

Full Text of HB4124

94TH GENERAL ASSEMBLY
State of Illinois
2005 and 2006
HB4124

Introduced 10/13/05, by Rep. Robert W. Churchill

SYNOPSIS AS INTRODUCED:

725 ILCS 120/4 from Ch. 38, par. 1404
725 ILCS 120/9 from Ch. 38, par. 1408

Amends the Rights of Crime Victims and Witnesses Act. Provides that a crime victim shall sign an acknowledgement that he or she has been furnished by the appropriate authority with a statement of the rights of crime victims and an explanation of those rights as set forth in the Illinois Constitution and the Act. Provides that the authority shall furnish a carbon copy of the acknowledgement to the crime victim and shall retain the original for its records. Eliminates a provision of the Act that states that the Act does not grant a person a cause of action for damages or attorney's fees. Provides that any act of omission or commission by a law enforcement officer, circuit court clerk, State's Attorney, Attorney General, Prisoner Review Board, Department of Corrections, Department of Human Services, or other State agency or private entity under contract to provide victim and witness notification services or by an employee of the agency or private entity shall impose civil liability upon the individual or entity or his or her supervisor or employer whether or not acting in good faith in rendering crime victim's assistance or otherwise enforcing the Act.

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FISCAL NOTE ACT MAY
APPLY

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A BILL FOR

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1 AN ACT in relation to criminal law.

2 Be it enacted by the People of the State of Illinois,
3 represented in the General Assembly:4 Section 5. The Rights of Crime Victims and Witnesses Act is
5 amended by changing Sections 4 and 9 as follows:

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

7 Sec. 4. Rights of crime victims.

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

9 (1) The right to be treated with fairness and respect
10 for their dignity and privacy throughout the criminal
11 justice process.

12 (2) The right to notification of court proceedings.

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

14 (4) The right to make a statement to the court at
15 sentencing.16 (5) The right to information about the conviction,
17 sentence, imprisonment and release of the accused.18 (6) The right to the timely disposition of the case
19 following the arrest of the accused.20 (7) The right to be reasonably protected from the
21 accused through the criminal justice process.22 (8) The right to be present at the trial and all other
23 court proceedings on the same basis as the accused, unless
24 the victim is to testify and the court determines that the
25 victim's testimony would be materially affected if the
26 victim hears other testimony at the trial.27 (9) the right to have present at all court proceedings,
28 subject to the rules of evidence, an advocate or other
29 support person of the victim's choice.

30 (10) The right to restitution.

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31 (b) A statement and explanation of the rights of crime
32 victims set forth in paragraph (a) of this Section shall be

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1 given to a crime victim at the initial contact with the
2 criminal justice system by the appropriate authorities and
3 shall be conspicuously posted in all court facilities.4 (c) After receiving a statement and explanation of the
5 rights of crime victims set forth in paragraph (a) of this
6 Section by the appropriate authorities, the victim shall sign
7 an acknowledgement that attests to the victim's receipt of the
8 statement and explanation of those rights. The receipt shall be
9 in substantially the following form:10 "I acknowledge that I have received a statement and
11 explanation of the rights of crime victims set forth in
12 Article I, Section 8.1 of the Illinois Constitution and in
13 paragraph (a) of Section 4 of the Rights of Crime Victims
14 and Witnesses Act (725 ILCS 120/4(a)) by the appropriate
15 law enforcement agency or other appropriate agency
16 including, but not limited to, the Attorney General,
17 Prisoner Review Board, the Department of Corrections, the
18 Department of Human Services, or other State agency.
19 Signature of victim".20 The acknowledgement furnished to the crime victim shall be
21 a carbon copy. The authority furnishing the acknowledgement to
22 the crime victim shall retain the original copy for the
23 authority's records.

24 (Source: P.A. 87-224; 88-489.)

25 (725 ILCS 120/9) (from Ch. 38, par. 1408)

26 Sec. 9. This Act does not limit any rights or
27 responsibilities otherwise enjoyed by or imposed upon victims
28 or witnesses of violent crime, ~~nor does it grant any person a~~
29 ~~cause of action for damages or attorneys fees.~~ Any act of
30 omission or commission, including not providing the statement
31 and explanation of rights to crime victims as required in

32

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33 Section 4, by any law enforcement officer, circuit court clerk,
34 or State's Attorney, by the Attorney General, Prisoner Review
35 Board, Department of Corrections, Department of Human
Services, or other State agency, or private entity under

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1 contract pursuant to Section 8, or by any employee of any State
2 agency or private entity under contract pursuant to Section 8,
3 whether or not acting in good faith in rendering crime victim's
4 assistance or otherwise enforcing this Act, shall not impose
5 civil liability upon the individual or entity or his or her
6 supervisor or employer. Nothing in this Act shall create a
7 basis for vacating a conviction or a ground for appellate
8 relief in any criminal case. Failure of the crime victim to
9 receive notice as required, however, shall not deprive the
10 court of the power to act regarding the proceeding before it,
11 nor shall any such failure grant the defendant the right to
12 seek a continuance.
13 (Source: P.A. 93-258, eff. 1-1-04.)