



Crime victims' rights advocates thank Illinois Governor Bruce Rauner for signing House bill 1121

August 21 2015 8:09 PM



SPRINGFIELD - Crime victims' rights advocates applaud Gov. Bruce Rauner today as he signed HB 1121; the law became effective immediately upon his signature. This is the implementation bill for the Crime Victims' Bill of Rights constitutional amendment, also known as Marsy's Law for Illinois. This constitutional amendment was a ballot measure in November 2014 that received an astounding 78 percent approval from Illinois voters.

"Until the passage of Marsy's Law by Illinois voters, victims of crime had limited rights, and lacked standing to have those rights enforced," said Dr. Henry T. Nicholas, founder of Marsy's Law for All. "Thankfully, now victims of crime have a much stronger voice in the Illinois criminal justice system, as Governor Rauner signed the follow-up legislation that secures the new rights of crime victims and their loved ones."

The Crime Victims' Bill of Rights' accompanying legislation, HB 1121, reconciles the 1993 Rights of Crime Victims and Witness Act with the Constitutional Crime Victims' Rights Amendment adopted by the voters in November 2014. HB 1121 provides victims of violent crime with important, enforceable protections to ensure their safety and promote justice. This constitutional amendment sets forth the 12 rights guaranteed to

crime victims and expressly gives victims standing to assert those rights. Unlike before, HB 1121 addresses how and when victims' rights are to be asserted.

Here are some of the new procedures established by HB 1121:

The prosecutor will give the victim a written notice which will contain a checklist of their guaranteed rights. The victim will mark the rights they would like to assert and the prosecutor will file the notice with the court. This document can be revised by the victim at any time. The court guarantees victims are afforded these rights.

Establishes necessary procedures for the assertion and enforcement of victims' rights, while addressing how and when those rights are to be asserted.

HB 1121 establishes parameters for remedies if a victim's right is violated; the court can only order actions necessary to provide the victim the right that was violated. The remedy cannot violate any of the defendant's constitutional rights.

If the victim has asserted to the right to be present and to be heard, the prosecutor can ask the court to schedule a change of plea hearing so the victim could be notified and attend. The victim is able to have the court reschedule a sentencing or hearing if the victim is not able to be present.

The Illinois amendment is modeled after Marsy's Law in California, which is among the strongest protections of crime victims' rights in the country. Dr. Nicholas founded this effort after his sister Marsy was stalked and killed by her ex-boyfriend in 1983. The week after Marsy was murdered, Dr. Nicholas and Marsy's mother walked into a grocery store after visiting Marsy's grave and were confronted by the accused murderer. They had no idea he'd been released on bail. They were not informed because the courts and law enforcement had no obligation to keep them informed.

"Since then, I have made it my life's mission to give victims and their families all over the nation better constitutional protections and equal rights," said Dr. Nicholas. "Crime victims and their loved ones deal with enough pain and suffering; taking away the added anguish they must unnecessarily endure should be our top priority. We want to implement Marsy's Law across the country."

"We want to ensure that crime victims and their loved ones have equal rights as the accused and convicted," said Dr. Nicholas. "Crime victims have no enumerated rights in 18 state constitutions, nor in the U.S. Constitution. I am proud to say we currently have teams working in 5 other states to get Marsy's Law on the ballot in 2016: Hawaii, Nevada, North Dakota, South Dakota and Montana."

Marsy's Law would like to thank Attorney General Lisa Madigan for strongly supporting the ballot measure and for playing a lead role in guiding the implementation language through the legislative process. Marsy's Law would also like to recognize all the sponsors of the bill: chief sponsors Senate President John Cullerton, Sen. Heather Steans, Rep. Lou Lang and co-sponsors Rep. Patricia R. Bellock, Rep. Stephanie A. Kifowit, Rep. Eddie Lee Jackson, Sr, Rep. David Harris, Se. Jacqueline Collins, Sen. Martin Sandavol, Sen. Neil Anderson, Sen. William Delgado, Sen. Mattie Hunter, Sen. Patricia Van Pelt, Sen. Ira Silervstein and Sen. Matt Murphy. HB 1121 passed the Senate unanimously in May 2015 after passing the House 112-2 in April.

About Marsy's Law for Illinois

The amendment is modeled after Marsy's Law in California, which passed as a state constitutional amendment in 2008 and is among the strongest protections of crime victims' rights in the country. The Illinois initiative is backed by law enforcement officials, prosecutors, victims' rights organizations and community leaders.