



Illinois Prosecutor Services, LLC

Don Hays

PO Box 722

Carlinville, Illinois 62626

Office Phone: (217) 854-8041 Fax: (217) 854-5343

Webpage: www.ipsllconline.com

Email: don.ipsllc@gmail.com



LEGISLATIVE ENACTMENT OF THE MONTH

VICTIM'S RIGHTS-POLICE REPORT/VICTIM'S COUNSEL

March – 2019

Senate Bill 3404.....Public Act 100-1087

(A) Amends the Preventing Sexual Violence in Higher Education Act.

1. Provides that a statement of the higher education institution's obligation to include an amnesty provision that provides immunity to any student who reports, in good faith, an alleged violation of the higher education institution's comprehensive policy to a responsible employee shall include possession or use of a controlled substance. Amends the Sexual Assault Survivors Emergency Treatment Act.

2. Provides that every hospital providing hospital emergency services and forensic services to sexual assault survivors shall provide after a medical evidentiary or physical examination, access to a shower at no cost, unless showering facilities are unavailable.

(B) Amends the Rights of Crime Victims and Witnesses Act.

1. Provides that upon the request of the victim, the law enforcement agency having jurisdiction shall provide a free copy of the police report concerning the incident, as soon as practicable, but in no event later than 5 business days from the request.

2. Provides that a victim may, at any point, retain counsel and have that counsel present during any stages of any interview, investigation or any other interaction with representatives of the criminal justice system.

(C) Amends the Liquor Control Act of 1934 and the Illinois Controlled Substances Act.

Limits prosecution for certain offenses if the person is reporting the commission of a sexual assault if certain prerequisites are met.

(D) Amends the Criminal Code of 2012.

Provides that reporting to law enforcement authorities includes consenting to an Illinois State Police Sexual Assault Evidence Collection Kit under the Sexual Assault Survivors Emergency Treatment Act.

(E) Amends the Sexual Assault Incident Procedure Act.

1. Provides that law enforcement shall give 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. Makes other changes.

2. Provides a victim shall have 10 years (currently, 5 years) from the completion of an Illinois State Police Sexual 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.

(F) Makes conforming changes to the Sexual Assault Survivors Emergency Treatment Act.

Numerous Sections.....Effective Date January 1, 2019

TEXT: Section 30. The Rights of Crime Victims and Witnesses Act is amended by changing Section 4 and by adding Section 4.6 as follows:

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

Sec. 4. Rights of crime victims.

(a) Crime victims shall have the following rights:

(b-5) Upon the request of the victim, the law enforcement agency having jurisdiction shall provide 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.

(d) 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.