



## **Support SB 3106**

### **Expands Hearsay Exception for People with Disabilities**

**Status: House Judiciary – Criminal Committee; Passed Senate 54-0-0**

**Sponsors: Representative Sims (D-34); Senator Morrison (D-29), Althoff (R-32), Haine (D-56)**

#### **What does the bill do?**

- Expands an existing hearsay exception in the Code of Criminal Procedure for “moderately, severely, or profoundly intellectually disabled persons” and children under age 13 who are victims of sex crimes and certain other crimes. 725 ILCS 5/115-10.
- Allows hearsay testimony when the victim is a person with an intellectual disability, a person with a cognitive impairment, or a person with a developmental disability.
- Adds definitions to §115-10 for “person with a cognitive impairment,” “person with a developmental disability,” and “person with an intellectual disability.”
- Reflects recent changes in the DSM-5.

#### **How will the change protect more people?**

- Many people have an intellectual or developmental disability but have an IQ above 55.
- Individuals who are on the autism spectrum, have Down Syndrome, or who have a traumatic brain injury, Alzheimer’s, or dementia might be nervous, hesitant or have difficulty testifying in front of their abusers.
- In those cases, disclosures and initial outcries made to trusted individuals can add needed weight to victims’ testimony in court, allow their voices to be heard, and prevent others from becoming victims.
- Judges will still be the gatekeepers in determining whether the statements should be allowed in court.

#### **Why is this change needed?**

- Existing law
  - applies only to individuals with an IQ of 41-55 when the impairment originates before age 18; and
  - does not protect all adults with intellectual or developmental disabilities or those who develop a cognitive impairment later in life; and
  - does not adequately define or point to statutory definitions for “moderately, severely, or profoundly intellectually disabled persons.”