



Rights of Crime Victims

To protect the interests of crime victims and witnesses in Illinois, the General Assembly passed the Rights of Crime Victims and Witnesses Act in 1984. Over the following four decades, they have been regularly strengthened and expanded. The basis of the act is to afford victims and witnesses the right to be treated with respect, fairness, and dignity. The spirit of the law is also intended to make the system more just. In 1994, these rights were extended to include victims and witnesses of juvenile offenders.

If you are the victim of a violent crime, the Illinois Constitution and the Rights of Crime Victims and Witnesses Act give you rights¹

Article I. Section 8.1 of the Illinois Constitution²

Crime Victims³, as defined by law, shall have the following rights as provided by law:

- 1) 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.
- 2) The right to notice and to a hearing before a court ruling on a request for access to any of the victim's records, information, or communications which are privileged or confidential by law.
- 3) The right to timely notification of all court proceedings.
- 4) The right to communicate with the prosecution.
- 5) The right to be heard at any post-arraignment court proceeding in which the right of the victim is at issue and at any court proceeding involving a post-arraignment release decision, plea, or sentencing.
- 6) The right to be notified of the conviction, the sentence, the imprisonment, and the release of the accused.
- 7) The right to timely disposition of the case following the arrest of the accused.
- 8) The right to be reasonably protected from the accused throughout the criminal justice process.

¹ Chapter 725 - CRIMINAL PROCEDURE: 725 ILCS 120 - Rights of Crime Victims and Witnesses Act.

²Article I. Section 8.1 of the Illinois Constitution <https://www.ilga.gov/commission/lrb/con1.htm>

³ "Crime victim" and "victim" mean (1) a person physically injured in this State as a result of a violent crime perpetrated or attempted against that person or (2) a person who suffers injury to or loss of property as a result of a violent crime perpetrated or attempted against that person or (3) a single representative who may be the spouse, parent, child or sibling of a person killed as a result of a violent crime perpetrated against the person killed or the spouse, parent, child or sibling of any person granted rights under this Act who is physically or mentally incapable of exercising such rights, except where the spouse, parent, child or sibling is also the defendant or prisoner or (4) any person against whom a violent crime has been committed or (5) any person who has suffered personal injury as a result of a violation of Section 11-501 of the Illinois Vehicle Code, or of a similar provision of a local ordinance, or of Section 9-3 of the Criminal Code of 1961 or the Criminal Code of 2012 or (6) in proceedings under the Juvenile Court Act of 1987, both parents, legal guardians, foster parents, or a single adult representative of a minor or disabled person who is a crime victim.. 725 ILCS 120/3(a).

- 9) The right to have the safety of the victim and the victim's family considered in determining whether to release the defendant and setting conditions of release after arrest and conviction.
- 10) 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.
- 11) 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.
- 12) The right to restitution.

The Rights of Crime Victims and Witnesses Act requires that a statement and explanation of the rights of crime victims be given to a crime victim at the initial contact with the criminal justice system by the appropriate authorities, and that this statement be conspicuously posted in all court facilities.

725 ILCS 120/4.5 — Rights of Crime Victims

1. Notification of court dates and cancellations

Witnesses have the right to be notified by the State's Attorney's Office of all court dates promptly and to be informed of cancellations to avoid unnecessary appearances.

2. Employer intercession services

The State's Attorney or victim advocate personnel must provide services to help ensure that employers cooperate with the justice system, thereby minimizing the loss of pay or benefits for witnesses.

3. Secure waiting area

Whenever possible, witnesses should be provided a secure waiting area separate from defendants and their associates.

4. Translator services

Witnesses must be informed of their right to have a translator present when necessary.



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