

2010 Sexual Assault
Legislative Update

Illinois Coalition Against
Sexual Assault

December 2010

Lyn M. Schollett, General Counsel

lscholl@icasa.org

Libby Shawgo, Paralegal

lshawgo@icasa.org

Illinois Coalition Against Sexual Assault

100 North 16th Street

Springfield, IL 62703

217-753-4117

www.icasa.org

LEGISLATIVE INFORMATION

- www.ilga.gov

- Statutes

- Bills – read & track

- Legislator information

- www.icasa.org

- Sexual assault bills & fact sheets

CRIMINAL LAW



Sexting



- Creates a “minor in need of supervision” provision for a minor who sends or distributes an indecent or sexually provocative photo of another minor.
- Minor may be ordered to attend counseling or perform community service.

“Virtual” Sexual Exploitation of a Child

- Sexual Exploitation of a Child now includes committing a sexual act or exposing oneself for the purpose of sexual gratification to a child, or someone believed to be a child, via the Internet or webcam.

Safe Children's Act

- Decriminalizes juvenile prostitution.
- Any child under the age of 18 who is detained for a prostitution crime will be redirected to appropriate social services.

Don't Leave Your Kid with a Sex Offender

- If parent or guardian leaves a child in the custody of a child sex offender = crime.
- Can't allow the child sex offender to have unsupervised access to the minor.
- Class A misdemeanor.

Increased Sentence When Minor Victim Drank Alcohol

- The court may extend the sentence against a child sex offender when the minor victim was under the influence of alcohol.

Increases Penalty for Public Indecency and Sexual Exploitation of a Child

- New sentence = Class 4 felony if adult commits these crimes within 500 feet of a school when children are present.

CRIME VICTIMS



Acquitted by Reason of Insanity/ Victim Impact Statements

- Victim impact statements must be sent to DHS when defendant is found not guilty by reason of insanity.
- DHS must consider range of factors and victim impact when determining where the offender will receive treatment.

Videoconferencing Can Be Used in Commitment Hearings

- Courts may use videoconferencing for commitment hearings.
- Any court may permit any witness, including a psychiatrist, to testify by video conference unless a court rule specifically prohibits such testimony.

Affirmative Defense to Eviction

- Domestic violence, sexual assault and stalking victims have an affirmative defense if they are evicted due to the violence.
- Landlords can evict
 - offender who is a household member of the victim; or
 - victim and offender if actual and imminent threat to others.

Crime Victim Notification

- Attorney General's Automated Victim Notification (AVN) can now be used for community notification of registered sex offenders.
- **1-866-5-NOTIFY (1-866-566-8439)**
- www.vinelink.com

Eliminates Rape Victim Polygraph Exams

- Law enforcement cannot ask or require a victim in a sexual assault case to take a polygraph test.
- Previously, law enforcement and prosecutors could not polygraph rape victims as a condition of continuing with an investigation.

Adult with Guardian Can Control Privacy of Rape Crisis Center Records

- An adult with a guardian can decide who may see her records and whether to release the records.
- If the adult does not have the capacity to make the decision, the guardian can do so as long as his or her interests are not adverse to the adult client.

Increases Civil Statute of Limitations for Adult Survivors of Childhood Sexual Abuse

Extended to

- 20 years (increased from 10 years) after the age of 18; or
- 20 years (increased from 5 years) after discovery.

P.A. 96-1093

Criminal Procedure



Sexual Assault Evidence Submission Act

- Law enforcement must submit all sexual assault evidence kits to Illinois State Police for analysis within 10 days of collecting kits from the hospital.
- Sets guidelines for analyzing evidence collection kits currently in the custody of local law enforcement.
- Resources for police: www.isp.state.il.us.

P.A. 96-1011

Online Publication of Legal Notices

- Newspapers that publish legal notices must also place notices on a statewide Web site.
- A Web site has already been established by the Illinois Press Association for this purpose: www.PublicNoticeIllinois.com.

You've Got Mail!

- Circuit clerk can provide legal notices via e-mail or by hard copy.
- Clerk must provide notice via e-mail if recipient chooses to receive notices electronically and provides the circuit clerk with an e-mail address.



P.A. 96-971

Spouse Can Testify in Sex Crimes Cases

- Individual can testify about conversations with spouse when spouse is under investigation for a sex crime against child in their care.

Sex Offender Management



Expands Definition of Sexual Predator

- Adds offenses (e.g., sexually motivated murder of a child) to the list of crimes used to define “sexual predator.”
- Sexual predators must register for life.

Child Sex Offenders Can't Be in or Near Public Parks

- Convicted child sex offenders *and* sexual predators are forbidden from being in or loitering within 500 feet of a public park.
- Does not matter whether children are present.

P.A. 96-1099

Attorney General Sex Offender Awareness, Training, and Education Fund

- Sex Offender Registration Fees Raised
 - Initial \$100 (was \$20)
 - Renewal \$100 (was \$10)
- Attorney General will use funds to expand AVN.

P.A. 96-1096

Sex Offender Registering Out of Town

- Registered sex offender must register with law enforcement if he stays in an area for 3 (previously 5) or more days.
- Must also notify law enforcement where he normally lives of plans to be absent for 3 or more days from his usual address.

Registered Sex Offender Must Provide Phone #s

- Registered sex offender must provide Illinois State Police with his home and/or cell phone number.
- Sex offender has 3 days to notify local law enforcement of a change in the phone number(s).

Community Notification of Inmate Early Release

- The Illinois Department of Corrections must post recent pictures and IDs of former inmates who receive early release on the DOC Web site within 3 days of the inmate's release.

MANDATED REPORTING



Child Abuse Mandated Reporting Includes Adult Students with Disabilities

- Mandated reporters must report abuse and neglect against people between age 18 and < 22 who live in DCFS licensed residential facilities.

Indicated DCFS Reports

- Narrows the category of people who are the “subject of a report” and therefore eligible to obtain a copy of the report.
- “Subject of report” includes
 - Victim of abuse
 - Parent or guardian of victim
 - Any person named in report as alleged abuser

Unfounded DCFS Reports Must be Kept for a Year

- DCFS will keep unfounded reports of less severe child abuse or neglect for a year.
- Subject of unfounded report can request a copy of any report that has not been expunged.

EDUCATION



Expands Sexual Harassment Protection to Schools

- Extends prohibitions against sexual harassment to elementary and secondary education.
- Applies to private and public schools.

P.A. 96-1319

CPS Violence Prevention Hotline

- CPS and CPD must establish a hotline to receive anonymous calls for information that may prevent violence.
- Information about the hotline must be posted in every Chicago public school.
- 1-888-881-0606

P.A. 96-1425

Expands Criminal Background Checks for Teachers

- School board president or superintendant can share criminal background check information with State Police and/or the Statewide Sex Offender Database.
- Prospective public school student teachers must now submit to, and pay for, a criminal background check before student teaching.

Bullying Prevention

- Bullying prohibited in schools.
- All public and private schools are required (rather than allowed) to create and maintain a written policy on bullying.
- Creates Statewide Anti-Bullying Task Force

P.A. 96-952

Headed to the Governor

- Task Force on Prevention of Sexual Abuse of Children.

SB 2843

Next Year...



Rape Crisis Center Funding



Crime Victim Rights

- Constitutional Amendment HJRCA 19
- Strengthens and makes enforceable the rights of crime victims in Illinois.

Thank You!

