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# UNDERSTANDING ILLINOIS CRIME VICTIMS RIGHTS

## *Frequently Asked Questions*

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***Crime Changes Things In Ways You Might Not Expect...  
...We Can Help***



**Illinois Attorney General Violence Prevention  
and Crime Victims Services Division**



# Understanding Illinois Crime Victims Rights

In Illinois, victims of violent crimes have multiple rights. Some rights apply automatically, but some of the rights must be requested by victims. The Office of the Illinois Attorney General has the authority to receive complaints, investigate allegations, and make recommendations to address crime victim’s rights violations. This guide details the rights protected by Illinois law. It also outlines the steps to report instances where those rights may have been violated.

## Who is the victim?

- The person who is injured as a result of the crime.
- If the person hurt is a child or has died, someone else is considered the victim. (examples: parents, guardians, others family members).
- It is always up to the prosecutor or court to decide which person is the victim in each case.



## What is considered as a violent crime?

Felonies using force or threat of force

Offenses involving sexual exploitation, sexual conduct, or sexual penetration

Child pornography

Non-consensual dissemination of private sexual images

Domestic battery

Stalking

Violation of a protective order, civil no contact order, stalking no contact order

Misdemeanors causing death/great bodily harm

Involuntary manslaughter, reckless homicide

DUI resulting in personal injury or death



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SVA PROGRAM  
ON OUR WEBSITE**

### **STATEWIDE VICTIM ASSISTANCE (SVA) PROGRAM**

The Statewide Victim Assistance Program provides assistance to victims, witnesses, and service providers across Illinois.

## What are the rights guaranteed to victims even if they do not ask for them?

- The right to be treated with fairness and respect for their dignity and privacy and to be free from harassment, intimidation, and abuse throughout the criminal justice process
- The right to notice and to a hearing before a ruling on a request for access to any of the victim's records, information, or communications which are privileged or confidential by law
- The right to timely notification of all court proceedings
- The right to communicate with the prosecution
- The right to be heard at any post-arraignment court proceeding in which a right of the victim is at issue and any court proceeding involving a post-arraignment release decision, plea, or sentencing
- The right to be notified of the conviction, the sentence, the imprisonment, and the release of the accused
- The right to timely disposition of the case following the arrest of the accused
- The right to be reasonably protected from the accused throughout the criminal justice process
- The right to have the safety of the victim and the victim's family considered in denying or fixing the amount of bail, determining whether to release the defendant, and setting conditions of release after arrest and conviction
- The right to be present at the trial and all other court proceedings on the same basis as the accused, unless the victim is to testify, and the court determines that the victim's testimony would be materially affected if the victim hears other testimony at the trial
- The right to have present at all court proceedings, subject to the rules of evidence, an advocate and other support person of the victim's choice
- The right to restitution

*Note: The rights listed are included in the Crime Victim Bill of Rights and automatically apply to crime victims identified by the prosecutor or the court.*

## Are there any additional rights that are guaranteed to crime victims?

- Victims have a right to receive notice of charges, the offender's release, the disposition of the case, or an appeal
- Victims have a right to receive notice of the date, time, and place of court proceedings and an explanation of what is expected to happen at a court proceeding
- Victims may object to motions to continue court proceedings
- When possible, victims have a right to a secure waiting area away from defendants and the defendant's families or friends.
- Victims have a right to assistance with their employer to avoid lost pay or benefits for cooperating with the case
- Victims have the right to be consulted before a prosecutor makes a plea offer. If this does not occur, victims must be notified of the offer
- When a victim's property is held as evidence, prosecutors must help return the property
- Victims may appeal decisions about their Crime Victims Rights
- Victims have the right to a translator or sign language interpreter

*Note: These rights also apply automatically. The additional guaranteed rights are found in the "Rights of Crime Victims and Witnesses Act" for victims identified by the prosecutor or the court.*

## What rights do the victims need to ask for?

- To have a prosecutor seek a protective order on their behalf (victims of domestic violence, sex offenses, or stalking only).
- Access to a presentence report when one is ordered.
- To register to receive information about an offender's release, discharge, escape, or death.

*Note: These rights are guaranteed if requested by the victim.*

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## When do victim rights apply?

- Most rights apply after violent crimes are charged and there is a criminal case in court.
  - Crime victims rights apply even when these offenses are committed by a juvenile.
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## Do victims have rights before charges are filed?

Some rights to apply before a violent crime is charged.

- Police are required to give victims a "Statement of Crime Victims Rights" form within 48 hours.
  - Victims can request a free copy of the police report. This must be provided to victims within five business days.
  - Victims have the right to request information about the status of the investigation.
  - If a prosecutor decides not to charge a violent crime, the prosecutor must tell victims about this decision and offer to meet with the victims.
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## How are rights protected?

- Prosecutors should have a conversation with victims regarding each right and raise these rights for the victim when they apply.
  - The prosecutor must explain the rights and provide that victim with a form called the "Notice of Victim Assertion of Rights."
  - Even if the assertion of rights form is not signed, the victim is guaranteed all automatic rights.
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## What if the prosecutor is not raising a victim right?

- Victims may raise the rights themselves.
- If the victim has an attorney, their attorney may raise these rights on their behalf.

## **I do not feel safe and the defendant is contacting me... what can be done?**

- Victims have the right to be reasonably protected from the accused and the right to speak with prosecutors about harassment and safety concerns.
  - The prosecutor must notify victims of the hearing to determine whether the defendant must stay in jail or be released.
  - At this hearing the prosecutor may request that the defendant be held in jail or ask the court to place restrictions on the defendant to help the victim feel safe.
  - If prosecutors do not address a victim's safety concerns, the victim may raise them in court themselves.
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## **I need help understanding what is happening with the case. How can I get help?**

- Victims have a right to communicate with the prosecutor.
  - Most offices have victim services personnel who assist in keeping victims updated and facilitate communication with prosecutors.
  - Victims are responsible for providing current contact information to prosecutors.
  - Victims have the right to hire their own attorney for the purpose of asserting victim's rights.
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## **Am I required to write a statement if I want to be heard at the sentencing hearing?**

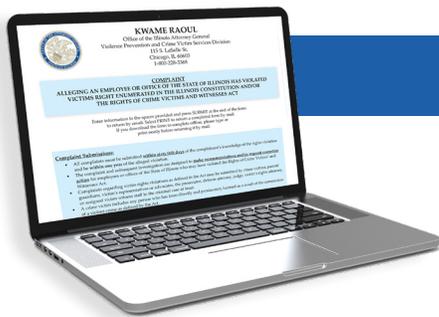
- Victims can make a statement in any way that they prefer.
  - Statements do not have to be written or reviewed by attorneys before they are given.
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## **If the defendant pleads guilty, am I still allowed to be heard at the plea hearing?**

- Victims have a right to be heard even when there is a plea agreement.
  - Prosecutors cannot waive your right to be heard; only the victim can waive a right.
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## **When can victims request restitution?**

- Restitution is a right that victims automatically have.
- Victims can request restitution even if they have applied for crime victim compensation or filed a civil lawsuit.
- Prosecutors cannot waive the right, even as part of a plea, if the victim requests restitution.
- Victims wanting restitution are responsible for providing the necessary documentation.



# Filing a Crime Victims Rights Complaint

A crime victim or someone with direct knowledge of an alleged Crime Victims Rights violation may submit a Crime Victims Rights complaint available on Illinois Attorney General's website. All complaints must be submitted within 60 days of the complainant's knowledge of the rights violation and be within one year of the alleged violation.

Visit <http://illinoisattorneygeneral.gov/File-A-Complaint/> to download the complaint form.

## ATTORNEY GENERAL RESOURCE AND PROGRAMS FOR VICTIMS OF CRIME



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ACP PROGRAM

### Attorney General's Address Confidentiality Program (ACP)

*Victims of Domestic Violence, Sexual Violence, Stalking and Human Trafficking who fear for their safety may be eligible for the Address Confidentiality Program. The program provides participants with an alternate address to prevent the creation of public records of the victim's residential address.*



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CVC PROGRAM

### Crime Victim Compensation (CVC)

*The Crime Victims Compensation provides financial assistance to eligible victims of violent crime and their families. Some of the expenses that are eligible for compensation include, hospital and medical expenses, funeral and burial costs, relocation expenses, legal fees, and lost wages.*

## ADDITIONAL RESOURCES

**BEACON Public Portal:** <https://public-uat.beacon.illinois.gov/>

Beacon is a State of Illinois public portal that may be used to locate mental health resources available throughout the state

**ABE:** [Abe.illinois.gov](http://Abe.illinois.gov)

Abe is the State of Illinois' web-based portal for applying for and managing health coverage, SNAP and cash benefits, as well as applying for the Medicare Savings Program (MSP)

**Illinois Department of Human Services:** [dhs.state.il.us](http://dhs.state.il.us)

**Illinois Prisoner Review Board:** [prb.illinois.gov](http://prb.illinois.gov)

**Illinois Department of Corrections:** [idoc.illinois.gov](http://idoc.illinois.gov)

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**For more information, contact the  
Crime Victims Assistance Line:**

**1-800-228-3368**

**Individuals with hearing or speech disabilities can reach us by using the 7-1-1 relay service.**

**Visit our website at:  
[IllinoisAttorneyGeneral.gov](http://IllinoisAttorneyGeneral.gov)**

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