

# HJRCA 19

## Constitutional Amendment to Expand and Enforce Crime Victim Rights

---

**Sponsors: Representative Lang (D – 16), Ramey (R-55),  
Jakobsson (D-103)**

Status: House Rules Committee

### **Crime Victims Need Enforceable Rights**

Crime victims are central to the criminal justice process. These are the individuals who have been battered, raped, and whose family members have been murdered. Often, however, victims are ignored or even excluded throughout the justice process. Victims in Illinois need comprehensive, meaningful and enforceable rights.

### **Current Illinois Law**

Illinois law does not ensure that victims receive the rights they need and deserve. The Illinois Constitution and Illinois statutes have provided for some measure of crime victim rights since 1984. Nonetheless, crime victims routinely find that the rights identified in law are not implemented:

- Victims are guaranteed the right to be informed of court proceedings -- some victims never learn about scheduled hearings or they take time off work or school only to learn at the courthouse after hours of waiting that the hearing was postponed.
- Victims have the right to communicate with the prosecution -- some victims wait long periods of time only to find out that charges were never filed in their case but the prosecutor never informed the victim of this decision.
- Victims are guaranteed to be present at trials and hearings regarding their case -- some victims are unnecessarily placed on the defense's (and in rare occasions, the prosecution's) witness list in order to exclude them from the courtroom and are required to sit outside, missing most of the proceedings about the rape or act of violence that happened to them or their loved ones.
- Victims are guaranteed the right to a speedy trial -- some cases take years longer than necessary without the court ever considering the victim's need for justice.
- Victims are guaranteed the right to present a written statement to the court about the impact that a violent crime has had on them -- some judges refuse to allow the victim to present this statement in open court, thus lessening the impact that a victim's words might have on the court's decision-making and the victim's healing.

- Victims have the right to have a support person or advocate present at court proceedings -- some courts exclude advocates from the courtroom, particularly in juvenile cases, often leaving the victim alone and isolated in an unfamiliar environment.

When these unfortunate events happen, victims have no recourse. There is no power or authority that can force a judge or attorney to respect the rights of the victims when those rights matter most. Without a means of enforcement, these rights are illusory at best and solely dependent on the good will of those in control of the proceedings.

## **The Missing Rights**

The Illinois Constitution and laws do not provide for several rights that are now nationally considered to be essential to victims' meaningful participation in the criminal justice process. This bill ensures that victims receive these rights, including the right to be present at post-trial proceedings, the right to safety and the right to learn about any proposal to reduce a defendant's sentence or allow for the defendant's release.

## **Other States and the Federal Government Have Taken the Lead**

Other states, including California, Arizona and Oregon, have passed sweeping reforms and meaningful enforcement mechanisms for crime victim rights in recent years. In 2004, the federal Crime Victims' Rights Act was adopted, finally providing victims of federal crimes extensive rights and means of redress if those rights are violated. Other states, such as Minnesota, have instituted an office of Victims' Right Ombudsman that functions as a division of the State Attorney General's office that can resolve questions of victim rights violations when they arise, not after the fact.

## **How Victims Can Enforce Their Rights**

For rights to be enforceable, victims must know about them and be able to raise these rights in a timely manner. This bill clarifies the right of the victim, either alone or through an attorney, to raise these rights promptly during any court proceeding. The bill also requires the court to act promptly on such a request.

## **Coalition Partners**

Illinois Coalition Against Sexual Assault – Lyn Schollett (217) 753-4117, [www.icasa.org](http://www.icasa.org)

IllinoisVictims.org – Jennifer Bishop-Jenkins (312) 730-8935, [www.illinoisvictims.org](http://www.illinoisvictims.org)

Parents of Murdered Children – Maria Ramirez (773) 847-1613, [www.pomc.org](http://www.pomc.org)