

# IL Sample Assertion of Rights

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For additional resources relating to the protection, enforcement, and advancement of crime victims' rights, please visit [www.ncvli.org](http://www.ncvli.org) and [www.navra.org](http://www.navra.org), the website of our membership alliance, the National Alliance of Victims' Rights Attorneys & Advocates.

Atty. No.: [ARDC #]  
Atty. Name: [Attorney Name]  
Atty. Firm: [Firm/Organization]  
Atty. for: [Victim name/pseudonym]  
Address: [Address]  
City: [City] State: [Phone]  
Zip: [Zip]  
Telephone: [Phone]  
Primary Email: [Email address]

**IN THE CIRCUIT COURT OF [FILL IN] COUNTY, ILLINOIS<sup>1</sup>**

The People of the State of Illinois	)	
	Plaintiff	)
	)	Case No. [FILL IN]
v.	)	
	)	Charge
[NAME OF DEFENDANT(S)]	)	[FILL IN CHARGE]
	)	
	Defendant(s)	)
	)	
	)	

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**ASSERTION OF CRIME VICTIMS' RIGHTS**

In accordance with the Illinois Constitution, by and through undersigned counsel, the victim formally asserts [his/her/their] rights pursuant to all applicable law, including, but not limited to, all rights under the Crime Victims' Rights Amendment to the Illinois Constitution, Ill. Const. art. I, § 8.1, and the Rights of Crime Victims & Witnesses Act, 725 ILCS 120/1 *et seq.* See Ill. Const. art. I, § 8.1(b) ("The victim has standing to assert [his/her/their] constitutional

<sup>1</sup> [Practitioner's note]: County courts differ in the formatting for motions in criminal cases. Some counties include the judicial circuit in the title, for ex.: IN THE CIRCUIT COURT OF THE NINETEENTH JUDICIAL CIRCUIT LAKE COUNTY, ILLINOIS. Best practice is to use the formatting for the court you are appearing in by asking local practitioner or the court clerk for a sample.

rights ... in any court exercising jurisdiction over the case.”); *see also* 725 ILCS 120/2 (stating the purpose of the Rights of Crime Victims & Witnesses Act is to ensure that crime victims “have standing to assert their rights in the trial and appellate courts”).

The rights asserted include:

- “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.” Ill. Const. art. I, § 8.1(a)(1).
- “The right to timely notification of all court proceedings” and “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.” Ill. Const. art. I, § 8.1(a)(2),(3).
- “The right to communicate with the prosecution.” Ill. Const. art. I, § 8.1(a)(4).
- “The right to be heard at any post-arraignment court proceeding in which the right of the victim is at issue and any court proceeding involving a post-arraignment release decision, plea, or sentencing.” Ill. Const. art. I, § 8.1(a)(5).
- “The right to be notified of the conviction, the sentence, the imprisonment, and the release of the accused.” Ill. Const. art. I, § 8.1(a)(6).
- “The right to timely disposition of the case following the arrest of the accused.” Ill. Const. art. I, § 8.1(a)(7).
- “The right to be reasonably protected from the accused throughout the criminal justice process” and “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.” Ill. Const.

art. I, § 8.1(a)(8),(9).

- “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.” Ill. Const. art. I, § 8.1(a)(10).
- “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.” Ill. Const. art. I, § 8.1(a)(11).
- “The right to restitution.” Ill. Const. art. I, § 8.1(a)(12).

Dated this [number] day of [Month], [year].

RESPECTFULLY SUBMITTED,

\_\_\_\_\_/s/  
[Attorney, Esq.] (ARDC # [ARDC number])  
[Firm/Organization]  
[address]  
[phone number]  
[email address]

*Attorney for the crime victim* [Name/Pseudonym]