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## For more information

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If you want to learn more, please contact your local state's attorney's office, the Illinois Attorney General's Office, or the Illinois Criminal Justice Information Authority.



### ILLINOIS CRIMINAL JUSTICE INFORMATION AUTHORITY

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# Illinois Bill of Rights for Victims and Witnesses of Violent Crime

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**T**he Illinois Constitution (Article I, Section 8.1) guarantees certain rights for crime victims. Generally, victims have rights to be treated with fairness and respect for their dignity and privacy throughout the criminal justice process and to obtain certain information from the criminal justice system.

The Rights of Crime Victims and Witnesses Act (725 ILCS 120), commonly referred to as the Illinois Bill of Rights for Victims and Witnesses of Violent Crime, or Victims Bill of Rights, implements, preserves, and protects those rights guaranteed by the constitution.

## Who is covered by the Bill of Rights?

**A**ny person who has been the victim of or a witness to a violent crime is covered by the Bill of Rights.\* This includes:

- Ⓒ People who were injured or had their property damaged or lost because of a violent crime or an attempted violent crime.
- Ⓒ Immediate family members of homicide victims or of violent crime victims who are physically or mentally unable to exercise their rights.
- Ⓒ Any person who witnessed a violent crime and will testify for the prosecution at the criminal trial.

\* Violent crime means any felony in which force or threat of force was used against the victim, or any offense involving sexual exploitation, sexual conduct or sexual penetration, domestic battery, violation of an order of protection, stalking, or any misdemeanor which results in death or great bodily harm to the victim or any violation of Section 9-3 of the Criminal Code of 1961, 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, and includes any action committed by a juvenile that would be a violent crime if committed by an adult.

## What rights do I have under the law?

**T**he Bill of Rights allows victims and witnesses to obtain important information at each step in the criminal justice process.

Certain rights are provided automatically to victims and witnesses. Other information is provided if the victim or witness asks for it in writing. When possible, information about a police investigation also may be provided to the victim upon request.

## What information should I automatically receive?

**I**f you are a victim of a violent crime, you automatically have the right to:

- Ⓒ A written explanation by the authorities of your rights under the law at initial contact with the criminal justice system.
- Ⓒ Be notified when the state begins the process of prosecuting the defendant.
- Ⓒ Be notified of the time, date, and place of the trial. Under the Bill of Rights, the spouse, parent, child, or sibling of the person who has died as a result of the violent crime must be notified of the time, date, and place of the trial.
- Ⓒ Information about social services, financial help, or victim compensation available to crime victims and how victims may apply for them.
- Ⓒ The prompt return of property that was used as evidence or held for other purposes.
- Ⓒ Have a state's attorney or victim advocate talk to your employer to help lessen your loss of pay and other benefits because of court appearances. This right also applies to witnesses.
- Ⓒ Receive information, whenever possible, of 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. This right also applies to witnesses.
- Ⓒ Bring a translator and a victim advocate with you to court. This right also applies to witnesses.

- ☉ Have your attorney, at your expense, file notice with the court and state's attorney to receive copies of all notices, motions, and orders filed in the case against the defendant.
- ☉ Be informed at the sentencing hearing of the minimum amount of time the defendant may spend in prison.
- ☉ Be told of the right to request in writing information concerning the defendant's release.
- ☉ Have the state's attorney request restitution at sentencing and consider restitution in any plea bargain.
- ☉ Written notice of the parole hearing for the offender and the right to submit a statement to be considered by the parole board. This statement may be made in person, or submitted in writing, on videotape, or other electronic means.
- ☉ Be notified within seven days after a decision to grant the offender parole.
- ☉ Be notified if the offender escapes from prison and when the offender is later captured.

Witnesses to a crime also have the right to be notified in advance of the date they must appear to testify and be given advance notice, when possible, of the cancellation of the court date.

### What information must I ask for?

Some information about your case will not be sent to you automatically, but you still have a right to know what is going on. You must ask in writing if you want:

- ☉ To be notified of preliminary hearings, hearings which may result in the release of the defendant from custody, and bond or sentencing hearings.

- ☉ To be notified of the cancellation of court proceedings prior to the court date, when possible.
- ☉ To know if the defendant has been released on bail.
- ☉ A plea or verdict explained in nontechnical language.
- ☉ To consult with or have a victim statement considered by the state's attorney prior to negotiations with the defendant concerning a possible plea bargain, and before any offers of a plea agreement are made.
- ☉ To know the ultimate outcome of the case.
- ☉ To be notified if the defendant appeals the case and how to contact the agency handling the appeal.
- ☉ To be notified in advance, when possible, of the hearing of any petition for post-conviction review by the defendant. This right also applies to witnesses.
- ☉ The Prisoner Review Board to consider the victim statement in determining parole.
- ☉ To know when the offender is released from prison, jail, a mental health facility or county custody. This right also applies to witnesses.
- ☉ A recent photograph of the offender upon his or her release.
- ☉ To know when the offender is out of jail for short periods of time, such as furlough or periodic imprisonment.
- ☉ To know if the offender has died while on parole or supervised release.

A witness must request in writing to be notified if the offender escaped from prison and when the offender was later captured.

### May I make a statement during sentencing?

When a defendant is convicted of a violent crime, the Bill of Rights permits a victim to address the court on the impact of the crime.

- ☉ The statement must be in writing and prepared with the assistance of the state's attorney prior to the defendant's sentencing.
- ☉ Once the statement is written it can be presented to the court either in writing or orally by the victim or the victim's representative. This statement can be prepared any time during the criminal justice process as long as it is done before sentencing.
- ☉ The judge will then use this statement, along with other information, in determining the defendant's sentence.

### Can I receive compensation for losses I have suffered?

Financial help may be available to victims of violent crime for medical expenses, counseling and losses as a result of crime. However, compensation may be reduced if you are eligible for reimbursement from any other source (except annuities, pension plans, and Social Security benefits payable to dependents of the victim). Victim compensation claims may be submitted to the Illinois Attorney General's Office.

### What are my responsibilities?

Victims and witnesses also have the responsibility to:

- ☉ Promptly report the crime to the police.
- ☉ Cooperate with law enforcement authorities throughout the investigation, prosecution, and trial.

- ☉ Agree to testify at the defendant's trial.
- ☉ Inform authorities if your address changes.

### How can I get more information on the offender in my case?

Use the Illinois Automated Victim Notification system. This system provides victims of crime and concerned individuals information regarding case and/or custody status of offenses where the perpetrator has been incarcerated or charged with a crime. The toll-free, 24-hour automated telephone system provides two important services – information and notification.

- ☉ Victims and concerned individuals can receive up-to-date information on the custody status and/or case status of an offender.
- ☉ Callers also may choose to register for automatic notification through the system. Registered users will receive notification of any change in an inmate's status. Users registered for court information will receive notification of any change of case status. Callers select the phone number(s) where they wish to be notified, and a personal identification number will be used to confirm the receipt of notification.

To use the  
Illinois Automated  
Victim Notification system  
call:

1-866-5-NOTIFY  
(1-866-566-8439)