



2022 Illinois Legislative Update

Illinois Coalition Against Sexual Assault

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Legislative Information

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LEGISLATION

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2022 Legislative Session: Key Bills

Topic Areas

- Criminal Law
- Protective Orders
- Schools and Youth
- SASETA
- Anti-Oppression
- Employment

CRIMINAL LAW



SAFE-T Act Amendment

- **HB 1095**
- Public Act 102-1104
- Effective Date: December 6, 2022
Some provisions January 1, 2023
- Primary Sponsors: Rep. Justin Slaughter (D-27)
Sen. Robert Peters (D-13)

HB 1095

- Changes threat to safety language for denial of pre-trial release
- Adds definition of “protective order” and changes definition of “willful flight”
- Creates Public Defender Grant Program
- Clarifies when virtual appearance allowed
- Adds summons option
- Removes certain conditions of release
- Adds no contact condition when detained

Considerations for Denial of Pretrial Release

- Must be a hearing
- Charge eligible for denial of release
- Prosecutor has burden of proof by clear and convincing evidence
- Defendant “presents a real and present threat to the safety of any person or persons or the community, based on specific articulable facts of the case”
- No condition or combination of conditions can reasonably meet goals

Factors to Consider

- Nature and circumstances of the offense charged
- Weight of the evidence
- History & characteristics of defendant
- Nature and seriousness of the real and present threat to the safety of any person or persons or community
- Nature and seriousness of the risk of obstructing justice

Charges with Additional Considerations

- Violation of protective order, domestic battery, kidnapping, unlawful restraint, cyberstalking, harassment, attempt to commit 1st degree murder of spouse or partner
- Stalking

2nd Offense While on Release

- Defendant released pretrial for felony, Class A misdemeanor, or a criminal offense against a victim who is a family or household member who is charged with a second such offense while on release must appear before the court and may not be released prior to a court appearance

No Contact When Release Denied

- Clarifies that court may impose a no contact provision with the victim or other interested party when a defendant is denied pretrial release, which shall be enforced while the defendant remains in custody

Violation of Protective Order

- Court may order defendant charged with violating a protective order placed under electronic surveillance as a condition of pretrial release
- State shall file verified petition seeking revocation of pretrial release when Defendant is charged with violation of a protective order against the victim of the current underlying matter

**Adds
“Protective
Order”
Definition**

- Order of Protection under Section 112A-14 of Criminal Code or DVA
- CNCO under the CNCO Act
- SNCO under the SNCO Act
- Not listed: criminal CNCO or SNCO under 112A

Changes “Willful flight” Definition

- “intentional conduct with a purpose to thwart the judicial process to avoid prosecution”
- Isolated instances of nonappearance alone not evidence of risk of flight
- Reoccurrence, patterns, and affirmative steps to remedy may be considered as factors in assessing future intent to evade prosecution

Victim's Right to be Present

- Amended the RCVWA to clarify that victims have a right to notice and to be present at pre-trial release hearings
- Removed Section 109-1 hearings from the list of proceedings not considered “court proceedings” for purposes of the victim's right to be present

Compel Victim to be Witness in Pretrial Hearing

- Must petition Court for permission
- Court may compel the victim and shall state reasons on the record
- Clarifies it is only on the issue of the defendant's pretrial detention
- State must give defendant copies of criminal history record and any written or recorded statements and substance of oral statements in State's Attorney's possession at time of hearing

Conditions Deleted

- Prohibition on doing drugs
- Addiction treatment
- Work or training
- Support dependents
- Attend school
- Curfew
- Be in the custody of a person or organization for supervised release

Charges Prior to 1/1/2023

- Out on bail: remain on pretrial release with terms of original bail bond
- Allowed bail, but still detained: entitled to a pretrial release hearing
- Detained without bail: entitled to a hearing, timing depends on offense charged: 7 days to 90 days

HB 4593

- Removes Affirmative Defense:

“It is an affirmative defense to a charge of solicitation of a sexual act with a person who is under the age of 18 or who is a person with a severe or profound intellectual disability that the accused reasonably believed the person was of the age of 18 years or over or was not a person with a severe or profound intellectual disability at the time of the act giving rise to the charge.”

HB 4736

- Creates Crime Reduction Task Force
 - Representative of Crime Survivors
 - Representative of Domestic Violence Survivors
- Homicide Investigator Training must include instruction on victim-centered, trauma-informed investigation, starting 7/1/2023
- New ICJIA grant program for tiplines
- Establishes Co-Responder Pilot Program
- Modifies Violent Crime Victim Protection Program

Co-Responder Pilot Program

- Police Departments Co-Responder Units
 - East St. Louis
 - Peoria
 - Springfield
 - Waukegan
- Units will have licensed clinical social workers or licensed social workers
- Primary focus is victim assistance

Co-Responder Unit Duties

- Resource for victims/network with social services for wrap-around services
- Community presentations
- Diversion efforts/therapeutic intervention
- Facilitate follow-up treatment/referral
- Protect interests, confidentiality, civil rights
- Consult on cases, as needed

Social Workers Help to Victims

- Review police reports to identify victims and contact to offer services and referrals
- Assist with filing police reports
- Safety planning
- Crisis counseling
- Home visits (police back-up, as needed)
- Assist with OPs
- Facilitate court advocacy/transportation
- Status updates on case
- Personal advocacy

Social Workers: Case Types

- Adult Investigations
 - Work with DV investigators
 - Assist victims with safe housing
 - Work with child victims/witnesses
 - Assist with setting up counseling
- Juvenile Investigations
 - Habitual runaways
 - Domestic disturbances
 - Resources for school help/transportation
 - Services for arrested juveniles and juvenile victims

Training & Confidentiality

- Required Training:
 - Crisis Intervention
 - Integrating communication, assessment, and tactics for persons experiencing crisis
 - Scenario-based exercises, lecture, case study
- Nothing shall impair or limit confidentiality otherwise protected by law
- No adverse employment action against social worker acting to protect privileged or confidential communications

Violent Crime Witness Protection Act

- Expands beyond “gang crime” to all “violent crime” as defined in RCVWA
- Financial assistance for victims and witnesses aiding prosecution or “at risk of a discernible threat of violent crime”
- Grants can cover:
 - Emergency living costs, rent
 - Utilities
 - Security deposits for rent and utilities
 - Moving, relocation, transition expenses
 - Mental health treatment
 - Lost wage assistance

Who Can Apply?

- State's Attorneys in counties that fund 25% of the costs (unless waived by ICJIA)
- Local law enforcement to establish local violent crime witness protection programs
- **Contingent upon appropriations**
- Starts January 1, 2023

HB 5441

“Unable to give knowing consent’ also includes when the victim has taken an intoxicating substance or any controlled substance causing the victim to become unconscious of the nature of the act, and this condition was known or reasonably should have been known by the accused, but the accused did not provide or administer the intoxicating substance.”

SB 2942

- Court may exclude persons from courtroom during testimony by victims of major sex offenses who were under 18 at the time of the offense, regardless of their age at the time of the testimony
- When showing videos, photographs, or any depiction of a minor engaged in a sex act, Court may exclude observers
- Court must find those excluded do not have direct interest and enter findings and the basis into record
- Cannot exclude the media

No Sex Offenders at the Fair

- **SB 3019**
- Public Act 102-0997
- Effective Date: Jan. 1, 2023
- Primary Sponsors: Sen. Doris Turner (D-48)
Rep. Sue Scherer (D-96)

SB 3019

- Amends Criminal Code: “It is unlawful for a child sex offender to knowingly operate, manage, be employed by, or be associated with any carnival, amusement enterprise, or county or State fair when persons under the age of 18 are present.”
- Class 4 felony

Corrections Contact Person

- **SB 3180**
- Public Act 102-1082
- Effective Date: June 10, 2022
- Primary Sponsors: Sen. Laura Fine (D-9)
Rep. Robyn Gabel (D-18)

SB 3180

- DOC must post a notice at each facility of the “point of contact” to receive suggestions, complaints, requests from visitors and public
- Point of contact must maintain information about each matter submitted
- DOC must publish annual written report summarizing activities resulting from submissions
- PII will be redacted and not subject to FOIA



PROTECTIVE ORDER LAWS

SB 3157

- Petitions, orders, and files are not public when petition filed or order granted for:
 - Emergency SNCO
 - Emergency CNCO
- Petitions, orders, and files are not public when Emergency DVOP order is granted*
- Accessible to court, law enforcement, petitioner, victim advocate, counsel for either party, and State's Attorney
- Not publicly available until petition or order are served on respondent

Remote Protective Order Hearing

- **SB 3667**
- Public Act 102-0853
- Effective Date: January 1, 2023
- Primary Sponsors: Sen. Steve Stadelman (D-34)
Rep. Maurice West (D-67)

SB 3667

- Allows filing a petition for a criminal protective order (112A order), SNCO, CNCO, or DVOP in-person or online
- Requires courts in counties with 250,000+ populations to offer option of remote hearing
- Courts must issue and publish an order or local rule detailing process for requesting and participating in remote court appearances and post it on court's website and on signs in the courthouse, including in the clerk's office
- Courts may grant or deny petitioner's request

The background of the image shows a group of people, likely students in a classroom, with their hands raised. The image is partially obscured by a large, semi-transparent teal rectangle on the left side. The text 'SCHOOLS & YOUTH' is overlaid on this teal area in a bold, black, sans-serif font.

SCHOOLS & YOUTH

HB 4316

- Notify parents and guardians in writing as soon as possible about credible school staff sexual misconduct allegations
- Criminal history records checks and Statewide Sex Offender database checks on all new hires
- Requires public and nonpublic schools, and school contractors to conduct employment history reviews for all new hires

Student Notification

- Students will be informed in a developmentally appropriate manner and in advance of their parent or guardian about what information will be shared
- If a student is at least 18 years old or emancipated, their parent or guardian will not be notified
- School districts must adopt and implement a policy ensuring all information concerning a student's status remains confidential
- Information about supportive services, and school and community resources will be shared with student survivors of sexual misconduct

HB 4690

- Teachers or principals accused of corporal punishment, physical abuse, grooming or sexual misconduct may not pause pre-hearing procedures or a hearing
- Resumes previously paused pre-hearing or hearing procedures and requirements
- All parties must proceed with the selection of a hearing officer and a hearing date

Hearing Timelines

- All timelines are reset to begin day after effective date - April 22, 2022
- Pre-hearing and hearing timelines may be mutually agreed upon or waived in writing by all parties
- Hearings required to commence within 75 days and conclude within 120 days after selecting a hearing officer
- Hearing officer has 30 calendar days to submit report of findings and a recommendation
- School board has 45 days after receiving hearing officer's report to decide what action to take

New Mandated Reporters

- **SB 3833**
- Public Act 102-0861
- Effective Date: January 1, 2023
- Primary Sponsors: Sen. Rachelle Crowe (D-56)
Rep. Katie Stuart (D-112)

SB 3833

Adds the following professionals:

- Physical therapists
- Physical therapy assistants
- Occupational therapists
- Occupational therapy assistants
- Athletic trainers

Training Requirements

- Medical personnel who work with children must complete a mandated reporter training every 6 years
- Athletic trainers who work with a recreation or athletic program must repeat the training every 3 years

Student Confidential Reporting Act

- **SB 3936**
- Public Act 102-0752
- Effective Date: January 1, 2023
- Primary Sponsors: Sen. Elgie R. Sims Jr. (D-17)
Rep. Justin Slaughter (D-27)

SB 3936

- Builds on Safe2Help Illinois Program
- ISP will work collaboratively with other state agencies to implement the program
- Help prevent violence at schools
- Identify individuals struggling with mental health issues who are/have considered attacking students, school personnel or others

Safe2Help Illinois

- 24 hours a day, 365 days a year
- Statewide toll-free number: 844-4-SAFEIL
- Text line: SAFE2 (72332)
- Website: safe2helpil.com
- Email: HELP@Safe2HelpIL.com

Program Details

- ISP will administer the program and ensure personnel and call center staff are appropriately trained in:
 - Crisis management, including recognizing mental illness and emotional disturbance
 - Mental health and other human services resources training
 - Handling of criminal intelligence information regarding data collection, storage, and dissemination

Reporting and Confidentiality

- Program will be responsible for directing reports and information, including an analysis of the any potential threat determined appropriate by ISP, to local law enforcement and school officials
- Juvenile law enforcement records disclosed to school officials only if ISP believes there is an imminent threat of physical harm to students, school personnel or others
- “Any report or information submitted to the program...is confidential and may not be released except as otherwise provided in the Act, or in the Juvenile Court Act of 1987, and is not subject to disclosure under the Freedom of Information Act.”

SASETA



SASETA Amendments

- **SB 3023**
- Public Act 102-1097
- Effective Date: Some provisions June 16, 2022;
Most provisions January 1, 2023
- Primary Sponsors: Sen. Julie Morrison (D-29)
Rep. Kelly Cassidy (D-14)

SB 3023

- Extends time for follow-up healthcare voucher
- Opt-out of billing insurance for survivors with non-primary policies
- Additional AFQHC Requirements
- Changes to Task Force

Follow-up Healthcare

- “Follow-up healthcare” means healthcare within 180 days (instead of 90 days) of medical forensic services
- Extends time to use voucher
- Effective January 1, 2023

Insurance Opt-out

- Sexual assault survivor who is not primary policyholder for health insurance may opt out of billing private insurance
- When survivor opts out, bill is sent to DHFS Sexual Assault Emergency Treatment Program for reimbursement
- Effective January 1, 2023

AFQHC Pilot Program

- IDPH may approve no more than 6 FQHCs; must be geographically diverse
- Medical forensic services (MFS) must be available on-site during hours of operation and be provided by a QMP, starting within 90 minutes of patient presenting
- Must notify MOU rape crisis center immediately if MFS not available during regular hours or if Treatment Plan is terminated
- If Treatment Plan was terminated, must submit new plan listing QMPs for approval

AFQHC Additional Requirements

- AFQHCs must employ a SANE Coordinator and a Medical Director who are QMPs
- 2-Hour Training required for non-QMPs providing clinical services to sexual assault survivors
- Must report each transfer to IDPH within 24 hours, including reason for transfer
- Prohibits AFQHCs from billing sexual assault survivors directly for medical forensic services
- Sign must provide local rape crisis center name and hotline number

Task Force Changes

- Adds a member representing AFQHCs, appointed by IDPH
- The report shall also cover the impact of MFS at AFQHCs on sexual assault survivors
- Report deadline extended to 1/1/2024
- Task Force repeal delayed to 1/1/2025

HB 4700

- New rate of at least \$1,000 for medical forensic services required under SASETA to be reimbursed by the DHFS Illinois Sexual Assault Emergency Treatment Program or Medicaid
- Reimbursement for patients who:
 - are not eligible for Illinois Public Aid benefits
 - are not covered by health insurance or
 - opt out of billing private insurance
- Services provided on or after July 1, 2022

ANTI- OPPRESSION



HB 3988

- Examine systemic causes of violence experienced by Chicago women and girls
- Analyze current institutional responses to create effective policy solutions
- Explore methods for tracking and collecting data on the rates of violence, and missing and murdered Chicago women and girls
- Investigate and prosecute crimes of gender-related violence against Chicago residents
- Issue first annual report by December 31, 2024

HB 4645

- Equity and Representation in Health Care Workforce Repayment Program
- Equity and Representation in Health Care Workforce Scholarship Program
- Health care professionals, behavioral health providers, and medical facilities can apply
- IDPH will create and administer the programs

SB 3616

- The CROWN Act expands IHRA's definition of "race" to include "traits associated with race, including, but not limited to, hair texture and protective hairstyles such as braids, locks, and twists."
- Prohibits employers from discriminating against employees because of race-based hairstyles and hair textures
- Applies to all areas covered by the IHRA, including housing, public accommodations, education, and real estate transactions

Bias-Free Child Removal Pilot Program

- **SB 3720**
- Public Act 102-1087
- Effective Date: June 10, 2022
- Primary Sponsors: Sen. Karina Villa (D-25)
Rep. Carol Ammons (D-103)

SB 3720

- DCFS to establish a Bias-Free Child Removal:
 - Steering Committee
 - Pilot Program
 - Case Review Team
 - Advisory Board
- Required to submit annual reports to General Assembly beginning January 1, 2025, detailing program's impact on removal rates of minority children
- Pilot Program offices will be based in Champaign, DuPage, and Williamson Counties

Removes “Alien” from All Statutes

- **SB 3865**
- Public Act 102-1030
- Effective Date: May 27, 2022
- Primary Sponsors: Sen. Mike Simmons (D-7)
Rep. Dagmara Avelar (D-85)

SB 3865

- Removes the term “alien” from all Illinois statutory provisions
- Adds the definition of “Noncitizen”
 - “a person who is not a citizen of the United States, but is a person who is a foreign-born person who lives in the United States, has not been naturalized, and is still a citizen of a foreign country”

Commissions

- **HB 4070**: Creates the Illinois Indian American Advisory Council Act
 - Focus on policy issues impacting Indian Americans and immigrants and advance their role and civic participation in Illinois
- **SB 3490**: Creates the Commission on LGBTQ+ Aging
 - Examine state and local laws, policies and regulations affecting LGBTQ older adults and those older adults living with HIV. Make recommendations to improve access to services, benefits, care, and treatment



EMPLOYMENT LAW

Human Services Loan Repayment

- **SB 3925**
- Public Act 102-1089
- Effective Date: January 1, 2023
- Primary Sponsors: Sen. Laura Fine (D-9)
Rep. Lamont J. Robinson, Jr. (D-5)

SB 3925

- Grant program for repayment of education loans taken out to attend accredited college or universities by **Human Services Professionals**
 - Employed by human services agency that contracts with or is grant-funded by a State agency to provide direct or indirect services
- **Each year funds are appropriated** the Illinois Student Assistance Commission shall receive and consider applications

Eligibility

- Resident of Illinois
- Worked full-time for at least 24 consecutive months as a human services professional in a community-based agency with a State contract
- Borrower with outstanding balance due on an educational loan
- Not defaulted on an educational loan
- Full-time human services professional at same agency for 12 months after grant

Maximum Annual Awards

- \$25,000 for master's degree or higher
- \$15,000 for bachelor's degree
- \$3,000 for associate degree
- Up to \$5,000 additional for licensed:
 - Clinical social worker
 - Clinical professional counselor
 - Practitioner of the healing arts
 - Marriage and family therapist
 - Board-certified behavior analyst or registered behavior technician
- Maximum of 4 years

Other New Laws of Note

- **SB 3120**: Family Bereavement Leave Act
 - Up to 10 work days unpaid leave for miscarriage, failure of IVF, unsuccessful adoption, or death of employee's child, stepchild, spouse, domestic partner, sibling, parent, grandchild, grandparent, stepparent or mother or father in-law. Eligibility same as FMLA.
- **SB 3146**: One Day Rest in Seven – Employers must post notice

Questions & Comments

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