

2016 ICASA LEGISLATIVE UPDATE

Illinois Coalition Against Sexual Assault

Following is a summary of key sexual-assault related legislation passed by the Illinois General Assembly and approved by the Governor during the 2016 session. The full text of each Public Act is linked below and is available on the General Assembly's Web site at www.ilga.gov.

CRIMINAL LAW AND PROCEDURE

HB 2569 Explanation of Penalties

Rep. Cabello (R-68); Sen. Link (D-30)

A judge cannot accept a guilty plea without explaining to the defendant that as a consequence of a conviction or a plea of guilty:

- the minimum and maximum penalty for the offense;
- the sentence for any future conviction may be increased or there may be a greater possibility that consecutive sentences may be imposed;
- there may be registration requirements that restrict where the defendant may work, live, or be present; and
- there may be an impact on the defendant's ability to retain or obtain housing, employment, a firearm, an occupational license, or a driver's license.

[P.A. 99-871](#)

Eff. 1/1/17

- Amends 725 ILCS 5/113-4

HB 6037 Serious Mental Illness as Mitigating Factor

Rep. Reaves-Harris (D-10); Sen. Koehler (D-46)

A judge can impose a lighter sentence on a defendant who suffered from a serious mental illness at the time of the offense. The mental illness must be insufficient to establish an insanity defense but serious enough that it substantially affected the defendant's ability to understand the nature of his or acts or to conform his or her conduct to the requirements of the law.

[P.A. 99-877](#)

Eff. 1/1/17

- Amends 730 ILCS 5/5-5-3.1

HB 4683 Appeal After Death of Defendant
Rep. Bellock (R-47); Sen. Nybo (R-24)

If a prosecutor learns of a defendant's death before the entry of a final judgement in a criminal case, the prosecutor must notify the other party and the circuit court where the case is pending. After the notice is filed, the judge will enter an order ending all criminal proceedings (abating the proceedings ab initio). This would end the victim's right to restitution.

If the defendant dies after conviction in the circuit court but while an appeal is pending, the prosecutor must notify the defense and the court where the appeal is pending. The executor or administrator of the defendant's estate then has 30 days to file a motion to intervene in the appeal.

If the motion is accepted, the appeal can go forward as though the defendant had not died. This would also serve to make the defendant's estate responsible for payment of restitution if the conviction is upheld. The executor or administrator cannot appeal the conviction or sentence or continue litigation beyond the appeal that was pending when the defendant died.

[P.A. 99-778](#)

Eff. 1/1/17

- New 725 ILCS 5/115-4.5, 5/121A-1, 5/121A-2

SB 2221 Sexual Assault DNA Testing
Sen. Cunningham (D-10); Rep. Beiser (D-111)

- Illinois State Police initiative.

The Sexual Assault Evidence Submission Act is amended to require Illinois State Police to notify the investigating law enforcement agency of DNA matches and document additional requests for DNA comparison samples.

Each police department will conduct an annual inventory of sexual assault evidence in their custody and provide those findings in writing to each State's Attorney's Office with jurisdiction.

Prosecutors will no longer need to get permission from investigating police departments in order to track evidence.

ISP will publish a quarterly report on their website that reflects the breakdown of the number of sexual assault evidence submissions for every law enforcement agency.

- ISP quarterly reports: <http://www.isp.state.il.us/media/mediactr.cfm>.
- FY16 DNA Testing Accountability Report: <https://www.isp.state.il.us/docs/16dnareport.pdf>

P.A. 99-617

Eff. 7/22/16

- New 725 ILCS 202/42; amends 725 ILCS 202/15, 202/15

SB 3164 Prison Discouraged for Class 3 or Class 4 Felony Offenses

Sen. Connelly (R-21); Rep. Stewart (R-89)

Judges are discouraged from sending an offender to prison for a Class 3 or Class 4 felony if a sentence of probation or conditional discharge is allowed and the offender has no prior probation or convictions for violent crimes. The judge must review a presentencing report and explain why incarceration is appropriate.

Sentencing for major sex crimes is not affected, with the possible exception of a first conviction for felony criminal sexual abuse, which is a Class 4 felony and for which the offender can be sentenced to probation or 1-3 years' incarceration.

P.A. 99-861

Eff. 1/1/17

- Amends 730 ILCS 5/5-4-1, 5/5-8-8

JUVENILE OFFENDERS

HB 6291 Minimum Probation Periods

Rep. Nekritz (D-57); Sen. Raoul (D-13)

The period of probation for a minor who is adjudicated delinquent is changed to at least

- 36 months for aggravated criminal sexual assault, criminal sexual assault, or aggravated battery with a firearm
- 24 months for any other Class X felony
- 18 months for any Class 1 or 2 forcible felony

The prosecutor must argue that is not in the best interests of the minor and public safety to terminate probation

A minor cannot be sent to juvenile detention for low-level drug offenses unless the minor has violated probation by not complying with drug treatment or drug treatment programs three or more times.

P.A. 99-879

Eff. 1/1/17

- Amends Juvenile Court Act, 705 ILCS 405/5-710(7.5), 5-715(1.5)

SB 2370 Lawyers for Juveniles During Custodial Interrogation

Sen. Van Pelt (D-5); Rep. Flynn Currie (D-25)

- Juvenile Justice Initiative bill

Minors cannot be interrogated while in police custody without a lawyer. If a lawyer is not present, the minor's statements cannot be used against the minor in court if the act, if committed by an adult would be misdemeanor criminal sexual abuse or any felony offense.

In counties that have a full-time public defender office, a public defender may represent and have access to minors during custodial interrogations. In counties without a full-time public defender, the law enforcement agency must ensure the minor is able to consult with a public defender who is under contract with the county. If the minor is not indigent, the public defender's services will terminate at the first court appearance.

Specifies how Miranda rights will be read and questions to ask a minor who is under 18 years of age. Previously, minors aged 13 through 17 could waive Miranda rights without a lawyer. Only children under the age of 13 who were being interrogated for murder or sex offenses were entitled to a lawyer.

The change is intended to prevent false confessions by minors.

[P.A. 99-882](#)

Eff. 1/1/17

- Amends Juvenile Court Act, 705 ILCS 405/5-170, 5-401.5 and 725 ILCS 5/103-2.1

HB 5017 Allows for Immediate Expungement

Rep. Wheeler (R-64); Sen. Raoul (D-13)

A juvenile can immediately petition the court for expungement when he or she is charged with an offense that is dismissed without a finding of delinquency. Under current law, the statute only allows for a petition of expungement when the youth has reached the age of 18.

[P.A. 99-835](#)

Eff. 1/1/17

- Amends Juvenile Court Act, 705 ILCS 405/5-915

CRIME VICTIMS

HB 5472 Crime Victim Compensation

Rep. Gordon-Booth (D-92); Sen. Hutchinson (D-40)

The definition of “witness” in the Rights of Crime Victims and Witness Act now includes “a person who will be called as a witness by the prosecution to establish a necessary nexus between the offender and the violent crime.”

Expands the definition of “victim” in the Crime Victims Compensation Act to include “a person who will be called as a witness by the prosecution to establish a necessary nexus between the offender and the violent crime.”

[P.A. 99-671](#)

Eff. 1/1/17

- Amends 725 ILCS 120/3(b); 740 ILCS 45/2(d)(5.05)

SB 3096 Sexual Assault Incident Procedure Act

Sen. Bennett (D-52); Rep. McAsey (D-85)

This legislation will require best practices for sexual assault cases statewide that encourage survivors to come forward and ensure that justice is being served.

The new law strengthens responses in five key areas:

1. **Policies:** Ensures that law enforcement agencies as well as 911 centers have evidence-based, trauma-informed, victim-centered policies governing responses to sexual assault.
2. **Reports:** Requires law enforcement officers to complete written reports of every sexual assault complaint - regardless of who is reporting the crime and where the crime occurred, including third party reporters with the permission of the victim.
3. **Training:** Requires evidence-based, trauma-informed, victim-centered training on sexual assault for law enforcement investigators, first responders, and 911 operators.
4. **Time:** Extends the time period for victims to consent to the release of their forensic evidence kit for testing to five years after the assault [currently 14 days]. Victims under the age of 18 at the time of the offense will have five years from their 18th birthday to consent to its release.
5. **Transparency:** Allows victims to request the status of their rape kit testing. Requests must be honored unless doing so would compromise or impede an ongoing investigation.

The law goes into effect on January 1, 2017, and it includes deadlines for various provisions, including the newly mandated training of law enforcement officers.

Leadership to Create Change

This groundbreaking legislation was developed over the past year by a Joint Sexual Assault Working Group, led by Illinois Attorney General Lisa Madigan, Cook County State's Attorney Anita Alvarez, St. Clair County State's Attorney Brendan Kelly, and Illinois Coalition Against Sexual Assault (ICASA) Executive Director Polly Poskin

[P.A. 99-801](#)

Eff. 1/1/17

PEOPLE WITH DISABILITIES

SB 2880 Closed Circuit Testimony by Child Victim or Person with a Disability

Sen. Connelly (R-21); Rep. Sandack (R-81)

Expands the use of closed circuit television when the victim is a child or person with a moderate, severe, or profound intellectual disability or person with a developmental disability. Testimony via closed circuit television can also be used in criminal proceedings for aggravated battery and aggravated domestic battery in addition to criminal proceedings for sex crimes.

[P.A. 99-630](#)

Eff. 1/1/17

- Amends 725 ILCS 5/106B-5

SB 3106 Expands Hearsay Exception for People with Disabilities

Sen. Morrison (D-29); Rep. Sims (D-34)

Expands an existing hearsay exception in the Code of Criminal Procedure for “moderately, severely, or profoundly intellectually disabled persons” and children under age 13 who are victims of sex crimes and certain other crimes.

Allows hearsay testimony when the victim is a person with an intellectual disability, a person with a cognitive impairment, or a person with a developmental disability.

Adds definitions to §115-10 for “person with a cognitive impairment,” “person with a developmental disability,” and “person with an intellectual disability.”

Previously, Illinois law only

- applied to individuals with an IQ of 41-55 when the impairment originates before age 18; and
- did not protect all adults with intellectual or developmental disabilities or those who develop a cognitive impairment later in life; and

- did not adequately define or point to statutory definitions for “moderately, severely, or profoundly intellectually disabled persons.”

P.A. 99-752

Eff. 1/1/17

- Amends 725 ILCS 5/115-10

SB 2610 Creates New Licensure System for Large Campus Facilities

Sen. Mulroe (D-10); Rep. Durkin (R-82)

Creates a new licensure system for a select few service providers that operate large, segregated campus facilities for people with developmental disabilities.

These so-called “continuum of care” facilities will operate under a single license that will enable them to move individuals in and out of different types/levels of services at their discretion. The services will be primarily provided “on campus.” While CILA services may be included, they must be provided in close proximity to the campus.

Equip for Equality, Access Living, and other advocates for people with disabilities strongly opposed the legislation. The U.S. Supreme Court has ruled, and the American Disabilities Act mandates, that people with disabilities be serviced in the most integrated setting appropriate to meet their needs. www.accessliving.org

P.A. 99-892

Eff. 1/1/17

- Amends 725 ILCS 120/3(b); 740 ILCS 45/2(d)(5.05)

PROSTITUTION / TRAFFICKING

SB 2286 Human Trafficking Resource Center Notice Act Amendments

Sen. Morrison (D-29); Rep. Breen (R-48)

Hotels and motels are added to the list of places where a notice containing information about human trafficking and the national hotline number must be posted.

Human Trafficking Notice

P.A. 99-565

Eff. 7/1/17

- Amends 775 ILCS 50/5, 50/15

SB 3007 Human Trafficking Victims Can Access State-Funded Services

Sen. Collins (D-16); Rep. Hernandez (D-24)

- Heartland Alliance and Shriver Center initiative

Immigrant survivors of crimes including human trafficking, involuntary servitude, involuntary sexual servitude of a minor, and torture can receive state-funded assistance, including help with food, cash assistance, and health care for up to one year while preparing their visa applications.

Human trafficking victims can receive employment authorization and federal benefits, but only after they have received a visa or after asylum has been granted.

Health benefits and TANF (Temporary Assistance for Needy Families), and SNAP (Supplemental Nutrition Assistance Program) will be available to immigrant survivors who meet income eligibility requirements beginning January 1, 2018.

Rape crisis centers, trafficking, DV programs and other professionals can provide documentation that applicants for cash assistance or SNAP benefits have sought assistance in dealing with the crime.

[P.A. 99-870](#)

Eff. 8/22/16

- 305 ILCS 5/2-19 (new), 5/16-1 thru 16-5 (new)

HB 2822 Human Trafficking Task Force Act

Rep. Jesiel (R-61); Sen. McConnaughay (R-33)

A Human Trafficking Task Force is created to address human trafficking in Illinois. The task force will consist of

- 3 members of the House of Representatives appointed by the Speaker of the House
- 3 members of the House of Representatives appointed by the House Minority Leader
- 3 members of the Senate appointed by the Senate President
- 3 members of the Senate appointed by the Senate Minority Leader
- one representative of the Chicago Regional Human Trafficking Task Force, appointed by the Governor; and
- the Director of the Department of State Police, or his or her designee.

The Task Force will conduct a study on Human Trafficking in Illinois and hold hearings with a goal of:

- developing a plan to address human trafficking;
- implementing a system to share trafficking data between government agencies while protecting the privacy of victims;

- establishing policies to allow state agencies to work with private agencies to prevent human trafficking and provide assistance to victims;
- evaluating ways to increase public awareness;
- developing methods to protect the rights of victims;
- evaluating the need of treating victims as victims rather than criminal; and
- developing ways to promote the safety of victims.

The task force will report its findings and recommendations to the General Assembly on or before June 30, 2017.

[P.A. 99-864](#)

Eff. 8/22/16

DOMESTIC VIOLENCE/PROTECTIVE ORDERS

HB 4264 Domestic Violence and Sexual Assault Awareness Education for Licensed Cosmetologists, Estheticians, Hair braiders, and Nail Technicians

Rep. Hurley (D-35); Sen. Cunningham (D-18)

- Chicago No More initiative

Anyone licensed as a cosmetologist, esthetician, hair braider, or nail technician must undergo one hour of training on domestic violence and sexual assault as part of continuing education when they renew their licenses the first time.

The Department of Financial and Professional Regulation (Department) must approve trainers, but those who completed the training at a March 12 – 15, 2016, conference in Chicago will receive credit for the training.

For every subsequent license renewal, one hour of the continuing education may include domestic violence and sexual assault awareness education as prescribed by rule by the Department.

[P.A. 99-766](#)

Eff. 1/1/17

- 225 ILCS 410/

HB 5538 Additional Domestic Violence Training for Law Enforcement

Rep. Jesiel (R-61); Sen. Bush (D-31)

Police departments are required (formerly recommended) to coordinate domestic violence response training with service organizations. The new training is intended to prevent further victimization and give officers a better understanding of the psychological aspects of domestic violence.

[P.A. 99-810](#)

Eff. 1/1/17

- Amends 725 ILCS 5/112A-27; 750 ILCS 60/301.1

HB 6109 Pilot Program for Electronic Filing of OPs

Rep. McAuliffe (R-20); Sen. Morrison (D-29)
705 ILCS 5/7.5 (new); 750 ILCS 60/202

The Illinois Supreme Court can adopt rules to establish a pilot program for electronic filing of petitions for temporary orders of protection and the issuance of those orders by audio-visual means. The program is intended to help victims in areas where public transportation is not available and petitioners may suffer an undue hardship or risk of harm by showing up in court. Any pilot program must be developed in consultation with at least one local domestic violence program.

[P.A. 99-718](#)

Eff. 1/1/17

- New 705 ILCS 5/7.5; amends 750 ILCS 60/202

HB 6331 Local Police Can Seize FOID Card of OP Respondent

Rep. Cassidy (D-14); Sen. Cunningham (D-18)

State police must notify local police agencies when a FOID card has been revoked because the card holder is the subject of an OP so that local police can assist with seizure of the card.

Previously, only State Police could seize the card.

[P.A. 99-787](#)

Eff. 1/1/17

- Amends 430 ILCS 65/4, 65/8, 65/9, 65/9.5; repeals 430 ILCS 65/8.2

DCFS REFORM

Executive

Order Youth in Care

All references to “ward of the state” or “ward of the Department” within the child welfare system will be changed to “youth in care”

Former DCFS wards met with the Governor and expressed that the term “ward” becomes a label that distinguishes them from other children.

[Executive Order 2016-10](#)

Eff. August 19, 2016

HB 5665 Children in the Care and Custody of DCFS Can Participate in Extracurricular Activities

Rep. Winger (R-45); Sen. Radogno (R-41)

Children who are in the care and custody of the Department of Children and Family Services are entitled to participate to the fullest extent in extracurricular, enrichment, cultural and social activities in their communities.

A child’s caregiver can approve a child’s extracurricular activities using a “reasonable and prudent parent standard” without prior approval of DCFS, the caseworker, or the court.

[P.A. 99-839](#)

Eff. 8/19/16

- New 20 ILCS 505/7.3a

HB 4996 DCFS Liaison

Rep. Welch (D-7); Sen. Lightford (D-4)

Every school board may appoint a school employee to serve as a liaison between DCFS and the school to facilitate the enrollment and transfer of records of students who are youth in care.

School boards are encouraged to appoint liaisons who have worked with kids in foster care and who have counseling experience and are familiar with enrollment and transfer procedures and with community services and support services.

[P.A. 99-781](#)

Eff. 8/12/16

- New 105 ILCS 5/10-20.58, 5/34-18.50 (new)

HB 5551 Expands Definition of “Fictive Kin”

Rep. Williams (D-11); Sen. Raoul (D-13)

Expands who can be considered the “fictive kin” of a child in foster care. “A “fictive kin” was defined beginning January 1, 2015, as “any individual, unrelated by birth or marriage, who is shown to have close personal or emotional ties with the child or the child's family prior to the child's placement with the individual.” “Fictive kin” now include the current foster parent of the child if the child has been the foster home for at least a year and has established a significant and “family like” relationship.

[P.A. 99-836](#)

Eff. 1/1/17

- Amends 20 ILCS 505/7

SB 2512 Living Adult Relatives Finder
Sen. Steans (D-7); Rep. Breen (R-48)

When a child is placed in the temporary custody of DCFS, the judge must ask each parent, guardian, custodian, or responsible relative for all known names, addresses, and telephone numbers of each of the minor's living maternal and paternal adult relatives. The judge will also tell those persons to inform DCFS if additional information regarding the minor's adult relatives becomes available.

The bill is an initiative to bring DCFS into compliance with federal law.

[P.A. 99-625](#) Eff. 1/1/17
• Amends 705 ILCS 405/2-10

HB 5656 Grandparent Visitation
Rep. Hammond (R-93); Sen. Althoff (R-32)

DCFS must make reasonable efforts to provide visitation privileges to the non-custodial grandparent or great-grandparent of a child who is in the care and custody of DCFS. The visitation is separate and apart from any visitation privileges of a child's parent. DCFS must determine whether visitation is in the child's best interest and consider several additional factors.

[P.A. 99-838](#) Eff. 1/1/17
• New 20 ILCS 505/35.9; amends 20 ILCS 505/35.8

HB 4327 Active Duty Military Can Appoint Short-Term Guardian
Rep. Bellock (R-47); Sen. Althoff (R-32)

A parent or guardian who is called to active military duty can appoint a short-term guardian for a minor. The appointment cannot be longer than the term of active duty plus 30 days, up to 365 days.

This is a short-form guardianship specifically crafted for service members who are called to active duty. As with other short-form guardianships, active duty members of the military do not need to go to court or have the form notarized.

[P.A. 99-599](#) Eff. 1/1/17
• 755 ILCS 45/Art. I-A (new)

HB 4425 DCFS Must Notify Department of Defense Family Advocacy Program of Abuse

Rep. Pritchard (R-70); Sen. Barickman (R-53)

Adds a section to the Abused and Neglected Child Reporting Act that requires DCFS to notify the nearest Department of Defense Family Advocacy Program if the alleged perpetrator is the parent or guardian of the abused child and the offender is a service member. If the alleged offender is a member of the Illinois National Guard, DCFS will also notify the Office of the Adjutant General that there is an allegation of abuse or neglect against the service member.

[P.A. 99-638](#)

Eff. 1/1/17

- New 325 ILCS 5/4.4b

HB 114 Department of Juvenile Justice Must Notify Court of Critical Incidents

Rep. Flowers (D-31), Sen. Delgado (D-2)

The Department of Juvenile Justice must notify the court in writing when a critical incident involving a youth committed to detention occurs. “Critical incidents” include:

- an accident or suicide attempt that results in serious bodily harm or hospitalization;
- alleged or suspected abuse; or
- escape or attempted escape from custody.

[P.A. 99-664](#)

Eff. 1/1/17

- Amends 705 ILCS 405/5-745

HB 4966 Quality of Care Concerns Applicant

Rep. Wallace (D-67); Sen. Hunter (D-3)

DCFS must conduct a thorough review and take into consideration past performance of a foster home before renewing a license. If a foster home has had its license revoked or given up for quality of care concerns, applicants must wait five years, rather than one year, before applying for a new license. DCFS is instructed to presume that these homes are unsuitable if they reapply after the wait period.

Appointed attorneys or guardians of a child in foster care can access records on a foster home, including investigation documents, complaints and licensing records.

[P.A. 99-779](#)

Eff. 1/1/17

- New 225 ILCS 10/2.22a, amends 225 ILCS 10/4 - 10-7

EDUCATION

HB 4360 Gives Schools Discretion to Hire Applicants with Certain Criminal Convictions

Rep. Cassidy (D-14); Sen. Van Pelt (D-5)

Removes the life-time bars for men and women with controlled substances convictions.

Replaces the life-time bar against people with non-violent, non-sex related offenses with a 7-year restriction after completion of sentence.

Enables discretionary review of misdemeanor cannabis, prostitution, and public indecency charges.

[P.A. 99-667](#)

Eff. 7/29/16

- Amends 105 ILCS 5/10-21.9, 21B-15, 21B-80, 34-18.5

SB 2839 Sanctions for Campus Sexual Assault

Sen. Silverstein (D-8); Rep. Fine (D-17)

Amends the Preventing Sexual Violence in Higher Education Act to clarify the range of sanctions a higher education institution may impose when a student sexually assaults another student.

Each institution's comprehensive policy must include a range of sanctions that may include, but are not limited to:

- suspension
- expulsion,
- or removal

if the student is found to have violated the school's comprehensive policy after complaint resolution procedures.

[P.A. 99-741](#)

Eff. 8/5/16

- New 110 ILCS 805/3-42.4

HEALTHCARE

HB 5576 No Insurance Deductible, Coinsurance, Copayment or Cost-Sharing for Birth Control

Rep. Nekritz (D-57), Rep. Mussman (D-56); Sen. Hutchinson (D-40)

- Planned Parenthood of Illinois initiative

Insurance plans must

- cover the type of birth control prescribed by doctors if it's medically necessary;
- pay for dispensing birth control for up to 12 months at one time; and
- cover all FDA- approved contraceptive drugs, devices, and supplies without requiring the insured to share in the cost.

Includes all FDA approved over-the-counter contraceptives, excluding male condoms but including emergency contraception. Anyone who has insurance will be able to obtain EC at no cost without a prescription.

[P.A. 99-672](#)

Eff. 1/1/17

- Amends 215 ILCS 5/356z.4

SB 1564 Amends Healthcare Right of Conscience Act

Sen. Biss (D-9); Rep. Gabel (D-18)

- ACLU of Illinois initiative

Health care facilities must adopt written access to care and information protocols that ensure that conscience-based objections do not “cause impairment” of a patient’s health.

Protocols must ensure the patient is:

- informed of treatment options in a timely manner;
- able to receive those services from someone else in the facility or be given written referrals to other providers; and
- able to obtain copies of medical records or have them sent to another provider without undue delay.

[P.A. 99-690](#)

Eff. 1/1/17

- 745 ILCS 70/6.1, 70/6.2 (new); amends 745 ILCS 70/2, 70/3, 70/6, 70/9

SB 2746 No Tampon Tax
Sen. Bush (D-31); Rep. Guzzardi (D-39)

Beginning January 1, 2017, feminine hygiene products will no longer be taxed in Illinois. Planned Parenthood of Illinois initiated the legislation because the products are basic necessities. Taxing them is unfair and expensive, and is taxing women for being women.

[P.A. 99-855](#)

Eff. 8/19/16

SB 42 Healthcare Worker License Revocation
Sen. Martinez (D-20); Rep. Lilly (D-78)

Adds conviction for involuntary sexual servitude of a minor to the list of offenses for which a healthcare license can be permanently revoked.

Removes the life-time licensure bans for forcible felonies other than sex offenses and allows the Illinois Department of Professional and Financial Regulation to use a review process. The healthcare worker can petition IDFPR to have his or her license restored 5 years after the conviction or 3 years after release from prison.

[P.A. 99-886](#)

Eff. 1/1/17

- Amends 20 ILCS 2105/2105-16

EMPLOYMENT LAW

HB 4036 Victims' Economic Security and Safety Act (VESSA)
Rep. Lilly (D-78); Sen. Hutchinson (D-40)
Shriver Center on Poverty Law initiative

The Victims' Economic Security and Safety Act (VESSA) has been amended to allow any employee to take unpaid leave when the employee or employee's family or household member is experiencing an incident of domestic violence or sexual violence.

The amendment applies to employees who work for employers with one to 14 employees who have been previously excluded from coverage. This means they are eligible for up to 4 weeks of unpaid, job-guaranteed leave for things like going to court, relocating, and recovery, and are also covered by the nondiscrimination provisions.

Larger employers were already required to give up to 8 weeks (15 to 49 employees) or up to 12 weeks (50 or more employees) of unpaid leave per year.

Survivors can choose to use vacation or sick leave towards the maximum amount of time off or can choose to take unpaid leave instead. The law applies to all Illinois workers including domestic workers. There are no restrictions around immigration status or how an employee is paid, but enforcement may be more difficult if a worker is undocumented or is paid in cash.

[P.A. 99-765](#)

Eff. 1/1/17

- Amends 820 ILCS 180/10, 180/20

HB 6162 Employee Sick Leave Act

Rep. Skoog (D-76); Sen. Collins (D-16)

Employees can use personal sick time to care for the employee's child, spouse, sibling, parent, mother-in-law, father-in-law, grandchild, grandparent or stepparent.

Employers cannot deny employees the right to use sick time to care for family members and cannot retaliate against them for doing so. Employers can limit the amount of sick leave that can be used to care for family members to no less than 6 months of accrued sick time.

- [P.A. 99-841](#)

Eff. 1/1/17

SB 2332 Rules for Licensed Social Workers

Sen. Biss (D-9); Rep. Nekritz (D-57)

- National Association of Social Workers Illinois Chapter Initiative

The Department of Healthcare and Family Services must adopt rules for the legally recognized services of persons licensed under other laws of this State as a clinical social worker. The rules must be adopted by the end of March, 2017.

The rules are intended to allow licensed clinical social workers (LCSWs) in all settings to bill Medicaid.

[P.A. 99-621](#)

Eff. 1/1/17

- 305 ILCS 5/5-8

SB 2613 Child Bereavement Leave Act

Sen. Bertino-Tarrant (D-49); Rep. Manley (D-98)

30 ILCS 105/5.875 new

Any employee can take up to 10 work days of unpaid leave and/or accrued paid time off to make arrangements for and attend funeral or memorial services for the employee's child; and grieve the death of the child.

Bereavement leave must be completed within 60 days of when the employee is notified of the death of the child.

Employers are prohibited from penalizing employees for exercising their rights under the Act.

The Department of Labor will administer and enforce the Act and may impose civil penalties for violations.

P.A. 99-703

Eff. 7/29/16

- New 30 ILCS 105/5.875

HB 4999 Right to Privacy in the Workplace Act Expanded and Clarified

Sen. Guzzardi (D-39); Rep. Connelly (R-21)

Employers were already prohibited from requiring applicants/employees to provide user names and passwords so the employer could access their “social media accounts.”

The prohibition is extended to include all “personal online accounts” (which is defined as all “online accounts” “used by a person primarily for their personal purposes.”)

The amendments also prohibit employers from:

- requiring an employee to access the account in front of the employer; and
- requiring the employee to “friend” or invite the employer to access or join the personal online account; and
- retaliating against an employee for refusing to share this information.

The amendments also provide guidance on how employers can conduct workplace investigations without violating the law.

P.A. 99-610

Eff. 1/1/17

- Amends 820 ILCS 55/10

SEX OFFENDER MANAGEMENT

HB 5572 Creates the Sex Offenses and Sex Offender Registration Task Force

Rep. Sims (D-34); Sen. Raoul (D-13)

Creates the Sex Offenses and Sex Offender Registration Task Force, which is intended to assess whether sex offenders should be classified by the type of risk they pose.

The Task Force will

- examine current offenses that require sex offender registration; and
- hold public hearings to hear testimony from the public and recommend legislative changes.

The Task Force will include, among others, representatives from the General Assembly, Juvenile Justice, Corrections, the Illinois Criminal Justice Information Authority, researchers, law enforcement, treatment providers, representatives of convicted sex offenders, and ICASA.

The Task Force will submit a written report to the General Assembly by January 1, 2018.

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