic violence, sex offenses and stalking may enforce this right by requesting entry of a protective order.</p>	
<p><b>Victims' Right to Safety in Bail and Release Decisions.</b></p> <p>Crime victims, as defined by law, shall have [t]he right to have the safety of the victim and the victim's family considered in denying or fixing the amount of bail, determining whether to release the defendant, and setting conditions of release after arrest and conviction.</p> <p> Ill. Const. art. 1, § 8.1(a)(9) and 725 Ill. Comp. Stat. Ann. 120/4(a)(7.5) afford identical rights.</p> <p> 725 Ill. Comp. Stat. Ann. 120/4.5(c-5)(16) provides that victims of domestic violence, sex offenses and stalking may enforce this right by requesting entry of a protective order.</p>	<p>Ill. Const. art. 1, § 8.1(a)(9); 725 Ill. Comp. Stat. Ann. 120/4(a)(7.5).</p>
<p><b>Victims' Right to be Present.</b></p> <p>Crime victims, as defined by law, shall have [t]he right to be present at the trial and all other court proceedings on the same basis as the accused, unless the victim is to testify and the court determines that the victim's testimony would be materially affected if the victim hears other testimony at the trial.</p> <p> Ill. Const. art. 1, § 8.1(a)(10) and 725 Ill. Comp. Stat. Ann. 120/4(a)(8) afford identical rights.</p> <p> 725 Ill. Comp. Stat. Ann. 120/4.5(b)(8.5) requires that the Office of the State's Attorney</p>	<p>Ill. Const. art. 1, § 8.1(a)(10); 725 Ill. Comp. Stat. Ann. 120/4(a)(8).</p>









<p>inform victims of this right.</p> <p> 725 Ill. Comp. Stat. Ann. 120/4.5(c-5)(7) governs motions to exclude a victim from the courtroom at trial.</p> <p> Victims' constitutional right to be present should provide for the victims' presence during the entirety of the trial. Even if the victim is to be a witness and the court concludes that the victim's testimony would be materially affected if the victim hears other testimony, consider discussing with the prosecutor the possibility of the victim testifying first to best ensure the victim's right to be present during the entirety of the trial.</p>	
<p><b>Victims' Right to Advocate and Support Person Presence.</b></p> <p>Crime victims, as defined by law, shall have [t]he right to have present at all court proceedings, subject to the rules of evidence, an advocate and other support person of the victim's choice.</p> <p> Ill. Const. art. 1, § 8.1(a)(11) and 725 Ill. Comp. Stat. Ann. 120/4(a)(9) afford identical rights.</p> <p> 725 Ill. Comp. Stat. Ann. 120/4.5(c-5)(8) details the procedure to be followed to afford victims their right to have an advocate and support person present at court proceedings.</p>	<p>Ill. Const. art. 1, § 8.1(a)(11); 725 Ill. Comp. Stat. Ann. 120/4(a)(9).</p>
<p><b>Victims' Right to Restitution.</b></p> <p>Crime victims, as defined by law, shall have [t]he right to restitution.</p> <p> Ill. Const. art. 1, § 8.1(a)(12) and 725 Ill. Comp. Stat. Ann. 120/4(a)(10) afford identical</p>	<p>Ill. Const. art. 1, § 8.1(a)(12); 725 Ill. Comp. Stat. Ann. 120/4(a)(10).</p>


<p>rights.</p> <p> 725 Ill. Comp. Stat. Ann. 120/4.5(c-5)(12) governs the procedure to be followed to afford victims their right to restitution.</p> <p> A promising practice is to notify victims as soon as possible in the criminal justice process that they should collect and neatly organize all documentation relating to their losses—including anticipated future expenses—for the purposes of later requesting restitution.</p> <p> A promising practice is to inform victims who have financial losses caused by the criminal conduct that they may request that the prosecuting attorney include restitution as part of any plea agreement reached with the defendant.</p>	
<p><b>Victims' Standing to Assert Rights.</b></p> <p>The victim has standing to assert the rights enumerated in subsection (a) in any court exercising jurisdiction over the case. The court shall promptly rule on a victim's request. The victim does not have party status. The accused does not have standing to assert the rights of a victim. The court shall not appoint an attorney for the victim under this Section. Nothing in this Section shall be construed to alter the powers, duties, and responsibilities of the prosecuting attorney.</p> <p> 725 Ill. Comp. Stat. Ann. 120/4.5(c-5)(3) also grants victims, victims' attorneys, and prosecuting attorneys express standing to assert victims' rights.</p> <p> 725 Ill. Comp. Stat. Ann. 120/4.5(c-5)(4) governs how victims' rights are asserted and enforced.</p>	<p>Ill. Const. art. 1, § 8.1(b).</p>



 A promising practice is, when informing victims of their standing to enforce their rights in court, to let them know that they may do so personally or with the assistance of an attorney. This notice should include an explanation of the different roles of a prosecuting attorney vs. an attorney hired by the victim to represent their interests and assert their rights.	
<p><b>Victims' Rights Laws Do Not Create a Cause of Action.</b></p> <p>Nothing in this Section or any law enacted under this Section creates a cause of action in equity or at law for compensation, attorney's fees, or damages against the State, a political subdivision of the State, an officer, employee, or agent of the State or of any political subdivision of the State, or an officer or employee of the court.</p>	<p>Ill. Const. art. 1, § 8.1(d).</p>
<p><b>Victims' Rights Laws Do Not Create a Basis for Vacating a Conviction or Ground for Relief Requested by Defendant.</b></p> <p>Nothing in this Section or any law enacted under this Section shall be construed as creating (1) a basis for vacating a conviction or (2) a ground for any relief requested by the defendant.</p>	<p>Ill. Const. art. 1, § 8.1(e).</p>
<p><b>Rights of Crime Victims and Witnesses Act: Purpose.</b></p> <p>The purpose of [the Rights of Crime Victims and Witnesses] Act is to implement, preserve, protect, and enforce the rights guaranteed to crime victims by Article I, Section 8.1 of the Illinois Constitution to ensure that crime victims are treated with fairness and respect for their dignity and privacy throughout the criminal justice system, to ensure that crime victims are informed of their rights and have standing to assert their rights in the trial and appellate courts, to establish procedures for enforcement of those rights, and to increase the effectiveness of the criminal justice system by affording certain basic rights and considerations to the witnesses of crime who are essential to prosecution.</p>	<p>725 Ill. Comp. Stat. Ann. 120/2.</p>

<p><b>Law Enforcement's Obligation to Provide Victims with a Written Statement and Explanation of Their Rights Within 48 Hours of Initial Contact; Victims Must Sign and Date as Acknowledgment of Receipt of Information.</b></p> <p>Any law enforcement agency that investigates an offense committed in this State shall provide a crime victim with a written statement and explanation of the rights of crime victims under this amendatory Act of the 99th General Assembly within 48 hours of law enforcement's initial contact with a victim. The statement shall include information about crime victim compensation, including how to contact the Office of the Illinois Attorney General to file a claim, and appropriate referrals to local and State programs that provide victim services. The content of the statement shall be provided to law enforcement by the Attorney General. Law enforcement shall also provide a crime victim with a sign-off sheet that the victim shall sign and date as an acknowledgement that he or she has been furnished with information and an explanation of the rights of crime victims and compensation set forth in this Act.</p> <p> The Sexual Assault Incident Procedure Act, 725 Ill. Comp. Stat. Ann. 203, requires the development of comprehensive guidelines for the creation of "a law enforcement agency policy on evidence-based, trauma-informed, victim-centered sexual assault and sexual abuse response and investigation" that must include, <i>inter alia</i>, victims' rights and victim notification procedures. 725 Ill. Comp. Stat. Ann. 203/15(b)(16); 725 Ill. Comp. Stat. Ann. 203/15(b)(16).</p> <p> A promising practice is to provide victims with this information as soon as possible. Consideration should be given to providing written notice in the primary language of the victim, as well as in a form accessible to those with vision impairment.</p>	<p>725 Ill. Comp. Stat. Ann. 120/4(b).</p>
<p><b>Victims' Right to Request Police Report.</b></p> <p>Upon the request of the victim, the law enforcement agency having jurisdiction shall provide</p>	<p>725 Ill. Comp. Stat. Ann. 120/4(b-5).</p>



<p>a free copy of the police report concerning the victim's incident, as soon as practicable, but in no event later than 5 business days from the request.</p> <p> A promising practice is to have a policy and procedure in place to notify victims, at the first opportunity, that victims must "request" the exercise of certain rights.</p>	
<p><b>Victims' Constitutional and Statutory Rights Must Be Posted within 3 Feet of Courtroom Door.</b></p> <p>The Clerk of the Circuit Court shall post the rights of crime victims set forth in Article I, Section 8.1(a) of the Illinois Constitution and subsection (a) of this Section within 3 feet of the door to any courtroom where criminal proceedings are conducted. The clerk may also post the rights in other locations in the courthouse.</p>	725 Ill. Comp. Stat. Ann. 120/4(c).
<p><b>Victims' Right to Retain an Attorney.</b></p> <p>At any point, the victim has the right to retain a victim's attorney who may be present during all stages of any interview, investigation, or other interaction with representatives of the criminal justice system. Treatment of the victim should not be affected or altered in any way as a result of the victim's decision to exercise this right.</p> <p> 725 Ill. Comp. Stat. Ann. 120/3(g) defines "victim's attorney" as "an attorney retained by the victim for the purposes of asserting the victim's constitutional and statutory rights. An attorney retained by the victim means an attorney who is hired to represent the victim at the victim's expense or an attorney who has agreed to provide pro bono representation."</p> <p> Illinois' victims' rights laws are clear that although victims have the right to have an attorney represent their interests, they do not have the right to court-appointed counsel or counsel at public expense. Ill. Const. art. 1, § 8.1(b); 725 Ill. Comp. Stat. Ann. 120/3(g).</p>	725 Ill. Comp. Stat. Ann. 120/4(d).





 A promising practice, when informing victims of their right to retain an attorney, is to include an explanation of the different roles of a prosecuting attorney vs. a victim's attorney.	
<p><b>Law Enforcement's Obligation to Provide Victims with Notice of Status of Investigation.</b></p> <p>At the request of the crime victim, law enforcement authorities investigating the case shall provide notice of the status of the investigation, except where the State's Attorney determines that disclosure of such information would unreasonably interfere with the investigation, until such time as the alleged assailant is apprehended or the investigation is closed.</p> <p> A promising practice is to have a policy and procedure in place to notify victims, at the first opportunity, that victims must "request" the exercise of certain rights.</p>	725 Ill. Comp. Stat. Ann. 120/4.5(a).
<p><b>Law Enforcement's Obligation to Notify Victims When Reopening a Case.</b></p> <p>When law enforcement authorities reopen a closed case to resume investigating, they shall provide notice of the reopening of the case, except where the State's Attorney determines that disclosure of such information would unreasonably interfere with the investigation.</p> <p> The decision to reopen a closed case to resume investigating may take place long after the victim's initial contact with the justice system. A promising practice is to have a policy and procedure in place that enables crime victims to easily keep their contact information up-to-date across agencies.</p>	725 Ill. Comp. Stat. Ann. 120/4.5(a-5).




<p><b>The Office of the State's Attorney's Obligation to Provide Victims with Notice of Filing of an Information, Return of Indictment, or Filing of Petition to Adjudicate a Minor.</b></p> <p>The office of the State's Attorney . . . shall provide notice of the filing of an information, the return of an indictment, or the filing of a petition to adjudicate a minor as a delinquent for a violent crime[.]</p>	<p>725 Ill. Comp. Stat. Ann. 120/4.5(b)(1).</p>
<p><b>The Office of the State's Attorney's Obligation to Provide Victims with Timely Notice of Court Proceedings and Changes to Schedule.</b></p> <p>The office of the State's Attorney . . . shall provide timely notice of the date, time, and place of court proceedings; of any change in the date, time, and place of court proceedings; and of any cancellation of court proceedings. Notice shall be provided in sufficient time, wherever possible, for the victim to make arrangements to attend or to prevent an unnecessary appearance at court proceedings[.]</p> <p> 725 Ill. Comp. Stat. Ann. 120/4.5(c-5)(10) details the procedure to be followed to afford victims their right to notice of court proceedings.</p>	<p>725 Ill. Comp. Stat. Ann. 120/4.5(b)(2).</p>
<p><b>The Office of the State's Attorney's and Victim Advocate Personnel's Obligations to Provide Victims with Information About Available Social Services and Financial Assistance.</b></p> <p>The office of the State's Attorney . . . or victim advocate personnel shall provide information of social services and financial assistance available for victims of crime, including information of how to apply for these services and assistance[.]</p>	<p>725 Ill. Comp. Stat. Ann. 120/4.5(b)(3).</p>




<p><b>The Office of the State's Attorney's and Victim Advocate Personnel's Obligations to Provide Victims with Information About Available Victim Services.</b></p> <p>The office of the State's Attorney . . . or victim advocate personnel shall provide information about available victim services, including referrals to programs, counselors, and agencies that assist a victim to deal with trauma, loss, and grief[.]</p>	<p>725 Ill. Comp. Stat. Ann. 120/4.5(b)(3.5).</p>
<p><b>The Office of the State's Attorney's Obligation to Assist Victims with the Expeditious Return of Personal Property Held By Law Enforcement.</b></p> <p>The office of the State's Attorney . . . shall assist in having any stolen or other personal property held by law enforcement authorities for evidentiary or other purposes returned as expeditiously as possible, pursuant to the procedures set out in Section 115-9 of the Code of Criminal Procedure of 1963[.]</p> <p> 725 Ill. Comp. Stat. Ann. 5/115-9 sets forth the procedures governing the return of property to a victim.</p> <p> A promising practice is to have a policy and procedure in place that clearly defines what "expeditiously" means in the context of the victim's right to return of property. Instructions should be ready and available to provide to victims, explaining how they may promptly obtain their property, and including the name of a person they may contact to check the status of the return.</p>	<p>725 Ill. Comp. Stat. Ann. 120/4.5(b)(4).</p>






<p><b>The Office of the State's Attorney's and Victim Advocate Personnel's Obligations to Provide Appropriate Employer Intercession Services.</b></p> <p>The office of the State's Attorney . . . or victim advocate personnel shall provide appropriate employer intercession services to ensure that employers of victims will cooperate with the criminal justice system in order to minimize an employee's loss of pay and other benefits resulting from court appearances[.]</p> <p> The Victims' Economic Security Act, 820 Ill. Comp. Stat. Ann. 180, provides victims with the right to take unpaid leave from their employers under certain circumstances. Text from portions of this statute appear below in this chart.</p>	<p>725 Ill. Comp. Stat. Ann. 120/4.5(b)(5).</p>
<p><b>The Office of the State's Attorney's Obligation to Provide Victims with a Secure Waiting Area During Court Proceedings.</b></p> <p>The office of the State's Attorney . . . shall provide, whenever possible, a secure waiting area during court proceedings that does not require victims to be in close proximity to defendants or juveniles accused of a violent crime, and their families and friends[.]</p>	<p>725 Ill. Comp. Stat. Ann. 120/4.5(b)(6).</p>
<p><b>The Office of the State's Attorney's Obligation to Provide Victims with Notice of Right to Have a Translator and Sign Language Interpreter Present at All Court Proceedings.</b></p> <p>The office of the State's Attorney . . . shall provide notice to the crime victim of the right to have a translator present at all court proceedings and, in compliance with the federal Americans with Disabilities Act of 1990, the right to communications access through a sign language interpreter or by other means[.]</p> <p> 725 Ill. Comp. Stat. Ann. 140/4 provides victims with the right to a qualified court-appointed sign language interpreter.</p>	<p>725 Ill. Comp. Stat. Ann. 120/4.5(b)(7).</p>

<p><b>The Office of the State's Attorney's Obligation to Provide Victims with Notice of Right to be Present at All Court Proceedings.</b></p> <p>The office of the State's Attorney . . . shall inform the victim of the right to be present at all court proceedings, unless the victim is to testify and the court determines that the victim's testimony would be materially affected if the victim hears other testimony at trial[.]</p> <p> Ill. Const. art. 1, § 8.1(a)(10) and 725 Ill. Comp. Stat. Ann. 120/4(a)(8) guarantee victims the right to be present at all court proceedings, subject to the limitation noted in this provision.</p> <p> Victims' constitutional right to be present should provide for the victims' presence during the entirety of the trial. Even if the victim is to be a witness and the court concludes that the victim's testimony would be materially affected if the victim hears other testimony, consider discussing with the prosecutor the possibility of the victim testifying first to best ensure the victim's right to be present during the entirety of the trial.</p>	<p>725 Ill. Comp. Stat. Ann. 120/4.5(b)(8.5).</p>
<p><b>The Office of the State's Attorney's Obligation to Provide Victims with Notice of Right to Have Advocate and Support Person Present at All Court Proceedings.</b></p> <p>The office of the State's Attorney . . . shall inform the victim of the right to have present at all court proceedings, subject to the rules of evidence and confidentiality, an advocate and other support person of the victim's choice[.]</p> <p> Ill. Const. art. 1, § 8.1(a)(11) and 725 Ill. Comp. Stat. Ann. 120/4(a)(9) guarantee victims the right to have an advocate and support person present during all court proceedings.</p> <p> 725 Ill. Comp. Stat. Ann. 120/4.5(c-5)(8) details the procedure to be followed to afford</p>	<p>725 Ill. Comp. Stat. Ann. 120/4.5(b)(9).</p>


victims their right to have an advocate and support person present at court proceedings.	
<p><b>The Office of the State's Attorney's Obligation to Provide Victims with Notice of Right to Retain Attorney.</b></p> <p>The office of the State's Attorney . . . shall inform the victim of the right to retain an attorney, at the victim's own expense, who, upon written notice filed with the clerk of the court and State's Attorney, is to receive copies of all notices, motions, and court orders filed thereafter in the case, in the same manner as if the victim were a named party in the case[.]</p> <p> 725 Ill. Comp. Stat. Ann. 120/4(d) guarantees victims the right to retain an attorney.</p> <p> A promising practice, when informing victims of their right to retain an attorney, is to include an explanation of the different roles of a prosecuting attorney vs. a victim's attorney.</p>	<p>725 Ill. Comp. Stat. Ann. 120/4.5(b)(9.3).</p>
<p><b>The Office of the State's Attorney's Obligation to Provide Victims with Notice of Right to Make a Statement at Sentencing.</b></p> <p>The office of the State's Attorney . . . shall inform the victim of (A) the victim's right under Section 6 of this Act to make a statement at the sentencing hearing; (B) the right of the victim's spouse, guardian, parent, grandparent, and other immediate family and household members under Section 6 of this Act to present a statement at sentencing; and (C) if a presentence report is to be prepared, the right of the victim's spouse, guardian, parent, grandparent, and other immediate family and household members to submit information to the preparer of the presentence report about the effect the offense has had on the victim and the person[.]</p> <p> A promising practice is to be familiar with the acceptable formats for victim impact statements so that victims can be informed about all of their options. Depending on your</p>	<p>725 Ill. Comp. Stat. Ann. 20/4.5(b)(9.5).</p>

<p>jurisdiction's law, victims may choose to: (1) read or speak their impact statement aloud at the sentencing proceeding, or have another person do it for them; (2) submit a written victim impact statement to the court in advance of sentencing; (3) provide an impact statement using technology to facilitate remote attendance; and/or (4) play or submit an impact statement that was created using audio and video technology.</p>	
<p><b>The Office of the State's Attorney's Obligations to Provide Victims with Explanation of Minimum Sentence and Notice of Right to Request Information Concerning Release.</b></p> <p>The office of the State's Attorney . . . at the sentencing shall make a good faith attempt to explain the minimum amount of time during which the defendant may actually be physically imprisoned. The Office of the State's Attorney shall further notify the crime victim of the right to request from the Prisoner Review Board or Department of Juvenile Justice information concerning the release of the defendant[.]</p> <p> A promising practice is to have a policy and procedure in place to notify victims, at the first opportunity, that victims must "request" the exercise of certain rights.</p>	<p>725 Ill. Comp. Stat. Ann. 120/4.5(b)(10).</p>
<p><b>The Office of the State's Attorney's Obligation to Request Restitution.</b></p> <p>The office of the State's Attorney . . . shall request restitution at sentencing and as part of a plea agreement if the victim requests restitution[.]</p> <p> Ill. Const. art. 1, § 8.1(a)(12) and 725 Ill. Comp. Stat. Ann. 120/4(a)(10) afford victims the right to restitution.</p> <p> 725 Ill. Comp. Stat. Ann. 120/4.5(c-5)(12) governs the procedure to be followed to afford victims their right to restitution.</p>	<p>725 Ill. Comp. Stat. Ann. 120/4.5(b)(11).</p>

 A promising practice is to have a policy and procedure in place to notify victims, at the first opportunity, that victims must “request” the exercise of certain rights.	
<p><b>The Office of the State’s Attorney’s Obligation to Inform Victim of Notification Services Available When Defendant Found Not Guilty by Reason of Insanity.</b></p> <p>The office of the State’s Attorney . . . shall, upon the court entering a verdict of not guilty by reason of insanity, inform the victim of the notification services available from the Department of Human Services, including the statewide telephone number, under subparagraph (d)(2) of this Section[.]</p> <p> A promising practice, when providing victims with such notice, is to remind them that any changes in their contact information must be reported to the relevant agency.</p>	<p>725 Ill. Comp. Stat. Ann. 120/4.5(b)(12).</p>
<p><b>The Office of the State’s Attorney’s Obligation to Provide Victims with Notice of Defendant’s Release on Bail or Personal Recognizance.</b></p> <p>The office of the State’s Attorney . . . shall provide notice within a reasonable time after receipt of notice from the custodian, of the release of the defendant on bail or personal recognizance or the release from detention of a minor who has been detained[.]</p> <p> A promising practice, when providing victims with such notice, is to remind them that any changes in their contact information must be reported to the relevant agency.</p>	<p>725 Ill. Comp. Stat. Ann. 120/4.5(b)(13).</p>

<p><b>The Office of the State's Attorney's Obligation to Explain Details of Plea or Verdict to Victim.</b></p> <p>The office of the State's Attorney . . . shall explain in nontechnical language the details of any plea or verdict of a defendant, or any adjudication of a juvenile as a delinquent[.]</p>	<p>725 Ill. Comp. Stat. Ann. 120/4.5(b)(14).</p>
<p><b>The Office of the State's Attorney's Obligations to Make Reasonable Efforts to Consult with the Victim Before Making a Plea Offer or Entering into Plea Negotiations; the Office of the State's Attorney's Obligation to Consider Victim's Written Statement.</b></p> <p>The office of the State's Attorney . . . shall make all reasonable efforts to consult with the crime victim before the Office of the State's Attorney makes an offer of a plea bargain to the defendant or enters into negotiations with the defendant concerning a possible plea agreement, and shall consider the written statement, if prepared prior to entering into a plea agreement. The right to consult with the prosecutor does not include the right to veto a plea agreement or to insist the case go to trial. If the State's Attorney has not consulted with the victim prior to making an offer or entering into plea negotiations with the defendant, the Office of the State's Attorney shall notify the victim of the offer or the negotiations within 2 business days and confer with the victim[.]</p>	<p>725 Ill. Comp. Stat. Ann. 120/4.5(b)(15).</p>
<p><b>The Office of the State's Attorney's Obligation to Provide Notice of Ultimate Disposition of Case.</b></p> <p>The office of the State's Attorney . . . shall provide notice of the ultimate disposition of the cases arising from an indictment or an information, or a petition to have a juvenile adjudicated as a delinquent for a violent crime[.]</p>	<p>725 Ill. Comp. Stat. Ann. 120/4.5(b)(16).</p>


<p><b>The Office of the State's Attorney's Obligations to Provide Notice of Any Appeal, Information Regarding Contact with Agency Handling Appeal and How to Request Notice of Appellate Proceedings.</b></p> <p>The office of the State's Attorney . . . shall provide notice of any appeal taken by the defendant and information on how to contact the appropriate agency handling the appeal, and how to request notice of any hearing, oral argument, or decision of an appellate court[.]</p>	<p>725 Ill. Comp. Stat. Ann. 120/4.5(b)(17).</p>
<p><b>The Office of the State's Attorney's Obligation to Provide Notice of Requests for Post-Conviction Review and Related Hearings.</b></p> <p>The office of the State's Attorney . . . shall provide timely notice of any request for post-conviction review filed by the defendant under Article 122 of the Code of Criminal Procedure of 1963, and of the date, time and place of any hearing concerning the petition. Whenever possible, notice of the hearing shall be given within 48 hours of the court's scheduling of the hearing[.]</p>	<p>725 Ill. Comp. Stat. Ann. 120/4.5(b)(18).</p>
<p><b>The Office of the State's Attorney's Obligation to Forward a Copy of Victim Impact Statement to Prisoner Review Board.</b></p> <p>The office of the State's Attorney . . . shall forward a copy of any statement presented under Section 6 to the Prisoner Review Board or Department of Juvenile Justice to be considered in making a determination under Section 3-2.5-85 or subsection (b) of Section 3-3-8 of the Unified Code of Corrections.</p>	<p>725 Ill. Comp. Stat. Ann. 120/4.5(b)(19).</p>
<p><b>The Court's Obligation to Ensure that Victims Are Afforded Rights.</b></p> <p>The court shall ensure that the rights of the victim are afforded.</p>	<p>725 Ill. Comp. Stat. Ann. 120/4.5(c).</p>

<p><b>Procedure to Be Followed to Afford Victims' Rights: Written Notice.</b></p> <p>A victim may complete a written notice of intent to assert rights on a form prepared by the Office of the Attorney General and provided to the victim by the State's Attorney. The victim may at any time provide a revised written notice to the State's Attorney. The State's Attorney shall file the written notice with the court. At the beginning of any court proceeding in which the right of a victim may be at issue, the court and prosecutor shall review the written notice to determine whether the victim has asserted the right that may be at issue.</p>	<p>725 Ill. Comp. Stat. Ann. 120/4.5(c-5)(1).</p>
<p><b>Procedure to Be Followed to Afford Victims' Rights: Victim's Retained Attorney.</b></p> <p>A victim's attorney shall file an entry of appearance limited to assertion of the victim's rights. Upon the filing of the entry of appearance and service on the State's Attorney and the defendant, the attorney is to receive copies of all notices, motions and court orders filed thereafter in the case.</p>	<p>725 Ill. Comp. Stat. Ann. 120/4.5(c-5)(2).</p>
<p><b>Procedure to Be Followed to Afford Victims' Rights: Standing.</b></p> <p>The victim has standing to assert the rights enumerated in subsection (a) of Article I, Section 8.1 of the Illinois Constitution and the statutory rights under Section 4 of this Act in any court exercising jurisdiction over the criminal case. The prosecuting attorney, a victim, or the victim's retained attorney may assert the victim's rights. The defendant in the criminal case has no standing to assert a right of the victim in any court proceeding, including on appeal.</p> <p> Ill. Const. art. 1, § 8.1(b) also expressly grants victims standing to assert their rights.</p>	<p>725 Ill. Comp. Stat. Ann. 120/4.5(c-5)(3).</p>



<p><b>Procedure to Be Followed to Afford Victims' Rights: Assertion of and Enforcement of Rights.</b></p> <p>(A) The prosecuting attorney shall assert a victim's right or request enforcement of a right by filing a motion or by orally asserting the right or requesting enforcement in open court in the criminal case outside the presence of the jury. The prosecuting attorney shall consult with the victim and the victim's attorney regarding the assertion or enforcement of a right. If the prosecuting attorney decides not to assert or enforce a victim's right, the prosecuting attorney shall notify the victim or the victim's attorney in sufficient time to allow the victim or the victim's attorney to assert the right or to seek enforcement of a right.</p> <p>(B) If the prosecuting attorney elects not to assert a victim's right or to seek enforcement of a right, the victim or the victim's attorney may assert the victim's right or request enforcement of a right by filing a motion or by orally asserting the right or requesting enforcement in open court in the criminal case outside the presence of the jury.</p> <p>(C) If the prosecuting attorney asserts a victim's right or seeks enforcement of a right, and the court denies the assertion of the right or denies the request for enforcement of a right, the victim or victim's attorney may file a motion to assert the victim's right or to request enforcement of the right within 10 days of the court's ruling. The motion need not demonstrate the grounds for a motion for reconsideration. The court shall rule on the merits of the motion.</p> <p>(D) The court shall take up and decide any motion or request asserting or seeking enforcement of a victim's right without delay, unless a specific time period is specified by law or court rule. The reasons for any decision denying the motion or request shall be clearly stated on the record.</p>	<p>725 Ill. Comp. Stat. Ann. 120/4.5(c-5)(4).</p>
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<p><b>Procedure to Be Followed to Afford Victims' Rights: Violation of Rights and Remedies.</b></p> <p>(A) If the court determines that a victim's right has been violated, the court shall determine the appropriate remedy for the violation of the victim's right by hearing from the victim and the parties, considering all factors relevant to the issue, and then awarding appropriate relief to the victim.</p> <p>(A-5) Consideration of an issue of a substantive nature or an issue that implicates the constitutional or statutory right of a victim at a court proceeding labeled as a status hearing shall constitute a per se violation of a victim's right.</p> <p>(B) The appropriate remedy shall include only actions necessary to provide the victim the right to which the victim was entitled and may include reopening previously held proceedings; however, in no event shall the court vacate a conviction. Any remedy shall be tailored to provide the victim an appropriate remedy without violating any constitutional right of the defendant. In no event shall the appropriate remedy be a new trial, damages, or costs.</p>	<p>725 Ill. Comp. Stat. Ann. 120/4.5(c-5)(5).</p>
<p><b>Procedure to Be Followed to Afford Victims' Rights: Right to be Heard.</b></p> <p>Whenever a victim has the right to be heard, the court shall allow the victim to exercise the right in any reasonable manner the victim chooses.</p>	<p>725 Ill. Comp. Stat. Ann. 120/4.5(c-5)(6).</p>
<p><b>Procedure to Be Followed to Afford Victims' Rights: Right to Attend Trial.</b></p> <p>A party must file a written motion to exclude a victim from trial at least 60 days prior to the date set for trial. The motion must state with specificity the reason exclusion is necessary to protect a constitutional right of the party, and must contain an offer of proof. The court shall rule on the motion within 30 days. If the motion is granted, the court shall set forth on the</p>	<p>725 Ill. Comp. Stat. Ann. 120/4.5(c-5)(7).</p>

<p>record the facts that support its finding that the victim's testimony will be materially affected if the victim hears other testimony at trial.</p> <p> Victims' constitutional right to be present should provide for the victims' presence during the entirety of the trial. Even if the victim is to be a witness and the court concludes that the victim's testimony would be materially affected if the victim hears other testimony, consider discussing with the prosecutor the possibility of the victim testifying first to best ensure the victim's right to be present during the entirety of the trial.</p>	
<p><b>Procedure to Be Followed to Afford Victims' Rights: Right to Have Advocate and Support Person Present at Court Proceedings.</b></p> <p>(A) A party who intends to call an advocate as a witness at trial must seek permission of the court before the subpoena is issued. The party must file a written motion at least 90 days before trial that sets forth specifically the issues on which the advocate's testimony is sought and an offer of proof regarding (i) the content of the anticipated testimony of the advocate; and (ii) the relevance, admissibility, and materiality of the anticipated testimony. The court shall consider the motion and make findings within 30 days of the filing of the motion. If the court finds by a preponderance of the evidence that: (i) the anticipated testimony is not protected by an absolute privilege; and (ii) the anticipated testimony contains relevant, admissible, and material evidence that is not available through other witnesses or evidence, the court shall issue a subpoena requiring the advocate to appear to testify at an in camera hearing. The prosecuting attorney and the victim shall have 15 days to seek appellate review before the advocate is required to testify at an ex parte in camera proceeding.</p> <p>The prosecuting attorney, the victim, and the advocate's attorney shall be allowed to be present at the ex parte in camera proceeding. If, after conducting the ex parte in camera hearing, the court determines that due process requires any testimony regarding confidential or privileged information or communications, the court shall provide to the prosecuting attorney, the victim, and the advocate's attorney a written memorandum on the substance of the advocate's testimony. The prosecuting attorney, the victim, and the advocate's attorney shall have 15 days to seek appellate review before a subpoena may be issued for the advocate</p>	<p>725 Ill. Comp. Stat. Ann. 120/4.5(c-5)(8).</p>


to testify at trial. The presence of the prosecuting attorney at the ex parte in camera proceeding does not make the substance of the advocate's testimony that the court has ruled inadmissible subject to discovery.



(B) If a victim has asserted the right to have a support person present at the court proceedings, the victim shall provide the name of the person the victim has chosen to be the victim's support person to the prosecuting attorney, within 60 days of trial. The prosecuting attorney shall provide the name to the defendant. If the defendant intends to call the support person as a witness at trial, the defendant must seek permission of the court before a subpoena is issued. The defendant must file a written motion at least 45 days prior to trial that sets forth specifically the issues on which the support person will testify and an offer of proof regarding: (i) the content of the anticipated testimony of the support person; and (ii) the relevance, admissibility, and materiality of the anticipated testimony.


If the prosecuting attorney intends to call the support person as a witness during the State's case-in-chief, the prosecuting attorney shall inform the court of this intent in the response to the defendant's written motion. The victim may choose a different person to be the victim's support person. The court may allow the defendant to inquire about matters outside the scope of the direct examination during cross-examination. If the court allows the defendant to do so, the support person shall be allowed to remain in the courtroom after the support person has testified. A defendant who fails to question the support person about matters outside the scope of direct examination during the State's case-in-chief waives the right to challenge the presence of the support person on appeal. The court shall allow the support person to testify if called as a witness in the defendant's case-in-chief or the State's rebuttal.

If the court does not allow the defendant to inquire about matters outside the scope of the direct examination, the support person shall be allowed to remain in the courtroom after the support person has been called by the defendant or the defendant has rested. The court shall allow the support person to testify in the State's rebuttal.

If the prosecuting attorney does not intend to call the support person in the State's case-in-chief, the court shall verify with the support person whether the support person, if called as a witness, would testify as set forth in the offer of proof. If the court finds that the support

<p>person would testify as set forth in the offer of proof, the court shall rule on the relevance, materiality, and admissibility of the anticipated testimony. If the court rules the anticipated testimony is admissible, the court shall issue the subpoena. The support person may remain in the courtroom after the support person testifies and shall be allowed to testify in rebuttal.</p> <p>If the court excludes the victim's support person during the State's case-in-chief, the victim shall be allowed to choose another support person to be present in court.</p> <p>If the victim fails to designate a support person within 60 days of trial and the defendant has subpoenaed the support person to testify at trial, the court may exclude the support person from the trial until the support person testifies. If the court excludes the support person the victim may choose another person as a support person.</p> <p> Ill. Const. art. 1, § 8.1(a)(11) and 725 Ill. Comp. Stat. Ann. 120/4(a)(9) guarantee victims the right to have an advocate and support person present during all court proceedings.</p>	
<p><b>Procedure to Be Followed to Afford Victims' Rights: Right to Notice and Hearing Before Disclosure of Confidential or Privileged Information or Records.</b></p> <p>A defendant who seeks to subpoena records of or concerning the victim that are confidential or privileged by law must seek permission of the court before the subpoena is issued. The defendant must file a written motion and an offer of proof regarding the relevance, admissibility and materiality of the records. If the court finds by a preponderance of the evidence that: (A) the records are not protected by an absolute privilege and (B) the records contain relevant, admissible, and material evidence that is not available through other witnesses or evidence, the court shall issue a subpoena requiring a sealed copy of the records be delivered to the court to be reviewed in camera. If, after conducting an in camera review of the records, the court determines that due process requires disclosure of any portion of the records, the court shall provide copies of what it intends to disclose to the prosecuting attorney and the victim. The prosecuting attorney and the victim shall have 30 days to seek appellate review before the records are disclosed to the defendant. The disclosure of copies</p>	<p>725 Ill. Comp. Stat. Ann. 120/4.5(c-5)(9).</p>

<p>of any portion of the records to the prosecuting attorney does not make the records subject to discovery.</p> <p> Ill. Const. art. 1, § 8.1(a)(2) and 725 Ill. Comp. Stat. Ann. 120/4(a)(1.5) afford victims the right to notice and a hearing before the court rules on a request for access to the victim's confidential privileged information and records.</p>	
<p><b>Procedure to Be Followed to Afford Victims' Rights: Right to Notice of Court Proceedings.</b></p> <p>If the victim is not present at a court proceeding in which a right of the victim is at issue, the court shall ask the prosecuting attorney whether the victim was notified of the time, place, and purpose of the court proceeding and that the victim had a right to be heard at the court proceeding. If the court determines that timely notice was not given or that the victim was not adequately informed of the nature of the court proceeding, the court shall not rule on any substantive issues, accept a plea, or impose a sentence and shall continue the hearing for the time necessary to notify the victim of the time, place and nature of the court proceeding. The time between court proceedings shall not be attributable to the State under Section 103-5 of the Code of Criminal Procedure of 1963.</p> <p> 725 Ill. Comp. Stat. Ann. 120/4.5(b)(2) provides that the Office of the State's Attorney must provide victims with timely notice of court proceedings and any changes to the court schedule.</p>	<p>725 Ill. Comp. Stat. Ann. 120/4.5 (c-5)(10).</p>
<p><b>Procedure to Be Followed to Afford Victims' Rights: Right to Timely Disposition of the Case.</b></p> <p>A victim has the right to timely disposition of the case so as to minimize the stress, cost, and inconvenience resulting from the victim's involvement in the case. Before ruling on a motion to continue trial or other court proceeding, the court shall inquire into the</p>	<p>725 Ill. Comp. Stat. Ann. 120/4.5(c-5)(11).</p>

<p>circumstances for the request for the delay and, if the victim has provided written notice of the assertion of the right to a timely disposition, and whether the victim objects to the delay. If the victim objects, the prosecutor shall inform the court of the victim's objections. If the prosecutor has not conferred with the victim about the continuance, the prosecutor shall inform the court of the attempts to confer. If the court finds the attempts of the prosecutor to confer with the victim were inadequate to protect the victim's right to be heard, the court shall give the prosecutor at least 3 but not more than 5 business days to confer with the victim. In ruling on a motion to continue, the court shall consider the reasons for the requested continuance, the number and length of continuances that have been granted, the victim's objections and procedures to avoid further delays. If a continuance is granted over the victim's objection, the court shall specify on the record the reasons for the continuance and the procedures that have been or will be taken to avoid further delays.</p> <p> Ill. Const. art. 1, § 8.1(a)(7) and 725 Ill. Comp. Stat. Ann. 120/4(a)(6) afford victims the right to the timely disposition of the case following the arrest of the accused.</p>	
<p><b>Procedure to Be Followed to Afford Victims' Rights: Right to Restitution.</b></p> <p>(A) If the victim has asserted the right to restitution and the amount of restitution is known at the time of sentencing, the court shall enter the judgment of restitution at the time of sentencing.</p> <p>(B) If the victim has asserted the right to restitution and the amount of restitution is not known at the time of sentencing, the prosecutor shall, within 5 days after sentencing, notify the victim what information and documentation related to restitution is needed and that the information and documentation must be provided to the prosecutor within 45 days after sentencing. Failure to timely provide information and documentation related to restitution shall be deemed a waiver of the right to restitution. The prosecutor shall file and serve within 60 days after sentencing a proposed judgment for restitution and a notice that includes information concerning the identity of any victims or other persons seeking restitution, whether any victim or other person expressly declines restitution, the nature and amount of any damages together with any supporting documentation, a restitution amount</p>	<p>725 Ill. Comp. Stat. Ann. 120/4.5(c-5)(12).</p>

recommendation, and the names of any co-defendants and their case numbers. Within 30 days after receipt of the proposed judgment for restitution, the defendant shall file any objection to the proposed judgment, a statement of grounds for the objection, and a financial statement. If the defendant does not file an objection, the court may enter the judgment for restitution without further proceedings. If the defendant files an objection and either party requests a hearing, the court shall schedule a hearing.



Ill. Const. art. 1, § 8.1(a)(12) and 725 ILCS 120/4(a)(10) afford victims the right to restitution.



A promising practice is to notify victims as soon as possible in the criminal justice process that they should collect and neatly organize all documentation relating to their losses—including anticipated future expenses—for the purposes of later requesting restitution.

**Procedure to Be Followed to Afford Victims' Rights: Access to Presentence Reports.**

(A) The victim may request a copy of the presentence report prepared under the Unified Code of Corrections from the State's Attorney. The State's Attorney shall redact the following information before providing a copy of the report:

- (i) the defendant's mental history and condition;
- (ii) any evaluation prepared under subsection (b) or (b-5) of Section 5-3-2; and
- (iii) the name, address, phone number, and other personal information about any other victim.


(B) The State's Attorney or the defendant may request the court redact other information in the report that may endanger the safety of any person.

(C) The State's Attorney may orally disclose to the victim any of the information that has been redacted if there is a reasonable likelihood that the information will be stated in court at the sentencing.

725 Ill. Comp. Stat. Ann.  
120/4.5(c-5)(13).



<p>(D) The State's Attorney must advise the victim that the victim must maintain the confidentiality of the report and other information. Any dissemination of the report or information that was not stated at a court proceeding constitutes indirect criminal contempt of court.</p>	
<p><b>Procedure to Be Followed to Afford Victims' Rights: Appellate Relief.</b></p> <p>If the trial court denies the relief requested, the victim, the victim's attorney, or the prosecuting attorney may file an appeal within 30 days of the trial court's ruling. The trial or appellate court may stay the court proceedings if the court finds that a stay would not violate a constitutional right of the defendant. If the appellate court denies the relief sought, the reasons for the denial shall be clearly stated in a written opinion. In any appeal in a criminal case, the State may assert as error the court's denial of any crime victim's right in the proceeding to which the appeal relates.</p>	<p>725 Ill. Comp. Stat. Ann. 120/4.5(c-5)(14).</p>
<p><b>Procedure to Be Followed to Afford Victims' Rights: Limitation on Appellate Relief.</b></p> <p>In no case shall an appellate court provide a new trial to remedy the violation of a victim's right.</p>	<p>725 Ill. Comp. Stat. Ann. 120/4.5(c-5)(15).</p>
<p><b>Procedure to Be Followed to Afford Victims' Rights: Reasonable Protection from the Accused and Right to Have Safety Considered.</b></p> <p>The right to be reasonably protected from the accused throughout the criminal justice process and the right to have the safety of the victim and the victim's family considered in denying or fixing the amount of bail, determining whether to release the defendant, and setting conditions of release after arrest and conviction. A victim of domestic violence, a sexual offense, or stalking may request the entry of a protective order under Article 112A of the Code of Criminal Procedure of 1963.</p>	<p>725 Ill. Comp. Stat. Ann. 120/4.5(c-5)(16).</p>

 Ill. Const. art. 1, § 8.1(a)(8) and 725 Ill. Comp. Stat. Ann. 120/4(a)(7) afford victims the right to reasonable protection. Ill. Const. art. 1, § 8.1(a)(9) and 725 Ill. Comp. Stat. Ann. 120/4(a)(7.5) afford victims the right to have their safety considered in bail and release determinations.	
<p><b>Procedures to Implement Victims' Rights After the Imposition of a Sentence: Notification of Release; Impact Statements.</b></p> <p>(1) The Prisoner Review Board shall inform a victim or any other concerned citizen, upon written request, of the prisoner's release on parole, mandatory supervised release, electronic detention, work release, international transfer or exchange, or by the custodian, other than the Department of Juvenile Justice, of the discharge of any individual who was adjudicated a delinquent for a crime from State custody and by the sheriff of the appropriate county of any such person's final discharge from county custody. The Prisoner Review Board, upon written request, shall provide to a victim or any other concerned citizen a recent photograph of any person convicted of a felony, upon his or her release from custody. The Prisoner Review Board, upon written request, shall inform a victim or any other concerned citizen when feasible at least 7 days prior to the prisoner's release on furlough of the times and dates of such furlough. Upon written request by the victim or any other concerned citizen, the State's Attorney shall notify the person once of the times and dates of release of a prisoner sentenced to periodic imprisonment. Notification shall be based on the most recent information as to victim's or other concerned citizen's residence or other location available to the notifying authority.</p> <p>(2) When the defendant has been committed to the Department of Human Services pursuant to Section 5-2-4 or any other provision of the Unified Code of Corrections,<sup>1</sup> the victim may request to be notified by the releasing authority of the approval by the court of an on-grounds pass, a supervised off-grounds pass, an unsupervised off-grounds pass, or conditional release; the release on an off-grounds pass; the return from an off-grounds pass; transfer to another facility; conditional release; escape; death; or final discharge from State custody. The Department of Human Services shall establish and maintain a statewide telephone</p>	<p>725 Ill. Comp. Stat. Ann. 120/4.5(d).</p>

number to be used by victims to make notification requests under these provisions and shall publicize this telephone number on its website and to the State's Attorney of each county.

(3) In the event of an escape from State custody, the Department of Corrections or the Department of Juvenile Justice immediately shall notify the Prisoner Review Board of the escape and the Prisoner Review Board shall notify the victim. The notification shall be based upon the most recent information as to the victim's residence or other location available to the Board. When no such information is available, the Board shall make all reasonable efforts to obtain the information and make the notification. When the escapee is apprehended, the Department of Corrections or the Department of Juvenile Justice immediately shall notify the Prisoner Review Board and the Board shall notify the victim.

(4) The victim of the crime for which the prisoner has been sentenced has the right to register with the Prisoner Review Board's victim registry. Victims registered with the Board shall receive reasonable written notice not less than 30 days prior to the parole hearing or target aftercare release date. The victim has the right to submit a victim statement for consideration by the Prisoner Review Board or the Department of Juvenile Justice in writing, on film, videotape, or other electronic means, or in the form of a recording prior to the parole hearing or target aftercare release date, or in person at the parole hearing or aftercare release protest hearing, or by calling the toll-free number established in subsection (f) of this Section. The victim shall be notified within 7 days after the prisoner has been granted parole or aftercare release and shall be informed of the right to inspect the registry of parole decisions, established under subsection (g) of Section 3-3-5 of the Unified Code of Corrections.<sup>2</sup> The provisions of this paragraph (4) are subject to the Open Parole Hearings Act.<sup>3</sup> Victim statements provided to the Board shall be confidential and privileged, including any statements received prior to the effective date of this amendatory Act of the 101st General Assembly, except if the statement was an oral statement made by the victim at a hearing open to the public.

(4-1) The crime victim has the right to submit a victim statement for consideration by the Prisoner Review Board or the Department of Juvenile Justice prior to or at a hearing to determine the conditions of mandatory supervised release of a person sentenced to a determinate sentence or at a hearing on revocation of mandatory supervised release of a

person sentenced to a determinate sentence. A victim statement may be submitted in writing, on film, videotape, or other electronic means, or in the form of a recording, or orally at a hearing, or by calling the toll-free number established in subsection (f) of this Section. Victim statements provided to the Board shall be confidential and privileged, including any statements received prior to the effective date of this amendatory Act of the 101st General Assembly, except if the statement was an oral statement made by the victim at a hearing open to the public.

(4-2) The crime victim has the right to submit a victim statement to the Prisoner Review Board for consideration at an executive clemency hearing as provided in Section 3-3-13 of the Unified Code of Corrections. A victim statement may be submitted in writing, on film, videotape, or other electronic means, or in the form of a recording prior to a hearing, or orally at a hearing, or by calling the toll-free number established in subsection (f) of this Section. Victim statements provided to the Board shall be confidential and privileged, including any statements received prior to the effective date of this amendatory Act of the 101st General Assembly, except if the statement was an oral statement made by the victim at a hearing open to the public.

(5) If a statement is presented under Section 6, the Prisoner Review Board or Department of Juvenile Justice shall inform the victim of any order of discharge pursuant to Section 3-2.5-85 or 3-3-8 of the Unified Code of Corrections.

(6) At the written or oral request of the victim of the crime for which the prisoner was sentenced or the State's Attorney of the county where the person seeking parole or aftercare release was prosecuted, the Prisoner Review Board or Department of Juvenile Justice shall notify the victim and the State's Attorney of the county where the person seeking parole or aftercare release was prosecuted of the death of the prisoner if the prisoner died while on parole or aftercare release or mandatory supervised release.

(7) When a defendant who has been committed to the Department of Corrections, the Department of Juvenile Justice, or the Department of Human Services is released or discharged and subsequently committed to the Department of Human Services as a sexually violent person and the victim had requested to be notified by the releasing authority of the

defendant's discharge, conditional release, death, or escape from State custody, the releasing authority shall provide to the Department of Human Services such information that would allow the Department of Human Services to contact the victim.

(8) When a defendant has been convicted of a sex offense as defined in Section 2 of the Sex Offender Registration Act and has been sentenced to the Department of Corrections or the Department of Juvenile Justice, the Prisoner Review Board or the Department of Juvenile Justice shall notify the victim of the sex offense of the prisoner's eligibility for release on parole, aftercare release, mandatory supervised release, electronic detention, work release, international transfer or exchange, or by the custodian of the discharge of any individual who was adjudicated a delinquent for a sex offense from State custody and by the sheriff of the appropriate county of any such person's final discharge from county custody. The notification shall be made to the victim at least 30 days, whenever possible, before release of the sex offender.

<sup>1</sup> 730 ILCS 5/5-2-4.

<sup>2</sup> 730 ILCS 5/3-3-5.


<sup>3</sup> 730 ILCS 105/1 et seq.



The statute governing the Parole Review Board's process in determining parole eligibility also states that the board must consider, *inter alia*, "material in writing, or on film, video tape or other electronic means in the form of a recording or testimony submitted by the State's Attorney and the victim or a concerned citizen pursuant to the Rights of Crime Victims and Witnesses Act." 730 Ill. Comp. Stat. Ann. 5/3-3-4(d)(7). Such victim statements are confidential. 730 Ill. Comp. Stat. Ann. 5/3-3-4(h).



A promising practice is to have a policy and procedure in place to notify victims, at the first opportunity, that victims must "request" the exercise of certain rights. Victims who wish to be notified of releases or escapes should be reminded that any changes in their contact information need to be reported to the relevant agency.

<p><b>State Officials May Satisfy Some or All Obligations to Provide Victims with Notice and Other Information Through Statewide Notification System.</b></p> <p>The officials named in this Section may satisfy some or all of their obligations to provide notices and other information through participation in a statewide victim and witness notification system established by the Attorney General under Section 8.5 of this Act.</p> <p> 725 Ill. Comp. Stat. Ann. 120/8.5 governs the establishment and use of a statewide victim and witness notification system.</p>	<p>725 Ill. Comp. Stat. Ann. 120/4.5(e).</p>
<p><b>Prisoner Review Board's Obligation to Establish Toll-Free Number for Victims to Present a Statement to the Board.</b></p> <p>The Prisoner Review Board shall establish a toll-free number that may be accessed by the crime victim to present a victim statement to the Board in accordance with paragraphs (4), (4-1), and (4-2) of subsection (d).</p>	<p>725 Ill. Comp. Stat. Ann. 120/4.5(f).</p>
<p><b>Victims' Right to Have Advocate and Support Person Present During Medical Evidentiary or Physical Examination.</b></p> <p>(a) A crime victim has a right to have an advocate present during any medical evidentiary or physical examination, unless no advocate can be summoned in a reasonably timely manner. The victim also has the right to have an additional person present for support during any medical evidentiary or physical examination.</p> <p>(b) A victim retains the rights prescribed in subsection (a) of this Section even if the victim has waived these rights in a previous examination.</p>	<p>725 Ill. Comp. Stat. Ann. 120/4.6.</p>

**Victims' Right to be Heard at Sentencing.**

725 Ill. Comp. Stat. Ann. 120/6.

(a) A crime victim shall be allowed to present an oral or written statement in any case in which a defendant has been convicted of a violent crime or a juvenile has been adjudicated delinquent for a violent crime after a bench or jury trial, or a defendant who was charged with a violent crime and has been convicted under a plea agreement of a crime that is not a violent crime as defined in subsection (c) of Section 3 of this Act. The court shall allow a victim to make an oral statement if the victim is present in the courtroom and requests to make an oral statement. An oral statement includes the victim or a representative of the victim reading the written statement. The court may allow persons impacted by the crime who are not victims under subsection (a) of Section 3 of this Act to present an oral or written statement. A victim and any person making an oral statement shall not be put under oath or subject to cross-examination. The court shall consider any statement presented along with all other appropriate factors in determining the sentence of the defendant or disposition of such juvenile.


(a-1) In any case where a defendant has been convicted of a violation of any statute, ordinance, or regulation relating to the operation or use of motor vehicles, the use of streets and highways by pedestrians or the operation of any other wheeled or tracked vehicle, except parking violations, if the violation resulted in great bodily harm or death, the person who suffered great bodily harm, the injured person's representative, or the representative of a deceased person shall be entitled to notice of the sentencing hearing. "Representative" includes the spouse, guardian, grandparent, or other immediate family or household member of an injured or deceased person. The injured person or his or her representative and a representative of the deceased person shall have the right to address the court regarding the impact that the defendant's criminal conduct has had upon them. If more than one representative of an injured or deceased person is present in the courtroom at the time of sentencing, the court has discretion to permit one or more of the representatives to present an oral impact statement. A victim and any person making an oral statement shall not be put under oath or subject to cross-examination. The court shall consider any impact statement presented along with all other appropriate factors in determining the sentence of the defendant.


(a-5) A crime victim shall be allowed to present an oral and written victim impact statement at a hearing ordered by the court under the Mental Health and Developmental Disabilities Code to determine if the defendant is: (1) in need of mental health services on an inpatient basis; (2) in need of mental health services on an outpatient basis; or (3) not in need of mental health services, unless the defendant was under 18 years of age at the time the offense was committed. The court shall allow a victim to make an oral impact statement if the victim is present in the courtroom and requests to make an oral statement. An oral statement includes the victim or a representative of the victim reading the written impact statement. The court may allow persons impacted by the crime who are not victims under subsection (a) of Section 3 of this Act, to present an oral or written statement. A victim and any person making an oral statement shall not be put under oath or subject to cross-examination. The court may only consider the impact statement along with all other appropriate factors in determining the: (1) threat of serious physical harm posed by the respondent to himself or herself, or to another person; (2) location of inpatient or outpatient mental health services ordered by the court, but only after complying with all other applicable administrative, rule, and statutory requirements; (3) maximum period of commitment for inpatient mental health services; and (4) conditions of release for outpatient mental health services ordered by the court.

(b) The crime victim has the right to prepare a victim impact statement and present it to the Office of the State's Attorney at any time during the proceedings. Any written victim impact statement submitted to the Office of the State's Attorney shall be considered by the court during its consideration of aggravation and mitigation in plea proceedings under Supreme Court Rule 402.

(b-5) The crime victim has the right to register with the Prisoner Review Board's victim registry. The crime victim has the right to submit a victim statement to the Board for consideration at hearings as provided in Section 4.5. Victim statements provided to the Board shall be confidential and privileged, including any statements received prior to the effective date of this amendatory Act of the 101st General Assembly, except if the statement was an oral statement made by the victim at a hearing open to the public.



<p>(c) This Section shall apply to any victims during any dispositional hearing under Section 5-705 of the Juvenile Court Act of 19871 which takes place pursuant to an adjudication or trial or plea of delinquency for any such offense.</p> <p>(d) If any provision of this Section or its application to any person or circumstance is held invalid, the invalidity of that provision does not affect any other provision or application of this Section that can be given effect without the invalid provision or application.</p> <p> A promising practice is to be familiar with the acceptable formats for victim impact statements so that victims can be informed about all of their options. Depending on your jurisdiction's law, victims may choose to: (1) read or speak their impact statement aloud at the sentencing proceeding, or have another person do it for them; (2) submit a written victim impact statement to the court in advance of sentencing; (3) provide an impact statement using technology to facilitate remote attendance; and/or (4) play or submit an impact statement that was created using audio and video technology.</p>	
<p><b>Victims' Responsibilities.</b></p> <p>Victims and witnesses shall have the following responsibilities to aid in the prosecution of violent crime and to ensure that their constitutional rights are enforced:</p> <p>(a) To make a timely report of the crime;</p> <p>(b) To cooperate with law enforcement authorities throughout the investigation, prosecution, and trial;</p> <p>(c) To testify at trial;</p> <p>(c-5) to timely provide information and documentation to the prosecuting attorney that is related to the assertion of their rights.</p> <p>(d) To notify law enforcement authorities and the prosecuting attorney of any change of</p>	<p>725 Ill. Comp. Stat. Ann. 120/7.</p>

<p>contact information, including but not limited to, changes of address and contact information, including but not limited to changes of address, telephone number, and email address. Law enforcement authorities and the prosecuting attorney shall maintain the confidentiality of this information. A court may find that the failure to notify the prosecuting attorney of any change in contact information constitutes waiver of a right.</p> <p> A promising practice is to have a policy and procedure in place to notify victims, at the first opportunity, of these obligations.</p>	
<p><b>Privately Operated Crime Victim and Witness Notification Service.</b></p> <p>A county sheriff with the approval of the county board in counties with 3,000,000 or fewer inhabitants, or a county department of corrections with the approval of the county board of commissioners and under the direction of the sheriff in counties with more than 3,000,000 inhabitants, and the office of the State's Attorney with the approval of the respective county board or county board of commissioners may contract with a private entity to operate a crime victim and witness notification service. The county sheriff, the county department of corrections, and the State's Attorney shall make available to the private entity the information to implement the notification procedure in a timely manner. The private entity shall immediately deliver the notification information to the requesting crime victim or witness according to the requirements of this Act for certain offenses determined by the county board upon the release or discharge of a defendant or prisoner in county custody. The release of information to the private entity to implement the contract shall be limited to the extent necessary to comply with the provisions of this Act.</p>	725 Ill. Comp. Stat. Ann. 120/8.
<p><b>Statewide Victim and Witness Notification System.</b></p> <p>(a) The Attorney General may establish a crime victim and witness notification system to assist public officials in carrying out their duties to notify and inform crime victims and witnesses under Section 4.5 of this Act or under subsections (a), (a-2), and (a-3) of Section 120 of the Sex Offender Community Notification Law. The system shall download</p>	725 Ill. Comp. Stat. Ann. 120/8.5.

necessary information from participating officials into its computers, where it shall be maintained, updated, and automatically transmitted to victims and witnesses by telephone, computer, written notice, SMS text message, or other electronic means.

(b) The Illinois Department of Corrections, the Department of Juvenile Justice, the Department of Human Services, and the Prisoner Review Board shall cooperate with the Attorney General in the implementation of this Section and shall provide information as necessary to the effective operation of the system.

(c) State's attorneys, circuit court clerks, and local law enforcement and correctional authorities may enter into agreements with the Attorney General for participation in the system. The Attorney General may provide those who elect to participate with the equipment, software, or training necessary to bring their offices into the system.

(d) The provision of information to crime victims and witnesses through the Attorney General's notification system satisfies a given State or local official's corresponding obligation to provide the information.

(e) The Attorney General may provide for telephonic, electronic, or other public access to the database established under this Section.

(f) (Blank).

(g) There is established in the Office of the Attorney General a Crime Victim and Witness Notification Advisory Committee consisting of those victims advocates, sheriffs, State's Attorneys, circuit court clerks, Illinois Department of Corrections, the Department of Juvenile Justice, and Prisoner Review Board employees that the Attorney General chooses to appoint. The Attorney General shall designate one member to chair the Committee.

(1) The Committee shall consult with and advise the Attorney General as to the exercise of the Attorney General's authority under this Section, including, but not limited to:

(i) the design, scope, and operation of the notification system;

(ii) the content of any rules adopted to implement this Section;

(iii) the procurement of hardware, software, and support for the system, including choice of

<p>supplier or operator; and</p> <p>(iv) the acceptance of agreements with and the award of equipment, software, or training to officials that seek to participate in the system.</p> <p>(2) The Committee shall review the status and operation of the system and report any findings and recommendations for changes to the Attorney General and the General Assembly by November 1 of each year.</p> <p>(3) The members of the Committee shall receive no compensation for their services as members of the Committee, but may be reimbursed for their actual expenses incurred in serving on the Committee.</p> <p>(h) The Attorney General shall not release the names, addresses, phone numbers, personal identification numbers, or email addresses of any person registered to receive notifications to any other person except State or local officials using the notification system to satisfy the official's obligation to provide the information. The Attorney General may grant limited access to the Automated Victim Notification system (AVN) to law enforcement, prosecution, and other agencies that provide service to victims of violent crime to assist victims in enrolling and utilizing the AVN system.</p>	
<p><b>Scope of the Rights of Crime Victims and Witnesses Act.</b></p> <p>This Act does not limit any rights or responsibilities otherwise enjoyed by or imposed upon victims or witnesses of violent crime, nor does it grant any person a cause of action in equity or at law for compensation for damages or attorneys fees. Any act of omission or commission by any law enforcement officer, circuit court clerk, or State's Attorney, by the Attorney General, Prisoner Review Board, Department of Corrections, the Department of Juvenile Justice, Department of Human Services, or other State agency, or private entity under contract pursuant to Section 8, or by any employee of any State agency or private entity under contract pursuant to Section 8 acting in good faith in rendering crime victim's assistance or otherwise enforcing this Act shall not impose civil liability upon the individual or entity or his or her supervisor or employer. Nothing in this Act shall create a basis for vacating a conviction or a ground for relief requested by the defendant in any criminal case.</p>	<p>725 Ill. Comp. Stat. Ann. 120/9.</p>

**Sexually Violent Persons Commitment Act: Victims' Right to Notice of Release, Discharge, Escape, Death, or Court-Ordered Change in Offender's Custody Status.**

725 Ill. Comp. Stat. Ann. 207/75.

...

(b) If the court places a civilly committed sexually violent person on conditional release under Section 40 or 60 of this Act or discharges a person under Section 65, or if a detainee or civilly committed sexually violent person escapes, dies, or is subject to any court-ordered change in custody status of the detainee or sexually violent person, the Department shall make a reasonable attempt, if he or she can be found, to notify all of the following who have requested notification under this Act or under the Rights of Crime Victims and Witnesses Act:<sup>1</sup>

(1) Whichever of the following persons is appropriate in accordance with the provisions of subsection (a)(3):


(A) The victim of the act of sexual violence.

(B) An adult member of the victim's family, if the victim died as a result of the act of sexual violence.

(C) The victim's parent or legal guardian, if the victim is younger than 18 years old.

(2) The Department of Corrections or the Department of Juvenile Justice.

(c) The notice under subsection (b) of this Section shall inform the Department of Corrections or the Department of Juvenile Justice and the person notified under paragraph (b)(1) of this Section of the name of the person committed under this Act and the date the person is placed on conditional release, discharged, or if a detainee or civilly committed sexually violent person escapes, dies, or is subject to any court-ordered change in the custody status of the detainee or sexually violent person. The Department shall send the notice, postmarked within one business day of the court order requiring the preparation of a conditional release plan under paragraph (b)(3) of Section 40 or subsection (f) of Section 60 and another notice postmarked within one business day of the court order approving the conditional release, discharge, or any court-ordered change in the custody status of the detainee or sexually violent person, unless unusual circumstances do not permit advance written notification, or immediately if a detainee or civilly committed sexually violent

<p>person escapes or dies, to the Department of Corrections or the Department of Juvenile Justice and the last-known address of the person notified under paragraph (b)(1) of this Section.</p> <p>(d) The Department shall design and prepare cards for persons specified in paragraph (b)(1) of this Section to send to the Department. The cards shall have space for these persons to provide their names and addresses, the name of the person committed under this Act and any other information the Department determines is necessary. The Department shall provide the cards, without charge, to the Attorney General and State's Attorneys. The Attorney General and State's Attorneys shall provide the cards, without charge, to persons specified in paragraph (b)(1) of this Section. These persons may send completed cards to the Department. All records or portions of records of the Department that relate to mailing addresses of these persons are not subject to inspection or copying under Section 3 of the Freedom of Information Act.<sup>2</sup></p> <p><sup>1</sup> 725 ILCS 120/1 et seq.</p> <p><sup>2</sup> 5 ILCS 140/3 et seq.</p> <p> 725 Ill. Comp. Stat. Ann. 207/75(a) defines the terms used in the address confidentiality statute. The text of these definitions is contained above in the section "Select Definitions."</p>	
<p><b>Bill of Rights for Children Act: Purpose.</b></p> <p>The purpose of [the Bill of Rights for Children] Act is to ensure the fair and compassionate treatment of children involved in the criminal justice system by affording certain basic rights and considerations to these children.</p>	<p>725 Ill. Comp. Stat. Ann. 115/2.</p>
<p><b>Bill of Rights for Children Act: Impact Statements.</b></p> <p>(a) In any case where a defendant has been convicted of a violent crime involving a child or</p>	<p>725 Ill. Comp. Stat. Ann. 115/3.</p>

a juvenile has been adjudicated a delinquent for any offense defined in Sections 11-6, 11-20.1, 11-20.1B, and 11-20.3 and in Sections 11-1.20 through 11-1.60 or 12-13 through 12-16 of the Criminal Code of 1961 or the Criminal Code of 2012,<sup>1</sup> except those in which both parties have agreed to the imposition of a specific sentence, and a parent or legal guardian of the child involved is present in the courtroom at the time of the sentencing or the disposition hearing, the parent or legal guardian upon his or her request shall have the right to address the court regarding the impact which the defendant's criminal conduct or the juvenile's delinquent conduct has had upon the child. If the parent or legal guardian chooses to exercise this right, the impact statement must have been prepared in writing in conjunction with the Office of the State's Attorney prior to the initial hearing or sentencing, before it can be presented orally at the sentencing hearing. The court shall consider any statements made by the parent or legal guardian, along with all other appropriate factors in determining the sentence of the defendant or disposition of such juvenile.

(b) The crime victim has the right to prepare a victim impact statement and present it to the office of the State's Attorney at any time during the proceedings.

(c) This Section shall apply to any child victims of any offense defined in Sections 11-1.20 through 11-1.60 or 12-13 through 12-16 of the Criminal Code of 1961 or the Criminal Code of 2012 during any dispositional hearing under Section 5-705 of the Juvenile Court Act of 1987<sup>2</sup> which takes place pursuant to an adjudication of delinquency for any such offense.

<sup>1</sup> 720 ILCS 5/12-13 to 5/12-16 or 720 ILCS 5/11-1.20 to 5/11-1.60.


<sup>2</sup> 705 ILCS 405/5-705.



A promising practice is to be familiar with the acceptable formats for victim impact statements so that victims can be informed about all of their options. Depending on your jurisdiction's law, victims may choose to: (1) read or speak their impact statement aloud at the sentencing proceeding, or have another person do it for them; (2) submit a written victim impact statement to the court in advance of sentencing; (3) provide an impact statement using technology to facilitate remote attendance; and/or (4) play or submit an impact statement that was created using audio and video technology.

<p><b>Bill of Rights for Children Act: Scope.</b></p> <p>[The Bill of Rights for Children] Act does not limit any rights or responsibilities otherwise enjoyed by or imposed upon victims or witnesses of violent crime, nor does it grant any person a cause of action for damages. Nothing in this Act creates a basis for vacating a conviction or a ground for appellate relief in any criminal case. Failure of the crime victim to receive notice as required, however, shall not deprive the court of the power to act regarding the proceeding before it; nor shall any such failure grant the defendant the right to seek a continuance.</p>	725 Ill. Comp. Stat. Ann. 115/4.
<p><b>Victims' Right to Sign Language Interpreters.</b></p> <p>The right to a qualified court-appointed sign language interpreter as provided in [the Criminal Proceeding Interpreter] Act shall be afforded to persons with disabilities who are victims of, or are called as witnesses in proceedings relating to, a violation of any penal statute of this State.</p>	725 Ill. Comp. Stat. Ann. 140/4.
<p><b>Privacy of Child Victims of Criminal Sexual Offenses Act: Confidentiality of Law Enforcement and Court Records.</b></p> <p>Notwithstanding any other law to the contrary, inspection and copying of law enforcement records maintained by any law enforcement agency or circuit court records maintained by any circuit clerk relating to any investigation or proceeding pertaining to a criminal sexual offense, by any person, except a judge, state's attorney, assistant state's attorney, psychologist, psychiatrist, social worker, doctor, parent, parole agent, aftercare specialist, probation officer, defendant or defendant's attorney in any criminal proceeding or investigation related thereto, shall be restricted to exclude the identity of any child who is a victim of such criminal sexual offense or alleged criminal sexual offense. A court may for the child's protection and for good cause shown, prohibit any person or agency present in court from further disclosing the child's identity. When a criminal sexual offense is</p>	725 Ill. Comp. Stat. Ann. 190/3.



<p>committed or alleged to have been committed by a school district employee or any individual contractually employed by a school district, a copy of the criminal history record information relating to the investigation of the offense or alleged offense shall be transmitted to the superintendent of schools of the district immediately upon request or if the law enforcement agency knows that a school district employee or any individual contractually employed by a school district has committed or is alleged to have committed a criminal sexual offense, the superintendent of schools of the district shall be immediately provided a copy of the criminal history record information. The superintendent shall be restricted from specifically revealing the name of the victim without written consent of the victim or victim's parent or guardian.</p> <p>A court may prohibit such disclosure only after giving notice and a hearing to all affected parties. In determining whether to prohibit disclosure of the minor's identity the court shall consider:</p> <ul style="list-style-type: none"> <li>(a) the best interest of the child; and</li> <li>(b) whether such nondisclosure would further a compelling State interest.</li> </ul> <p> For the purposes of this Act, 725 ILCS 190/2 defines the term "child" and 725 ILCS 190/3 defines the term "criminal history record." The text of these definitions is contained above in the section "Select Definitions."</p>	
<p><b>Sex Offense Victim Polygraph Act.</b></p> <p>(a) No law enforcement officer, State's Attorney or other official shall ask or require an alleged victim of an offense described in Sections 11-1.20 through 11-1.60 or 12-13 through 12-16 of the Criminal Code of 1961 or the Criminal Code of 2012<sup>1</sup> to submit to a polygraph examination or any form of a mechanical or electrical lie detector test.</p> <p>(b) A victim's refusal to submit to a polygraph or any form of a mechanical or electrical lie detector test shall not mitigate against the investigation, charging or prosecution of the pending case as originally charged.</p>	<p>725 Ill. Comp. Stat. Ann. 200/1.</p>

<p><b>Sexual Assault Incident Procedure Act: Legislative Findings.</b></p> <p>(1) Sexual assault and sexual abuse are personal and violent crimes that disproportionately impact women, children, lesbian, gay, bisexual, and transgender individuals in Illinois, yet only a small percentage of these crimes are reported, less than one in five, and even fewer result in a conviction.</p> <p>(2) The trauma of sexual assault and sexual abuse often leads to severe mental, physical, and economic consequences for the victim.</p> <p>(3) The diminished ability of victims to recover from their sexual assault or sexual abuse has been directly linked to the response of others to their trauma.</p> <p>(4) The response of law enforcement can directly impact a victim's ability to heal as well as his or her willingness to actively participate in the investigation by law enforcement.</p> <p>(5) Research has shown that a traumatic event impacts memory consolidation and encoding. Allowing a victim to complete at least 2 full sleep cycles before an in-depth interview can improve the victim's ability to provide a history of the sexual assault or sexual abuse.</p> <p>(6) Victim participation is critical to the successful identification and prosecution of sexual predators. To facilitate victim participation, law enforcement should inform victims of the testing of physical evidence and the results of such testing.</p> <p>(7) Identification and successful prosecution of sexual predators prevents new victimization. For this reason, improving the response of the criminal justice system to victims of sexual assault and sexual abuse is critical to protecting public safety.</p>	<p>725 Ill. Comp. Stat. Ann. 203/5.</p>
<p><b>Sexual Assault Incident Procedure Act: Sexual Assault Incident Policies.</b></p> <p>(a) On or before January 1, 2018, every law enforcement agency shall develop, adopt, and</p>	<p>725 Ill. Comp. Stat. Ann. 203/15.</p>



implement written policies regarding procedures for incidents of sexual assault or sexual abuse consistent with the guidelines developed under subsection (b) of this Section. In developing these policies, each law enforcement agency is encouraged to consult with other law enforcement agencies, sexual assault advocates, and sexual assault nurse examiners with expertise in recognizing and handling sexual assault and sexual abuse incidents. These policies must include mandatory sexual assault and sexual abuse response training as required in Section 10.21 of the Illinois Police Training Act and Sections 2605-53 and 2605-98 of the Department of State Police Law of the Civil Administrative Code of Illinois.

(a-5) On or before January 1, 2021, every law enforcement agency shall revise and implement its written policies regarding procedures for incidents of sexual assault or sexual abuse consistent with the guideline revisions developed under subsection (b-5) of this Section.


(b) On or before July 1, 2017, the Office of the Attorney General, in consultation with the Illinois Law Enforcement Training Standards Board and the Department of State Police, shall develop and make available to each law enforcement agency, comprehensive guidelines for creation of a law enforcement agency policy on evidence-based, trauma-informed, victim-centered sexual assault and sexual abuse response and investigation.

These guidelines shall include, but not be limited to the following:

- (1) dispatcher or call taker response;
- (2) responding officer duties;
- (3) duties of officers investigating sexual assaults and sexual abuse;
- (4) supervisor duties;
- (5) report writing;
- (6) reporting methods;
- (7) victim interviews;
- (8) evidence collection;
- (9) sexual assault medical forensic examinations;
- (10) suspect interviews;
- (11) suspect forensic exams;
- (12) witness interviews;
- (13) sexual assault response and resource teams, if applicable;

<p>(14) working with victim advocates;  (15) working with prosecutors;  (16) victims' rights;  (17) victim notification; and  (18) consideration for specific populations or communities.</p> <p>(b-5) On or before January 1, 2020, the Office of the Attorney General, in consultation with the Illinois Law Enforcement Training Standards Board and the Department of State Police, shall revise the comprehensive guidelines developed under subsection (b) to include responding to victims who are under 13 years of age at the time the sexual assault or sexual abuse occurred.</p> <p> The Rights of Crime Victims and Witnesses Act requires law enforcement to provide victims with a statement of their rights within 48 hours of initial conduct. 725 Ill. Comp. Stat. Ann. 120/4(b). It also requires that law enforcement provide victim with notice of the status of an investigation, unless such disclosure would unreasonably interfere with the investigation, 725 Ill. Comp. Stat. Ann. 120/4.5(a), as well as notice when a closed case is reopened, 725 Ill. Comp. Stat. Ann. 120/4.5(a-5).</p> <p> 725 Ill. Comp. Stat. Ann. 203/10 defines the terms used in the Sexual Assault Incident Procedure Act. The text of these definitions is contained above in the section "Select Definitions."</p>	
<p><b>Sexual Assault Incident Procedure Act: Law Enforcement's Obligation to Complete a Written Police Report.</b></p> <p>(a) A law enforcement officer shall complete a written police report upon receiving the following, regardless of where the incident occurred:</p> <p>(1) an allegation by a person that the person has been sexually assaulted or sexually abused regardless of jurisdiction;  (2) information from hospital or medical personnel provided under Section 3.2 of the</p>	<p>725 Ill. Comp. Stat. Ann. 203/20.</p>

<p>Criminal Identification Act; or</p> <p>(3) information from a witness who personally observed what appeared to be a sexual assault or sexual abuse or attempted sexual assault or sexual abuse.</p> <p>(b) The written report shall include the following, if known:</p> <p>(1) the victim's name or other identifier;</p> <p>(2) the victim's contact information;</p> <p>(3) time, date, and location of offense;</p> <p>(4) information provided by the victim;</p> <p>(5) the suspect's description and name, if known;</p> <p>(6) names of persons with information relevant to the time before, during, or after the sexual assault or sexual abuse, and their contact information;</p> <p>(7) names of medical professionals who provided a medical forensic examination of the victim and any information they provided about the sexual assault or sexual abuse;</p> <p>(8) whether an Illinois State Police Sexual Assault Evidence Collection Kit was completed, the name and contact information for the hospital, and whether the victim consented to testing of the Evidence Collection Kit by law enforcement;</p> <p>(9) whether a urine or blood sample was collected and whether the victim consented to testing of a toxicology screen by law enforcement;</p> <p>(10) information the victim related to medical professionals during a medical forensic examination which the victim consented to disclosure to law enforcement; and</p> <p>(11) other relevant information.</p> <p>(c) If the sexual assault or sexual abuse occurred in another jurisdiction, the law enforcement officer taking the report must submit the report to the law enforcement agency having jurisdiction in person or via fax or email within 24 hours of receiving information about the sexual assault or sexual abuse.</p> <p>(d) Within 24 hours of receiving a report from a law enforcement agency in another jurisdiction in accordance with subsection (c), the law enforcement agency having jurisdiction shall submit a written confirmation to the law enforcement agency that wrote the report. The written confirmation shall contain the name and identifier of the person and confirming receipt of the report and a name and contact phone number that will be given to</p>	
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<p>the victim. The written confirmation shall be delivered in person or via fax or email.</p> <p>(e) No law enforcement officer shall require a victim of sexual assault or sexual abuse to submit to an interview.</p> <p>(f) No law enforcement agency may refuse to complete a written report as required by this Section on any ground.</p> <p>(g) All law enforcement agencies shall ensure that all officers responding to or investigating a complaint of sexual assault or sexual abuse have successfully completed training under Section 10.21 of the Illinois Police Training Act and Section 2605-98 of the Department of State Police Law of the Civil Administrative Code of Illinois.</p> <p> 725 Ill. Comp. Stat. Ann. 203/10 defines the terms used in the Sexual Assault Incident Procedure Act. The text of these definitions is contained above in the section “Select Definitions.”</p>	
<p><b>Sexual Assault Incident Procedure Act: Law Enforcement’s Obligations Upon First Contact with Victims.</b></p> <p>(a) At the time of first contact with the victim, law enforcement shall:</p> <p>(1) Advise the victim about the following by providing a form, the contents of which shall be prepared by the Office of the Attorney General and posted on its website, written in a language appropriate for the victim or in Braille, or communicating in appropriate sign language that includes, but is not limited to:</p> <p>(A) information about seeking medical attention and preserving evidence, including specifically, collection of evidence during a medical forensic examination at a hospital and photographs of injury and clothing;</p> <p>(B) notice that the victim will not be charged for hospital emergency and medical forensic services;</p> <p>(C) information advising the victim that evidence can be collected at the hospital up to 7 days after the sexual assault or sexual abuse but that the longer the victim waits the likelihood</p>	<p>725 Ill. Comp. Stat. Ann. 203/25.</p>

of obtaining evidence decreases;

(C-5) notice that the sexual assault forensic evidence collected will not be used to prosecute the victim for any offense related to the use of alcohol, cannabis, or a controlled substance;

(D) the location of nearby hospitals that provide emergency medical and forensic services and, if known, whether the hospitals employ any sexual assault nurse examiners;

(E) a summary of the procedures and relief available to victims of sexual assault or sexual abuse under the Civil No Contact Order Act or the Illinois Domestic Violence Act of 1986;

(F) the law enforcement officer's name and badge number;

(G) at least one referral to an accessible service agency and information advising the victim that rape crisis centers can assist with obtaining civil no contact orders and orders of protection; and


(H) if the sexual assault or sexual abuse occurred in another jurisdiction, provide in writing the address and phone number of a specific contact at the law enforcement agency having jurisdiction.

(2) Offer to provide or arrange accessible transportation for the victim to a hospital for emergency and forensic services, including contacting emergency medical services.

(3) Offer to provide or arrange accessible transportation for the victim to the nearest available circuit judge or associate judge so the victim may file a petition for an emergency civil no contact order under the Civil No Contact Order Act or an order of protection under the Illinois Domestic Violence Act of 1986 after the close of court business hours, if a judge is available.

(b) At the time of the initial contact with a person making a third-party report under Section 22 of this Act, a law enforcement officer shall provide the written information prescribed under paragraph (1) of subsection (a) of this Section to the person making the report and request the person provide the written information to the victim of the sexual assault or sexual abuse.

(c) If the first contact with the victim occurs at a hospital, a law enforcement officer may request the hospital provide interpretive services.

 725 Ill. Comp. Stat. Ann. 203/10 defines the terms used in the Sexual Assault Incident Procedure Act. The text of these definitions is contained above in the section "Select

Definitions.”	
<p><b>Sexual Assault Incident Procedure Act: Law Enforcement’s Obligations Regarding the Release and Storage of Sexual Assault Evidence.</b></p> <p>(a) A law enforcement agency having jurisdiction that is notified by a hospital or another law enforcement agency that a victim of a sexual assault or sexual abuse has received a medical forensic examination and has completed an Illinois State Police Sexual Assault Evidence Collection Kit shall take custody of the sexual assault evidence as soon as practicable, but in no event more than 5 days after the completion of the medical forensic examination.</p> <p>(a-5) A State’s Attorney who is notified under subsection (d) of Section 6.6 of the Sexual Assault Survivors Emergency Treatment Act that a hospital is in possession of sexual assault evidence shall, within 72 hours, contact the appropriate law enforcement agency to request that the law enforcement agency take immediate physical custody of the sexual assault evidence.</p> <p>(b) The written report prepared under Section 20 of this Act shall include the date and time the sexual assault evidence was picked up from the hospital and the date and time the sexual assault evidence was sent to the laboratory in accordance with the Sexual Assault Evidence Submission Act.</p> <p>(c) If the victim of a sexual assault or sexual abuse or a person authorized under Section 6.5 of the Sexual Assault Survivors Emergency Treatment Act has consented to allow law enforcement to test the sexual assault evidence, the law enforcement agency having jurisdiction shall submit the sexual assault evidence for testing in accordance with the Sexual Assault Evidence Submission Act. No law enforcement agency having jurisdiction may refuse or fail to send sexual assault evidence for testing that the victim has released for testing.</p> <p>(d) A victim shall have 10 years from the completion of an Illinois State Police Sexual</p>	725 Ill. Comp. Stat. Ann. 203/30.




Assault Evidence Collection Kit, or 10 years from the age of 18 years, whichever is longer, to sign a written consent to release the sexual assault evidence to law enforcement for testing. If the victim or a person authorized under Section 6.5 of the Sexual Assault Survivors Emergency Treatment Act does not sign the written consent at the completion of the medical forensic examination, the victim or person authorized by Section 6.5 of the Sexual Assault Survivors Emergency Treatment Act may sign the written release at the law enforcement agency having jurisdiction, or in the presence of a sexual assault advocate who may deliver the written release to the law enforcement agency having jurisdiction. The victim may also provide verbal consent to the law enforcement agency having jurisdiction and shall verify the verbal consent via email or fax. Upon receipt of written or verbal consent, the law enforcement agency having jurisdiction shall submit the sexual assault evidence for testing in accordance with the Sexual Assault Evidence Submission Act. No law enforcement agency having jurisdiction may refuse or fail to send the sexual assault evidence for testing that the victim has released for testing.

(e) The law enforcement agency having jurisdiction who speaks to a victim who does not sign a written consent to release the sexual assault evidence prior to discharge from the hospital shall provide a written notice to the victim that contains the following information:

- (1) where the sexual assault evidence will be stored for 10 years;
- (2) notice that the victim may sign a written release to test the sexual assault evidence at any time during the 10-year period by contacting the law enforcement agency having jurisdiction or working with a sexual assault advocate;
- (3) the name, phone number, and email address of the law enforcement agency having jurisdiction; and
- (4) the name and phone number of a local rape crisis center.

Each law enforcement agency shall develop a protocol for providing this information to victims as part of the written policies required in subsection (a) of Section 15 of this Act.

(f) A law enforcement agency must develop a protocol for responding to victims who want to sign a written consent to release the sexual assault evidence and to ensure that victims who want to be notified or have a designee notified prior to the end of the 10-year period are provided notice.

<p>(g) Nothing in this Section shall be construed as limiting the storage period to 10 years. A law enforcement agency having jurisdiction may adopt a storage policy that provides for a period of time exceeding 10 years. If a longer period of time is adopted, the law enforcement agency having jurisdiction shall notify the victim or designee in writing of the longer storage period.</p> <p> 725 Ill. Comp. Stat. Ann. 203/10 defines the terms used in the Sexual Assault Incident Procedure Act. The text of these definitions is contained above in the section "Select Definitions."</p>	
<p><b>Use of Sex Crime Victims' Prior Sexual Activity or Reputation as Evidence.</b></p> <p>a. In prosecutions for predatory criminal sexual assault of a child, aggravated criminal sexual assault, criminal sexual assault, aggravated criminal sexual abuse, criminal sexual abuse, or criminal transmission of HIV; and in prosecutions for battery and aggravated battery, when the commission of the offense involves sexual penetration or sexual conduct as defined in Section 11-0.1 of the Criminal Code of 2012;<sup>1</sup> and with the trial or retrial of the offenses formerly known as rape, deviate sexual assault, indecent liberties with a child, and aggravated indecent liberties with a child, the prior sexual activity or the reputation of the alleged victim or corroborating witness under Section 115-7.3 of this Code is inadmissible except (1) as evidence concerning the past sexual conduct of the alleged victim or corroborating witness under Section 115-7.3 of this Code with the accused when this evidence is offered by the accused upon the issue of whether the alleged victim or corroborating witness under Section 115-7.3 of this Code consented to the sexual conduct with respect to which the offense is alleged; or (2) when constitutionally required to be admitted.</p> <p>b. No evidence admissible under this Section shall be introduced unless ruled admissible by the trial judge after an offer of proof has been made at a hearing to be held in camera in order to determine whether the defense has evidence to impeach the witness in the event that prior sexual activity with the defendant is denied. Such offer of proof shall include reasonably specific information as to the date, time and place of the past sexual conduct between the</p>	<p>725 Ill. Comp. Stat. Ann. 5/115-7.</p>

<p>alleged victim or corroborating witness under Section 115-7.3 of this Code and the defendant. Unless the court finds that reasonably specific information as to date, time or place, or some combination thereof, has been offered as to prior sexual activity with the defendant, counsel for the defendant shall be ordered to refrain from inquiring into prior sexual activity between the alleged victim or corroborating witness under Section 115-7.3 of this Code and the defendant. The court shall not admit evidence under this Section unless it determines at the hearing that the evidence is relevant and the probative value of the evidence outweighs the danger of unfair prejudice. The evidence shall be admissible at trial to the extent an order made by the court specifies the evidence that may be admitted and areas with respect to which the alleged victim or corroborating witness under Section 115-7.3 of this Code may be examined or cross examined.</p> <p><sup>1</sup> 720 ILCS 5/10-9.</p>	
<p><b>Court May Not Order Mental Examination of Sex Offense Victims.</b></p> <p>Except where explicitly authorized by this Code or by the Rules of the Supreme Court of Illinois, no court may require or order a witness who is the victim of an alleged sex offense to submit to or undergo either a psychiatric or psychological examination.</p>	725 Ill. Comp. Stat. Ann. 5/115-7.1.
<p><b>Court's Discretion to Exclude All Persons, Except Media, from Courtroom During Testimony of Child-Victims of Sex Offenses.</b></p> <p>In a prosecution for a criminal offense defined in Article 11<sup>1</sup> or in Section 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 12-13, 12-14, 12-14.1, 12-15 or 12-16 of the Criminal Code of 1961 or the Criminal Code of 2012,<sup>2</sup> where the alleged victim of the offense is a minor under 18 years of age, the court may exclude from the proceedings while the victim is testifying, all persons, who, in the opinion of the court, do not have a direct interest in the case, except the media.</p> <p><sup>1</sup> 720 ILCS 5/11-1 et seq. (sections 1 to 5 repealed; see section 1 for all applicable redesignations).</p>	725 Ill. Comp. Stat. Ann. 5/115-11.

<p><sup>2</sup> 720 ILCS 5/11-1.20, 5/11-1.30, 5/11-1.40, 5/11-1.50, 5/11-1.60, 5/12-13, 5/12-14, 5/12-14.1, 5/12-15 or 5/12-16.</p>	
<p><b>Testimony of Child-Victims and Disabled Victims of Sex Crimes; Use of Closed Circuit Television.</b></p> <p>(a) In a proceeding in the prosecution of an offense of criminal sexual assault, predatory criminal sexual assault of a child, aggravated criminal sexual assault, criminal sexual abuse, aggravated criminal sexual abuse, aggravated battery, or aggravated domestic battery, a court may order that the testimony of a victim who is a child under the age of 18 years or a person with a moderate, severe, or profound intellectual disability or a person affected by a developmental disability be taken outside the courtroom and shown in the courtroom by means of a closed circuit television if:</p> <p>(1) the testimony is taken during the proceeding; and</p> <p>(2) the judge determines that testimony by the child victim or victim with a moderate, severe, or profound intellectual disability or victim affected by a developmental disability in the courtroom will result in the child or person with a moderate, severe, or profound intellectual disability or person affected by a developmental disability suffering serious emotional distress such that the child or person with a moderate, severe, or profound intellectual disability or person affected by a developmental disability cannot reasonably communicate or that the child or person with a moderate, severe, or profound intellectual disability or person affected by a developmental disability will suffer severe emotional distress that is likely to cause the child or person with a moderate, severe, or profound intellectual disability or person affected by a developmental disability to suffer severe adverse effects.</p> <p>(b) Only the prosecuting attorney, the attorney for the defendant, and the judge may question the child or person with a moderate, severe, or profound intellectual disability or person affected by a developmental disability.</p> <p>(c) The operators of the closed circuit television shall make every effort to be unobtrusive.</p> <p>(d) Only the following persons may be in the room with the child or person with a moderate, severe, or profound intellectual disability or person affected by a developmental disability</p>	<p>725 Ill. Comp. Stat. Ann. 5/106B-10.</p>

when the child or person with a moderate, severe, or profound intellectual disability or person affected by a developmental disability testifies by closed circuit television:

- (1) the prosecuting attorney;
- (2) the attorney for the defendant;
- (3) the judge;
- (4) the operators of the closed circuit television equipment; and
- (5) any person or persons whose presence, in the opinion of the court, contributes to the well-being of the child or person with a moderate, severe, or profound intellectual disability or person affected by a developmental disability, including a person who has dealt with the child in a therapeutic setting concerning the abuse, a parent or guardian of the child or person with a moderate, severe, or profound intellectual disability or person affected by a developmental disability, and court security personnel.

(e) During the child's or person with a moderate, severe, or profound intellectual disability or person affected by a developmental disability's testimony by closed circuit television, the defendant shall be in the courtroom and shall not communicate with the jury if the cause is being heard before a jury.

(f) The defendant shall be allowed to communicate with the persons in the room where the child or person with a moderate, severe, or profound intellectual disability or person affected by a developmental disability is testifying by any appropriate electronic method.

(g) The provisions of this Section do not apply if the defendant represents himself pro se.

(h) This Section may not be interpreted to preclude, for purposes of identification of a defendant, the presence of both the victim and the defendant in the courtroom at the same time.

(i) This Section applies to prosecutions pending on or commenced on or after the effective date of this amendatory Act of 1994.

(j) For the purposes of this Section, "developmental disability" includes, but is not limited to, cerebral palsy, epilepsy, and autism.

<p><b>Testimony of Child-Victims and Disabled Victims of Sex Crimes; Use of Facility Dogs.</b></p> <p>In a prosecution of criminal sexual assault, predatory criminal sexual assault of a child, aggravated criminal sexual assault, criminal sexual abuse, or aggravated criminal sexual abuse, the court may set any conditions it finds just and appropriate on the taking of testimony of a victim who is a child under the age of 18 years or a moderately, severely, or profoundly intellectually disabled person or a person affected by a developmental disability, involving the use of a facility dog in any proceeding involving that offense. When deciding whether to permit the child or person to testify with the assistance of a facility dog, the court shall take into consideration the age of the child or person, the rights of the parties to the litigation, and any other relevant factor that would facilitate the testimony by the child or the person. As used in this Section, “facility dog” means a dog that is a graduate of an assistance dog organization that is a member of Assistance Dogs International.</p>	<p>725 Ill. Comp. Stat. Ann. 5/106B-10.</p>
<p><b>Post-Conviction Proceeding Subpoenas to Crime Victims.</b></p> <p>In a post conviction proceeding, before the crime victim may be subpoenaed by the defendant, the defendant must first petition the court and give notice to the victim. At the hearing on the petition, the victim shall be given the opportunity to appear and object to the requested subpoena. At the request of the victim, the State’s Attorney shall represent the victim in the proceeding. The court shall grant the request for the subpoena only if and to the extent it determines that the subpoena seeks evidence that is material and relevant to the post conviction hearing. For the purposes of this Section, “crime victim” has the meaning ascribed to it in Section 3 of the Rights of Crime Victims and Witnesses Act.<sup>1</sup></p> <p><sup>1</sup> 725 ILCS 120/3.</p>	<p>725 Ill. Comp. Stat. Ann. 5/115-17a.</p>
<p><b>Victims’ Right to Give a Statement to the Prisoner Review Board.</b></p> <p>(a) The [Prisoner Review] Board shall receive and consider victim statements.</p>	<p>730 Ill. Comp. Stat. Ann. 105/10.</p>

(a-5) Pursuant to paragraph (19) of subsection (b) of Section 4.5 of the Rights of Crime Victims and Witnesses Act, the State's Attorney shall forward a copy of any statement presented at the time of trial to the Prisoner Review Board to be considered at the time of a parole hearing.


(b) The victim has the right to submit a victim statement for consideration by the Prisoner Review Board in writing, on film, videotape, or other electronic means, or in the form of a recording prior to the parole hearing, or orally at the parole hearing, or by calling the toll-free number established in subsection (f) of Section 4.5 of the Rights of Crime Victims and Witnesses Act. Victim statements shall not be considered public documents under provisions of the Freedom of Information Act.

(b-5) Other than as provided in subsection (c), the Board shall not release any material to the inmate, the inmate's attorney, any third party, or any other person that contains any information from a victim who has provided a victim statement to the Board, unless provided with a waiver from that victim. The Board shall not release the names or addresses of any person on its victim registry to any other person except the victim, a law enforcement agency, or other victim notification system. Victim statements provided to the Board shall be confidential and privileged, including any statements received prior to the effective date of this amendatory Act of the 101st General Assembly, except if the statement was an oral statement made by the victim at a hearing open to the public.

(c) The inmate or his or her attorney shall be informed of the existence of a victim statement and its contents under provisions of Board rules. This shall not be construed to permit disclosure to an inmate of any information which might result in the risk of threats or physical harm to a victim or complaining witness.

(d) The inmate shall be given the opportunity to answer a victim statement, either orally or in writing.

(e) All victim statements, except if the statement was an oral statement made by the victim at a hearing open to the public, shall be part of the applicant's, releasee's, or parolee's parole

<p>file.</p> <p> For the purposes of this provision, the term “victim” means “a victim or witness of a violent crime as defined in subsection (a) of Section 3 of the Bill of Rights for Victims and Witnesses of Violent Crime Act, [footnote omitted] or any person legally related to the victim by blood, marriage, adoption, or guardianship, or any friend of the victim, or any concerned citizen.” 730 Ill. Comp. Stat. Ann. 105/5(f).</p>	
<p><b>Victims’ Right to Notice of Future Parole Hearings.</b></p> <p>(a) The [Prisoner Review] Board shall notify the State’s Attorney of the committing county of the pending hearing and the victim of all forthcoming parole hearings at least 15 days in advance. Written notification shall contain:</p> <ul style="list-style-type: none"> <li>(1) notification of the place of the hearing;</li> <li>(2) the date and approximate time of the hearing;</li> <li>(3) their right to enter a statement, to appear in person, and to submit other information by video tape, tape recording, or other electronic means in the form and manner described by the Board or by calling the toll-free number established in subsection (f) of Section 4.5 of the Rights of Crime Victims and Witnesses Act.<sup>1</sup></li> </ul> <p>Notification to the victims shall be at the last known address of the victim. It shall be the responsibility of the victim to notify the board of any changes in address and name.</p> <p>(b) However, at any time the victim may request by a written certified statement that the Prisoner Review Board stop sending notice under this Section.</p> <p>(c) (Blank).</p> <p>(d) No later than 7 days after a parole hearing the Board shall send notice of its decision to the State’s Attorney and victim. If parole is denied, the Board shall within a reasonable period of time notify the victim of the month and year of the next scheduled hearing.</p> <p><sup>1</sup> 725 ILCS 125/3.</p>	<p>730 Ill. Comp. Stat. Ann. 105/25.</p>



**Domestic Violence, Sexual Violence and Gender Violence Victims' Right to Take Unpaid Leave from Work.**

820 Ill. Comp. Stat. Ann. 180/20.

(a) Leave requirement.

(1) Basis. An employee who is a victim of domestic violence, sexual violence, or gender violence or an employee who has a family or household member who is a victim of domestic violence, sexual violence, or gender violence whose interests are not adverse to the employee as it relates to the domestic violence, sexual violence, or gender violence may take unpaid leave from work if the employee or employee's family or household member is experiencing an incident of domestic violence, sexual violence, or gender violence or to address domestic violence, sexual violence, or gender violence by:

(A) seeking medical attention for, or recovering from, physical or psychological injuries caused by domestic violence, sexual violence, or gender violence to the employee or the employee's family or household member;

(B) obtaining services from a victim services organization for the employee or the employee's family or household member;

(C) obtaining psychological or other counseling for the employee or the employee's family or household member;

(D) participating in safety planning, temporarily or permanently relocating, or taking other actions to increase the safety of the employee or the employee's family or household member from future domestic violence, sexual violence, or gender violence or ensure economic security; or

(E) seeking legal assistance or remedies to ensure the health and safety of the employee or the employee's family or household member, including preparing for or participating in any civil or criminal legal proceeding related to or derived from domestic violence, sexual violence, or gender violence.

(2) Period. Subject to subsection (c), an employee working for an employer that employs at least 50 employees shall be entitled to a total of 12 workweeks of leave during any 12-month period. Subject to subsection (c), an employee working for an employer that employs at least 15 but not more than 49 employees shall be entitled to a total of 8 workweeks of leave during any 12-month period. Subject to subsection (c), an employee working for an employer that employs at least one but not more than 14 employees shall be entitled to a

total of 4 workweeks of leave during any 12-month period. The total number of workweeks to which an employee is entitled shall not decrease during the relevant 12-month period. This Act does not create a right for an employee to take unpaid leave that exceeds the unpaid leave time allowed under, or is in addition to the unpaid leave time permitted by, the federal Family and Medical Leave Act of 1993 (29 U.S.C. 2601 et seq.).

(3) Schedule. Leave described in paragraph (1) may be taken intermittently or on a reduced work schedule.

(b) Notice. The employee shall provide the employer with at least 48 hours' advance notice of the employee's intention to take the leave, unless providing such notice is not practicable. When an unscheduled absence occurs, the employer may not take any action against the employee if the employee, upon request of the employer and within a reasonable period after the absence, provides certification under subsection (c).

(c) Certification.

(1) In general. The employer may require the employee to provide certification to the employer that:

(A) the employee or the employee's family or household member is a victim of domestic violence, sexual violence, or gender violence; and

(B) the leave is for one of the purposes enumerated in paragraph (a)(1).

The employee shall provide such certification to the employer within a reasonable period after the employer requests certification.

(2) Contents. An employee may satisfy the certification requirement of paragraph (1) by providing to the employer a sworn statement of the employee, and upon obtaining such documents the employee shall provide:

(A) documentation from an employee, agent, or volunteer of a victim services organization, an attorney, a member of the clergy, or a medical or other professional from whom the employee or the employee's family or household member has sought assistance in addressing domestic violence, sexual violence, or gender violence and the effects of the violence;

(B) a police or court record; or

(C) other corroborating evidence.

(d) Confidentiality. All information provided to the employer pursuant to subsection (b) or (c), including a statement of the employee or any other documentation, record, or corroborating evidence, and the fact that the employee has requested or obtained leave pursuant to this Section, shall be retained in the strictest confidence by the employer, except to the extent that disclosure is:

- (1) requested or consented to in writing by the employee; or
- (2) otherwise required by applicable federal or State law.

(e) Employment and benefits.

(1) Restoration to position.

(A) In general. Any employee who takes leave under this Section for the intended purpose of the leave shall be entitled, on return from such leave:

- (i) to be restored by the employer to the position of employment held by the employee when the leave commenced; or
- (ii) to be restored to an equivalent position with equivalent employment benefits, pay, and other terms and conditions of employment.

(B) Loss of benefits. The taking of leave under this Section shall not result in the loss of any employment benefit accrued prior to the date on which the leave commenced.

(C) Limitations. Nothing in this subsection shall be construed to entitle any restored employee to:

- (i) the accrual of any seniority or employment benefits during any period of leave; or
- (ii) any right, benefit, or position of employment other than any right, benefit, or position to which the employee would have been entitled had the employee not taken the leave.

(D) Construction. Nothing in this paragraph shall be construed to prohibit an employer from requiring an employee on leave under this Section to report periodically to the employer on the status and intention of the employee to return to work.

(2) Maintenance of health benefits.

(A) Coverage. Except as provided in subparagraph (B), during any period that an employee takes leave under this Section, the employer shall maintain coverage for the employee and any family or household member under any group health plan for the duration of such leave at the level and under the conditions coverage would have been provided if the employee had continued in employment continuously for the duration of such leave.

(B) Failure to return from leave. The employer may recover the premium that the employer

<p>paid for maintaining coverage for the employee and the employee's family or household member under such group health plan during any period of leave under this Section if:</p> <ul style="list-style-type: none"> <li>(i) the employee fails to return from leave under this Section after the period of leave to which the employee is entitled has expired; and</li> <li>(ii) the employee fails to return to work for a reason other than: <ul style="list-style-type: none"> <li>(I) the continuation, recurrence, or onset of domestic violence, sexual violence, or gender violence that entitles the employee to leave pursuant to this Section; or</li> <li>(II) other circumstances beyond the control of the employee.</li> </ul> </li> </ul> <p>(C) Certification.</p> <ul style="list-style-type: none"> <li>(i) Issuance. An employer may require an employee who claims that the employee is unable to return to work because of a reason described in subclause (I) or (II) of subparagraph (B)(ii) to provide, within a reasonable period after making the claim, certification to the employer that the employee is unable to return to work because of that reason.</li> <li>(ii) Contents. An employee may satisfy the certification requirement of clause (i) by providing to the employer: <ul style="list-style-type: none"> <li>(I) a sworn statement of the employee;</li> <li>(II) documentation from an employee, agent, or volunteer of a victim services organization, an attorney, a member of the clergy, or a medical or other professional from whom the employee has sought assistance in addressing domestic violence, sexual violence, or gender violence and the effects of that violence;</li> <li>(III) a police or court record; or</li> <li>(IV) other corroborating evidence.</li> </ul> </li> </ul> <p>(D) Confidentiality. All information provided to the employer pursuant to subparagraph (C), including a statement of the employee or any other documentation, record, or corroborating evidence, and the fact that the employee is not returning to work because of a reason described in subclause (I) or (II) of subparagraph (B)(ii) shall be retained in the strictest confidence by the employer, except to the extent that disclosure is:</p> <ul style="list-style-type: none"> <li>(i) requested or consented to in writing by the employee; or</li> <li>(ii) otherwise required by applicable federal or State law.</li> </ul> <p>(f) Prohibited acts.</p> <ul style="list-style-type: none"> <li>(1) Interference with rights.</li> </ul> <p>(A) Exercise of rights. It shall be unlawful for any employer to interfere with, restrain, or</p>	
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<p>deny the exercise of or the attempt to exercise any right provided under this Section.</p> <p>(B) Employer discrimination. It shall be unlawful for any employer to discharge or harass any individual, or otherwise discriminate against any individual with respect to compensation, terms, conditions, or privileges of employment of the individual (including retaliation in any form or manner) because the individual:</p> <ul style="list-style-type: none"> <li>(i) exercised any right provided under this Section; or</li> <li>(ii) opposed any practice made unlawful by this Section.</li> </ul> <p>(C) Public agency sanctions. It shall be unlawful for any public agency to deny, reduce, or terminate the benefits of, otherwise sanction, or harass any individual, or otherwise discriminate against any individual with respect to the amount, terms, or conditions of public assistance of the individual (including retaliation in any form or manner) because the individual:</p> <ul style="list-style-type: none"> <li>(i) exercised any right provided under this Section; or</li> <li>(ii) opposed any practice made unlawful by this Section.</li> </ul> <p>(2) Interference with proceedings or inquiries. It shall be unlawful for any person to discharge or in any other manner discriminate (as described in subparagraph (B) or (C) of paragraph (1)) against any individual because such individual:</p> <ul style="list-style-type: none"> <li>(A) has filed any charge, or has instituted or caused to be instituted any proceeding, under or related to this Section;</li> <li>(B) has given, or is about to give, any information in connection with any inquiry or proceeding relating to any right provided under this Section; or</li> <li>(C) has testified, or is about to testify, in any inquiry or proceeding relating to any right provided under this Section.</li> </ul>	
<p><b>Address Confidentiality Program for Victims of Domestic Violence: Application; Certification.</b></p> <p>(a) An adult person, a parent or guardian acting on behalf of a minor, or a guardian acting on behalf of a person with a disability, as defined in Article 11a of the Probate Act of 1975,<sup>1</sup> may apply to the Attorney General to have an address designated by the Attorney General serve as the person's address or the address of the minor or person with a disability. The Attorney General shall approve an application if it is filed in the manner and on the form</p>	<p>750 Ill. Comp. Stat. Ann. 61/15.</p>

prescribed by him or her and if it contains:

(1) a sworn statement by the applicant that the applicant has good reason to believe (i) that the applicant, or the minor or person with a disability on whose behalf the application is made, is a victim of domestic violence; and (ii) that the applicant fears for his or her safety or his or her children's safety, or the safety of the minor or person with a disability on whose behalf the application is made;

(2) a designation of the Attorney General as agent for purposes of service of process and receipt of mail;

(3) the mailing address where the applicant can be contacted by the Attorney General, and the phone number or numbers where the applicant can be called by the Attorney General;

(4) the new address or addresses that the applicant requests not be disclosed for the reason that disclosure will increase the risk of domestic violence; and

(5) the signature of the applicant and of any individual or representative of any office designated in writing under Section 40 of this Act who assisted in the preparation of the application, and the date on which the applicant signed the application.

(b) Applications shall be filed with the office of the Attorney General.

(c) Upon filing a properly completed application, the Attorney General shall certify the applicant as a program participant. Applicants shall be certified for 4 years following the date of filing unless the certification is withdrawn or invalidated before that date. The Attorney General shall by rule establish a renewal procedure.


(d) A person who falsely attests in an application that disclosure of the applicant's address would endanger the applicant's safety or the safety of the applicant's children or the minor or incapacitated person on whose behalf the application is made, or who knowingly provides false or incorrect information upon making an application, is guilty of a Class 3 felony.




750 Ill. Comp. Stat. Ann. 61/10 defines the terms used in the address confidentiality statute. The text of these definitions is contained above in the section "Select Definitions."




The text of this section is effective until January 1, 2021. New text, extending the

<p>address confidentiality program to victims of sexual assault and stalking, will go into effect January 1, 2021.</p> <p> Further details about Illinois' address confidentiality program can be found elsewhere in the statute. <i>See, e.g.</i>, 750 Ill. Comp. Stat. Ann. 61/5 (legislative findings); 750 Ill. Comp. Stat. Ann. 61/10 (definitions); 750 Ill. Comp. Stat. Ann. 61/20 (certification cancellation); 750 Ill. Comp. Stat. Ann. 61/25 (agency use of designated address); 750 Ill. Comp. Stat. Ann. 61/30 (voting by program participant; use of designated address by election authority); 750 Ill. Comp. Stat. Ann. 61/35 (exceptions to prohibition on disclosure of address); 740 Ill. Comp. Stat. Ann. 61/40 (assistance for program applicants).</p>	
<p><b>Domestic Violence Victims' Right to Request Immediate Issuance of New License Plate.</b></p> <p>(a) The Secretary shall issue new and different license plates immediately upon request to the registered owner of a vehicle who appears in person and submits a completed application, if all of the following are provided:</p> <ul style="list-style-type: none"> <li>(1) proof of ownership of the vehicle that is acceptable to the Secretary;</li> <li>(2) a driver's license or identification card containing a picture of the licensee or cardholder issued to the registered owner by the Secretary under Section 6-110 or 6-107 of this Code or Section 4 of the Illinois Identification Card Act. The Office of the Secretary shall conduct a search of its records to verify the authenticity of any document submitted under this paragraph (2);</li> <li>(3) the previously issued license plates from the vehicle;</li> <li>(4) payment of the required fee for the issuance of duplicate license plates under Section 3-417; and</li> <li>(5) one of the following: <ul style="list-style-type: none"> <li>(A) a copy of a police report, court documentation, or other law enforcement documentation identifying the registered owner of the vehicle as the victim of an incident of abuse, as defined in Section 103 of the Illinois Domestic Violence Act of 1986, or the subject of stalking, as defined in Section 12-7.3 of the Criminal Code of 2012;</li> <li>(B) a written acknowledgment, dated within 30 days of submission, on the letterhead of a</li> </ul> </li> </ul>	<p>625 Ill. Comp. Stat. Ann. 5/3-806.6.</p>

<p>domestic violence agency, that the registered owner is actively seeking assistance or has sought assistance from that agency within the past year; or (C) an order of protection issued under Section 214 of the Illinois Domestic Violence Act of 1986 that names the registered owner as a protected party.</p> <p>(b) This Section does not apply to license plates issued under Section 3-664 or to special license plates issued under Article VI of this Chapter.</p> <p> A promising practice is to have a policy and procedure in place to notify victims, at the first opportunity, that victims must “request” the exercise of certain rights. Agencies should carefully maintain documentation of a victim’s request to exercise rights.</p>	
<p><b>Orders of Protection Under the Illinois Domestic Violence Act: Nondisclosure of Address and School.</b></p> <p>(a) A petition for an order of protection shall be in writing and verified or accompanied by affidavit and shall allege that petitioner has been abused by respondent, who is a family or household member. The petition shall further set forth whether there is any other pending action between the parties. During the pendency of this proceeding, each party has a continuing duty to inform the court of any subsequent proceeding for an order of protection in this or any other state.</p> <p>(b) If the petition states that disclosure of petitioner’s address would risk abuse of petitioner or any member of petitioner’s family or household or reveal the confidential address of a shelter for domestic violence victims, that address may be omitted from all documents filed with the court. If disclosure is necessary to determine jurisdiction or consider any venue issue, it shall be made orally and in camera. If petitioner has not disclosed an address under this subsection, petitioner shall designate an alternative address at which respondent may serve notice of any motions.</p> <p>(c) If the petitioner is seeking to have a child protected by the order of protection, and if that child is enrolled in any day-care facility, pre-school, pre-kindergarten, private school, public</p>	<p>750 Ill. Comp. Stat. Ann. 60/203.</p>



<p>school district, college, or university, the petitioner may provide the name and address of the day-care facility, pre-school, pre-kindergarten, private school, public school district, college, or university to the court. However, if the petition states that disclosure of this information would risk abuse to petitioner or to the child protected under the order, this information may be omitted from all documents filed with the court.</p>	
<p><b>Illinois Domestic Violence Act: Domestic Violence Counselor-Victim Privilege.</b></p> <p>...</p> <p>(b) No domestic violence advocate or counselor shall disclose any confidential communication or be examined as a witness in any civil or criminal case or proceeding or in any legislative or administrative proceeding without the written consent of the domestic violence victim except (1) in accordance with the provisions of the Abused and Neglected Child Reporting Act<sup>2</sup> or (2) in cases where failure to disclose is likely to result in an imminent risk of serious bodily harm or death of the victim or another person.</p> <p>(c) A domestic violence advocate or counselor who knowingly discloses any confidential communication in violation of this Act commits a Class A misdemeanor.</p> <p>(d) When a domestic violence victim is deceased or has been adjudged incompetent by a court of competent jurisdiction, the guardian of the domestic violence victim or the executor or administrator of the estate of the domestic violence victim may waive the privilege established by this Section, except where the guardian, executor or administrator of the estate has been charged with a violent crime against the domestic violence victim or has had an Order of Protection entered against him or her at the request of or on behalf of the domestic violence victim or otherwise has an interest adverse to that of the domestic violence victim with respect to the waiver of the privilege. In that case, the court shall appoint an attorney for the estate of the domestic violence victim.</p> <p>(e) A minor may knowingly waive the privilege established by this Section. Where a minor is, in the opinion of the court, incapable of knowingly waiving the privilege, the parent or</p>	<p>750 Ill. Comp. Stat. Ann. 60/227.</p>

<p>guardian of the minor may waive the privilege on behalf of the minor, except where such parent or guardian has been charged with a violent crime against the minor or has had an Order of Protection entered against him or her on request of or on behalf of the minor or otherwise has any interest adverse to that of the minor with respect to the waiver of the privilege. In that case, the court shall appoint an attorney for the minor child who shall be compensated in accordance with Section 506 of the Illinois Marriage and Dissolution of Marriage Act.<sup>3</sup></p> <p>(f) Nothing in this Section shall be construed to limit in any way any privilege that might otherwise exist under statute or common law.</p> <p>(g) The assertion of any privilege under this Section shall not result in an inference unfavorable to the State's cause or to the cause of the domestic violence victim.</p> <p><sup>2</sup> 325 ILCS 5/1 et seq.</p> <p><sup>3</sup> 750 ILCS 5/506.</p> <p> 750 Ill. Comp. Stat. Ann. 60/227 defines the terms used in this privilege. The text of these definitions is contained above in the section "Select Definitions."</p>	
<p><b>Illinois Domestic Violence Act: Law Enforcement Assistance to Victims of Domestic Violence.</b></p> <p>(a) Whenever a law enforcement officer has reason to believe that a person has been abused, neglected, or exploited by a family or household member, the officer shall immediately use all reasonable means to prevent further abuse, neglect, or exploitation, including:</p> <ol style="list-style-type: none"> <li>(1) Arresting the abusing, neglecting and exploiting party, where appropriate;</li> <li>(2) If there is probable cause to believe that particular weapons were used to commit the incident of abuse, subject to constitutional limitations, seizing and taking inventory of the weapons;</li> <li>(3) Accompanying the victim of abuse, neglect, or exploitation to his or her place of</li> </ol>	<p>750 Ill. Comp. Stat. Ann. 60/304.</p>

residence for a reasonable period of time to remove necessary personal belongings and possessions;

(4) Offering the victim of abuse, neglect, or exploitation immediate and adequate information (written in a language appropriate for the victim or in Braille or communicated in appropriate sign language), which shall include a summary of the procedures and relief available to victims of abuse under subsection (c) of Section 217 and the officer's name and badge number;

(5) Providing the victim with one referral to an accessible service agency;

(6) Advising the victim of abuse about seeking medical attention and preserving evidence (specifically including photographs of injury or damage and damaged clothing or other property); and

(7) Providing or arranging accessible transportation for the victim of abuse (and, at the victim's request, any minors or dependents in the victim's care) to a medical facility for treatment of injuries or to a nearby place of shelter or safety; or, after the close of court business hours, providing or arranging for transportation for the victim (and, at the victim's request, any minors or dependents in the victim's care) to the nearest available circuit judge or associate judge so the victim may file a petition for an emergency order of protection under subsection (c) of Section 217. When a victim of abuse chooses to leave the scene of the offense, it shall be presumed that it is in the best interests of any minors or dependents in the victim's care to remain with the victim or a person designated by the victim, rather than to remain with the abusing party.

(b) Whenever a law enforcement officer does not exercise arrest powers or otherwise initiate criminal proceedings, the officer shall:

(1) Make a police report of the investigation of any bona fide allegation of an incident of abuse, neglect, or exploitation and the disposition of the investigation, in accordance with subsection (a) of Section 303;

(2) Inform the victim of abuse neglect, or exploitation of the victim's right to request that a criminal proceeding be initiated where appropriate, including specific times and places for meeting with the State's Attorney's office, a warrant officer, or other official in accordance with local procedure; and

(3) Advise the victim of the importance of seeking medical attention and preserving evidence (specifically including photographs of injury or damage and damaged clothing or other

<p>property).</p> <p>(c) Except as provided by Section 24-6 of the Criminal Code of 2012<sup>1</sup> or under a court order, any weapon seized under subsection (a)(2) shall be returned forthwith to the person from whom it was seized when it is no longer needed for evidentiary purposes.</p> <p><sup>1</sup> 720 ILCS 5/24-6.</p>	
<p><b>Physician-Patient Privilege.</b></p> <p>No physician or surgeon shall be permitted to disclose any information he or she may have acquired in attending any patient in a professional character, necessary to enable him or her professionally to serve the patient, except only (1) in trials for homicide when the disclosure relates directly to the fact or immediate circumstances of the homicide, (2) in actions, civil or criminal, against the physician for malpractice, (3) with the expressed consent of the patient, or in case of his or her death or disability, of his or her personal representative or other person authorized to sue for personal injury or of the beneficiary of an insurance policy on his or her life, health, or physical condition, or as authorized by Section 8-2001.5, (4) in all actions brought by or against the patient, his or her personal representative, a beneficiary under a policy of insurance, or the executor or administrator of his or her estate wherein the patient's physical or mental condition is an issue, (5) upon an issue as to the validity of a document as a will of the patient, (6) (blank), (7) in actions, civil or criminal, arising from the filing of a report in compliance with the Abused and Neglected Child Reporting Act,<sup>1</sup> (8) to any department, agency, institution or facility which has custody of the patient pursuant to State statute or any court order of commitment, (9) in prosecutions where written results of blood alcohol tests are admissible pursuant to Section 11-501.4 of the Illinois Vehicle Code,<sup>2</sup> (10) in prosecutions where written results of blood alcohol tests are admissible under Section 5-11a of the Boat Registration and Safety Act,<sup>3</sup> (11) in criminal actions arising from the filing of a report of suspected terrorist offense in compliance with Section 29D-10(p)(7) of the Criminal Code of 2012,<sup>4</sup> (12) upon the issuance of a subpoena pursuant to Section 38 of the Medical Practice Act of 1987; the issuance of a subpoena pursuant to Section 25.1 of the Illinois Dental Practice Act; the issuance of a subpoena</p>	<p>735 Ill. Comp. Stat. Ann. 5/8-802.</p>

<p>pursuant to Section 22 of the Nursing Home Administrators Licensing and Disciplinary Act; or the issuance of a subpoena pursuant to Section 25.5 of the Workers' Compensation Act, (13) upon the issuance of a grand jury subpoena pursuant to Article 112 of the Code of Criminal Procedure of 1963, or (14) to or through a health information exchange, as that term is defined in Section 2 of the Mental Health and Developmental Disabilities Confidentiality Act, in accordance with State or federal law.</p> <p>Upon disclosure under item (13) of this Section, in any criminal action where the charge is domestic battery, aggravated domestic battery, or an offense under Article 11 of the Criminal Code of 2012 or where the patient is under the age of 18 years or upon the request of the patient, the State's Attorney shall petition the court for a protective order pursuant to Supreme Court Rule 415.</p> <p>In the event of a conflict between the application of this Section and the Mental Health and Developmental Disabilities Confidentiality Act<sup>5</sup> to a specific situation, the provisions of the Mental Health and Developmental Disabilities Confidentiality Act shall control.</p> <p><sup>1</sup> 325 ILCS 5/1 et seq.</p> <p><sup>2</sup> 625 ILCS 5/11-501.4.</p> <p><sup>3</sup> 625 ILCS 45/5-11a (renumbered as 625 ILCS 45/5-16a).</p> <p><sup>4</sup> 720 ILCS 5/29D-10.</p> <p><sup>5</sup> 740 ILCS 110/1 et seq.</p>	
<p><b>Rape Crisis Counselor-Victim Privilege.</b></p> <p>(a) Purpose. This Section is intended to protect victims of rape from public disclosure of statements they make in confidence to counselors of organizations established to help them. On or after July 1, 1984, "rape" means an act of forced sexual penetration or sexual conduct, as defined in Section 11-0.1 of the Criminal Code of 2012,<sup>1</sup> including acts prohibited under Sections 11-1.20 through 11-1.60 or 12-13 through 12-16 of the Criminal Code of 1961 or the Criminal Code of 2012.<sup>2</sup> Because of the fear and stigma that often results from those</p>	<p>735 Ill. Comp. Stat. Ann. 5/8-802.1.</p>

crimes, many victims hesitate to seek help even where it is available at no cost to them. As a result they not only fail to receive needed medical care and emergency counseling, but may lack the psychological support necessary to report the crime and aid police in preventing future crimes.

...

(c) Waiver of privilege.


(1) The confidential nature of the communication is not waived by: the presence of a third person who further expresses the interests of the victim at the time of the communication; group counseling; or disclosure to a third person with the consent of the victim when reasonably necessary to accomplish the purpose for which the counselor is consulted.


(2) The confidential nature of counseling records is not waived when: the victim inspects the records; or in the case of a minor child less than 12 years of age, a parent or guardian whose interests are not adverse to the minor inspects the records; or in the case of a minor victim 12 years or older, a parent or guardian whose interests are not adverse to the minor inspects the records with the victim's consent, or in the case of an adult who has a guardian of his or her person, the guardian inspects the records with the victim's consent.

(3) When a victim is deceased, the executor or administrator of the victim's estate may waive the privilege established by this Section, unless the executor or administrator has an interest adverse to the victim.

(4) A minor victim 12 years of age or older may knowingly waive the privilege established in this Section. When a minor is, in the opinion of the Court, incapable of knowingly waiving the privilege, the parent or guardian of the minor may waive the privilege on behalf of the minor, unless the parent or guardian has been charged with a violent crime against the victim or otherwise has any interest adverse to that of the minor with respect to the waiver of the privilege.

(5) An adult victim who has a guardian of his or her person may knowingly waive the privilege established in this Section. When the victim is, in the opinion of the court, incapable of knowingly waiving the privilege, the guardian of the adult victim may waive the privilege on behalf of the victim, unless the guardian has been charged with a violent crime against the victim or otherwise has any interest adverse to the victim with respect to the privilege.

<p>(d) Confidentiality. Except as provided in this Act, no rape crisis counselor shall disclose any confidential communication or be examined as a witness in any civil or criminal proceeding as to any confidential communication without the written consent of the victim or a representative of the victim as provided in subparagraph (c).</p> <p>(e) A rape crisis counselor may disclose a confidential communication without the consent of the victim if failure to disclose is likely to result in a clear, imminent risk of serious physical injury or death of the victim or another person. Any rape crisis counselor or rape crisis organization participating in good faith in the disclosing of records and communications under this Act shall have immunity from any liability, civil, criminal, or otherwise that might result from the action. In any proceeding, civil or criminal, arising out of a disclosure under this Section, the good faith of any rape crisis counselor or rape crisis organization who disclosed the confidential communication shall be presumed.</p> <p>(f) Any rape crisis counselor who knowingly discloses any confidential communication in violation of this Act commits a Class C misdemeanor.</p> <p><sup>1</sup> 720 ILCS 5/11-0.1.</p> <p><sup>2</sup> 720 ILCS 5/11-1.20 to 5/11-1.60 or 5/12-13 to 5/12-16.</p> <p> 735 Ill. Comp. Stat. Ann. 5/8-802.1(b) defines the terms used in this privilege. The text of these definitions is contained above in the section "Select Definitions."</p>	
<p><b>Counselor-Victim Privilege.</b></p> <p>(a) Purpose. This Section is intended to protect victims of violent crimes from public disclosure of statements they make in confidence to counselors of organizations established to help them. Because of the fear and trauma that often result from violent crimes, many victims hesitate to seek help even where it is available and may therefore lack the psychological support necessary to report the crime and aid police in preventing future</p>	<p>735 Ill. Comp. Stat. Ann. 5/8-802.2.</p>

<p>crimes.</p> <p>...</p> <p>(c) Confidentiality. Where any victim of a violent crime makes a statement relating to the crime or its circumstances during the course of therapy or consultation to any counselor, employee or volunteer of a victim aid organization, the statement or contents thereof shall not be disclosed by the organization or any of its personnel unless the maker of the statement consents in writing or unless otherwise directed pursuant to this Section.</p> <p>If in any judicial proceeding, a party alleges that such statements are necessary to the determination of any issue before the court and written consent to disclosure has not been given, the party may ask the court to consider the relevance and admissibility of the statements. In such a case, the court shall hold a hearing in camera on the relevance of the statements. If the court finds them relevant and admissible to the issue, the court shall order the statements to be disclosed.</p> <p> 735 Ill. Comp. Stat. Ann. 5/8-802.2(b) define the term “violent crimes” for the purposes of this privilege. The text of this definition is contained above in the section “Select Definitions.”</p>	
<p><b>Privilege Exceptions Regarding Mandatory Child Abuse Reporting.</b></p> <p>The privileged quality of communication between any professional person required to report and his patient or client shall not apply to situations involving abused or neglected children and shall not constitute grounds for failure to report as required by this Act or constitute grounds for failure to share information or documents with the Department during the course of a child abuse or neglect investigation. If requested by the professional, the Department shall confirm in writing that the information or documents disclosed by the professional were gathered in the course of a child abuse or neglect investigation.</p> <p>The reporting requirements of this Act shall not apply to the contents of a privileged</p>	<p>325 Ill. Comp. Stat. Ann. 5/4(g).</p>



<p>communication between an attorney and his or her client or to confidential information within the meaning of Rule 1.6 of the Illinois Rules of Professional Conduct relating to the legal representation of an individual client.</p> <p>A member of the clergy may claim the privilege under Section 8-803 of the Code of Civil Procedure.</p>	
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