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ATTORNEY GENERAL MADIGAN ADVANCES CRIME VICTIMS' RIGHTS LEGISLATION

Madigan-Backed Bills Await House Action Following Unanimous Senate Approval

Springfield — In recognition of National Crime Victims' Rights Week, Attorney General Lisa Madigan praised Senate lawmakers for supporting a bill to strengthen the rights of crime victims during criminal court proceedings against their offenders and ensure those rights are enforceable under the Illinois Constitution.

Senate lawmakers voted 55-1-1 earlier today to pass HJRCA 29, which is among several legislative measures Madigan is pursuing during the spring session to protect the rights of violent crime victims and improve the services and resources available to them.

"Innocent victims of crime deserve every possible protection," Madigan said. "The changes we've proposed during this legislative session are simple, practical measures both to ensure that victims' rights are protected and to enhance the services provided to victims and families who've endured the tragedy of violent crime."

Crime Victims Bill of Rights

Madigan's 2012 legislative agenda includes HJRCA 29, which would amend the Crime Victims Bill of Rights in the Illinois Constitution. The bill would strengthen the victims' rights currently provided in the Constitution and ensure that those rights are enforceable.

Under the current Constitution, crime victims have a number of important rights, including the right to be notified of criminal court proceedings, the right to be present at the trial and to make a statement to the court at sentencing. Unfortunately, the current Constitution does not provide any mechanism for crime victims to enforce their rights. As a result, in many instances, victims' rights have been ignored.

The bill to amend the Constitution would ensure that victims have a voice in the criminal justice system and can assert their rights. HJRCA 29 proposes that crime victims should be:

- Guaranteed the right to be informed of court proceedings,
- Guaranteed the right to be present at hearings and at trial,
- Guaranteed the right to present a statement to the court about the impact that the crime has had on them, and
- Allowed to appeal decisions that impact the exercise of their personal rights.

"It is long overdue for our state to make this change in the Constitution," Madigan said. "This amendment will guarantee not only that victims' voices are heard in the criminal process, but that they can take action to enforce their rights if they are ignored."

In addition to the Attorney General, the proposed amendment is supported by a long list of organizations, including the Illinois Coalition Against Sexual Assault, Illinois Sheriffs' Association and Crime Victims United of Illinois.

Violent Crime Victims Assistance Act

In 1984, a fund was created through the Violent Crime Victims Assistance Act (VCVA) to provide critical services to victims of violent crime. The fund, supported entirely by fines imposed on criminal offenders, is used to provide annual grants to programs throughout Illinois that work with crime victims, such as assistance programs for domestic and sexual assault survivors, children's advocacy centers, programs for Court Appointed Special Advocates to help children through the court system, and victim assistance programs in State's Attorney's Offices.

In recent years, deposits into this fund have dropped by 20 percent, causing a funding crisis for many crime victim service providers all across Illinois. This legislation addresses the steep decline in deposits into the fund by simplifying how the fine is calculated to make it easier for courts to impose and collect the fine.

"This dramatic decrease in this funding has impaired our ability to provide needed services to victims of violent crime and their families," said Sen. Heather Steans (D-Chicago), who sponsored SB 3602. "This legislation will give the fund a more predictable revenue stream, and my colleagues and I will continue to work on other methods of increasing the funding available to assist victims."

The bill passed the Senate 52-0 on March 29 and now awaits action in the House, where Rep. Ann Williams (D-Chicago) is sponsoring the measure.

Crime Victim Compensation Act

The Crime Victim Compensation Act provides direct financial assistance to help victims of violent crime cover medical and other related expenses incurred as a result of the crime. In many instances, the funds available through this Act are absolutely critical in assisting a victim and his or her family to recover from a devastating violent crime.

Over the years that it has been in place, however, the Act has not always been updated to keep pace with relevant court decisions and to ensure coverage for victims of all violent crimes. Senate Bill 3693 addresses a number of inconsistencies in the Act and ensures that victims can receive compensation for necessary expenses that are a direct result of the crime.

"We need to ensure crime victims and their families have the resources they need to help rebuild their lives, Sen. Bill Haine (D-Alton) said. "Our state must continue to take the lead on serving victims and protecting them from harm – whether that means help with medical bills or other compensation. They didn't choose to be victims."

Sen. Haine was chief sponsor of the bill that was approved 55-0 by the Senate last month. Rep. Carol Sente (D-Lincolnshire) is sponsoring the bill in the House.

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