

# 2012 Sexual Assault Legislative Update



Illinois Coalition Against Sexual Assault

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## **Illinois Coalition Against Sexual Assault**

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# LEGISLATIVE INFORMATION

- [www.ilga.gov](http://www.ilga.gov)
  - Statutes
  - Bills – read & track
  - Legislator information
- [www.icasa.org](http://www.icasa.org)
  - Sexual assault bills & fact sheets

# CRIMINAL LAW



# Abuse of a Corpse

- Sexual conduct with or involving a corpse = Class 2 felony
- Body-dumping = Class 4 felony



# Increased Penalty for Child Pornography

- Increases penalties for child pornography when
  - child is under 13; or
  - defendant has prior conviction(s) for child pornography or related offense.

# Child Abduction by Luring Redefined

- Expands the crime of child abduction to include luring or attempting to lure a
  - minor under the age of 17; or
  - minor under the age of 18 travelling to school; or
  - severely or profoundly intellectually disabled person

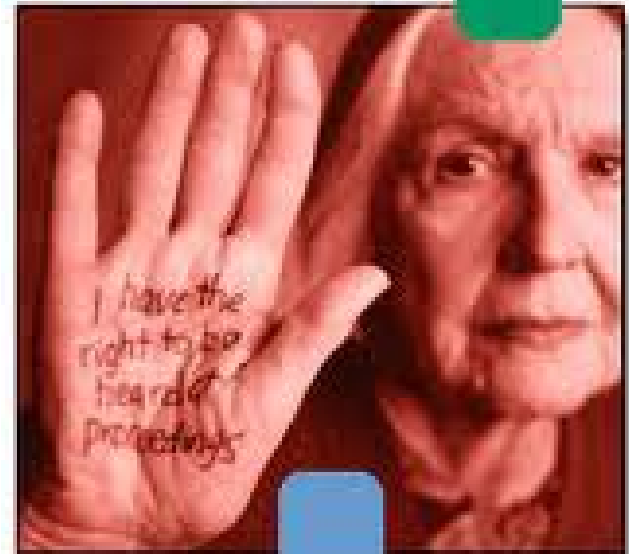
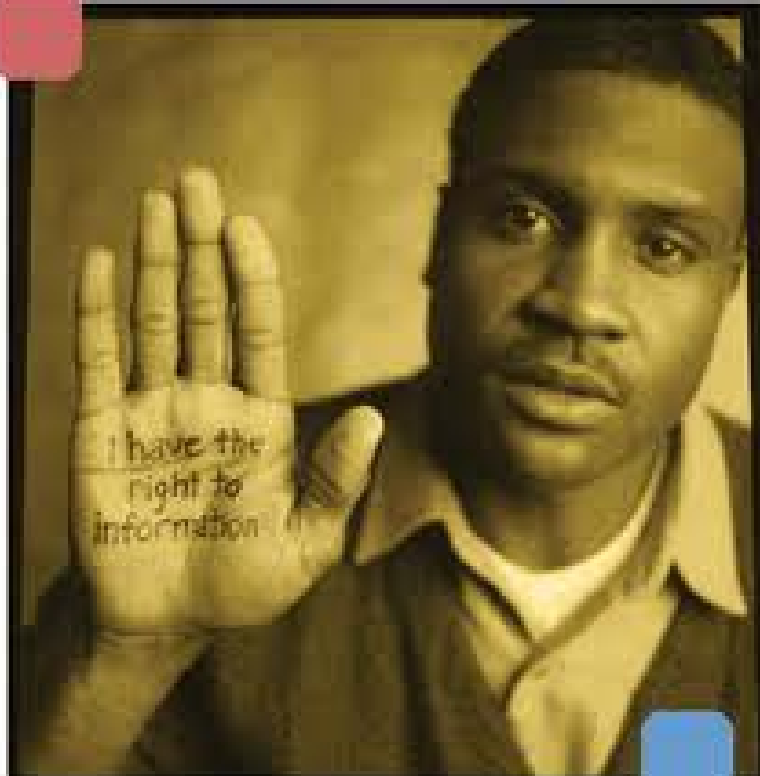
into a vehicle or dwelling.



# Criminal Transmission of HIV

- Must prove offender intended to transmit HIV.
- Limits prosecution to “sexual activity” rather than “intimate contact.”
- Broader release and disclosure of individual’s HIV status to a court.

# Crime Victims



# Live Adult Entertainment Facility Surcharge Act

Strip clubs that serve or permit the consumption of alcohol will pay a

- \$3-per-patron surcharge; or
- flat fee based on gross sales

<u>All Sales</u>	<u>Annual Fee</u>
> \$2 million	\$25,000
\$500,000 - \$2 million	\$15,000
< \$500,000	\$5,000

# Crime Victim Rights Notification

- Police training for first contact with victims.
- Crime victims must receive written explanation of their rights from police and sign it.
- Crime Victim Bill of Rights must be posted within 3 feet of the doors of all criminal courtrooms.

# Internet Dating Safety Act

- Internet dating services that do business in Illinois must
  - conduct criminal background checks on all of their members; or
  - post warnings online.



# Violent Crime Victim Assistance Act Amendments

Establishes flat rate fines:

- \$100 for felony
- \$50 for vehicle offense
- \$75 for misdemeanor

Fines assessed when someone is

- convicted, or
- placed on supervision.

# Crime Victim Compensation Improvements

- Allows compensation for spouses.
- Authorizes payments to non-family members.
- Adds violent crimes eligible for compensation.
- Increases maximum
  - replacement services award.
  - reimbursement for funeral and burial expenses.
  - restitution for loss of earnings, support.

# Loss of Driver's License for Visitation Abuse

Visitation abuse occurs when person

- denies court-ordered visitation; or
- harms child or child's custodian.

Judge may sentence offender to:

- loss of driver's license;
- probation;
- periodic imprisonment of  $\leq 6$  months; or
- fine up to \$500/offense.



# Sex Offender Management



# Amends the Sex Offender Registration Act

- Adds first offense (formerly second or subsequent" offense) of "luring a minor" to sexual predator list.



# No Child Sex Offenders on Bike Trails

- Child sex offenders cannot use bikeways and trails.
- Victim of child sex offender = person < 18 at time of offense.
- Adds offenses under definition of "child sex offender."

SB 3258



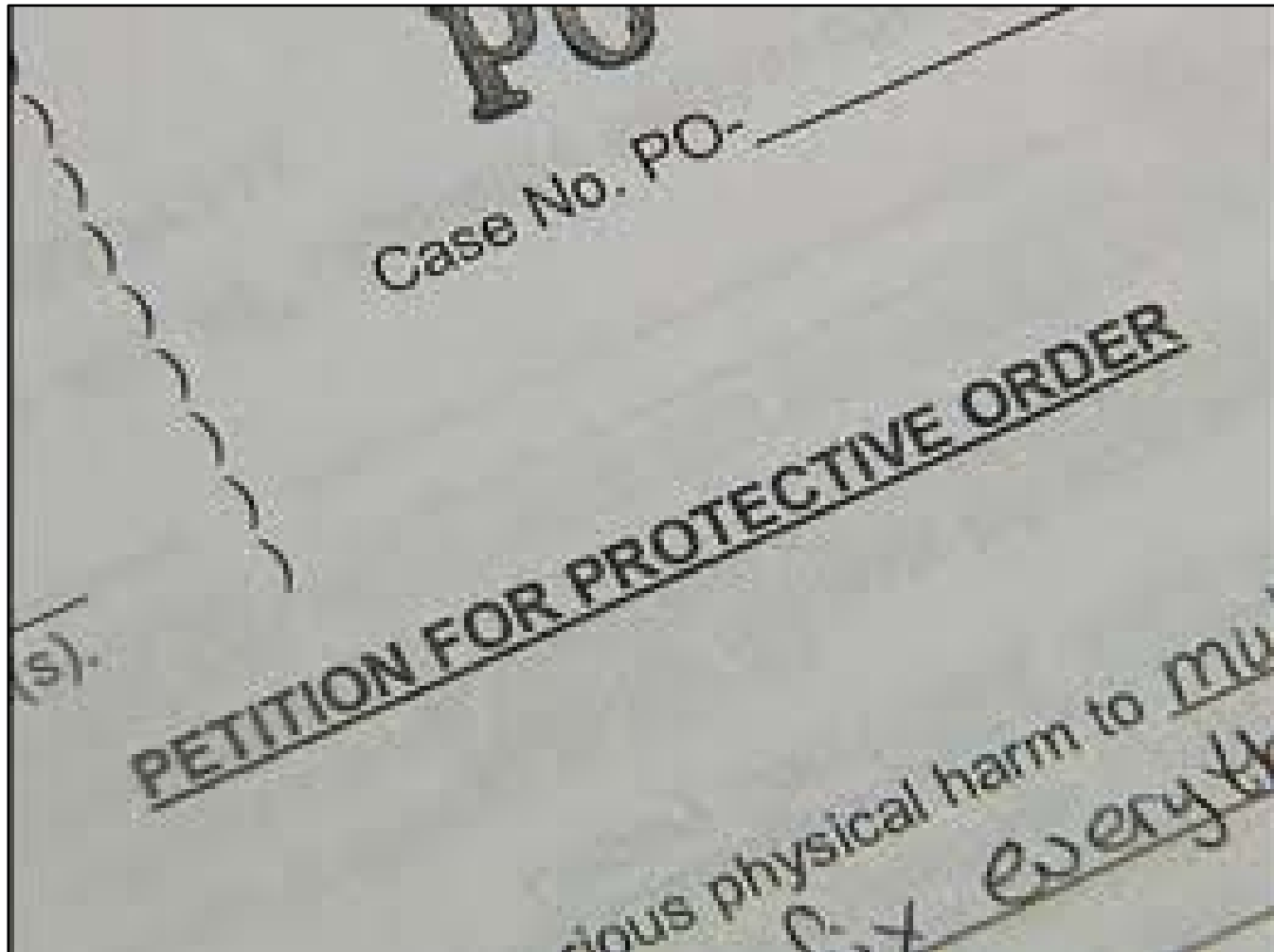
# No Child Sex Offender Easter Bunnies

- Child sex offenders not allowed to participate in Christmas, Easter or Halloween events involving children under 18.

# Sex Offender Evaluation and Treatment Provider Act

- Sex offender evaluations and treatment must be done by licensed providers.
- Establishes qualifications for, and duration of, licenses
- Provides for license revocation and civil and criminal penalties.

# Protective Orders

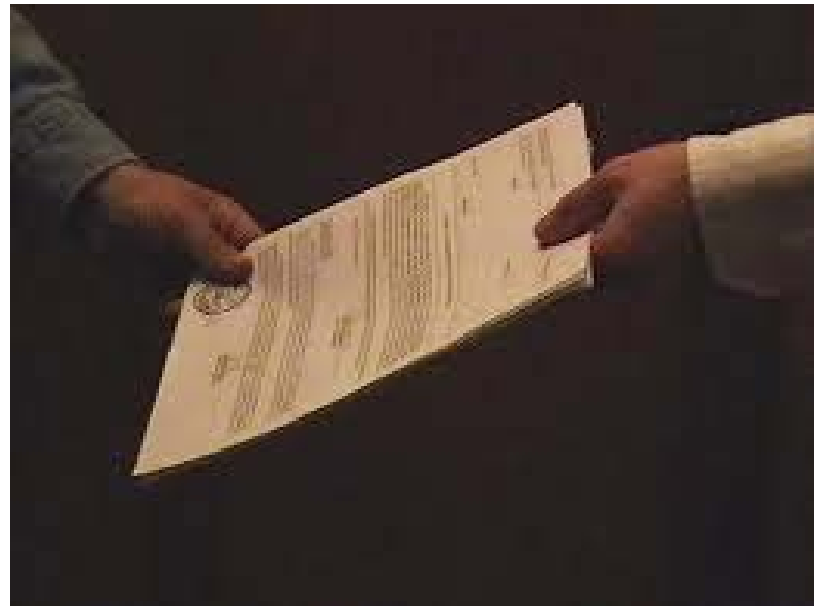


# Violation of Order of Protection

- Violation of OP = Class 4 felony if defendant had prior conviction in another state for domestic battery or violation of OP.
- Directing another person to violate OP = committing the offense.

# Short Form Service

- A single form for short form notification may be used to serve a CNCO, SNCO or OP.





# Service of Jailed Respondents

- IDOC must serve inmates in custody or on parole or MSR with notice of OPs, CNCOs and SNCOs.
- Law enforcement must notify IDOC within 48 hours of receiving copy of order.

# Prostitution/Trafficking



# Improves Anti-Trafficking Laws

- Expands definition of “Involuntary Servitude” to include schemes, patterns.
- Adds definition of “serious harm” to reflect non-physical harm.
- Creates statute of limitations for trafficking crimes against minors.
- Resource: End Demand Illinois  
[www.enddemandillinois.org](http://www.enddemandillinois.org)

# Mandated Reporting/DCFS



# Mandated Reporting – Elder Abuse

- Department on Aging can create a confidential Internet elder abuse reporting tool.



# Coaches are Mandated Reporters

- Mandated reporters of child abuse include:
  - college and university personnel
  - athletic program personnel
  - early intervention providers



# Amends Abused & Neglected Child Reporting Act

- Mandated reporters must report adults who traffic or permit the trafficking of children.
- Resource: International Organization for Adolescents [www.iofa.org](http://www.iofa.org)

# Expands Definition of “Neglected Child”

Mandated reporters must report “neglected child” who lives in environment that

- creates likelihood of harm to child’s health, physical well-being, or welfare; and
- harm is result of blatant disregard of parent or caretaker responsibilities.



# Retention of Unfounded DCFS Reports

When an individual is the subject of a subsequent investigation, DCFS will maintain all prior unfounded reports against that individual until

- the pending investigation is completed, or
- for 12 months, whichever ends later.

# Healthcare



# STD Testing of Prisoners

- IDPH and IDOC must develop procedures for notifying individuals who have had contact with an inmate with an STD.

# SASETA Billing Changes

- Healthcare related to a sexual assault is now reimbursed at the Medicaid rather than billed rate.



# SASETA Emergency Rules

- Hospitals no longer gather bills from other providers (e.g., labs, ambulance, x-rays)
- All bills must be sent to SA Program w/in 6 months (previously 12 months)
- Resource: Kathy Prunty  
Sexual Assault Program  
IDHFS 217.782.3303

