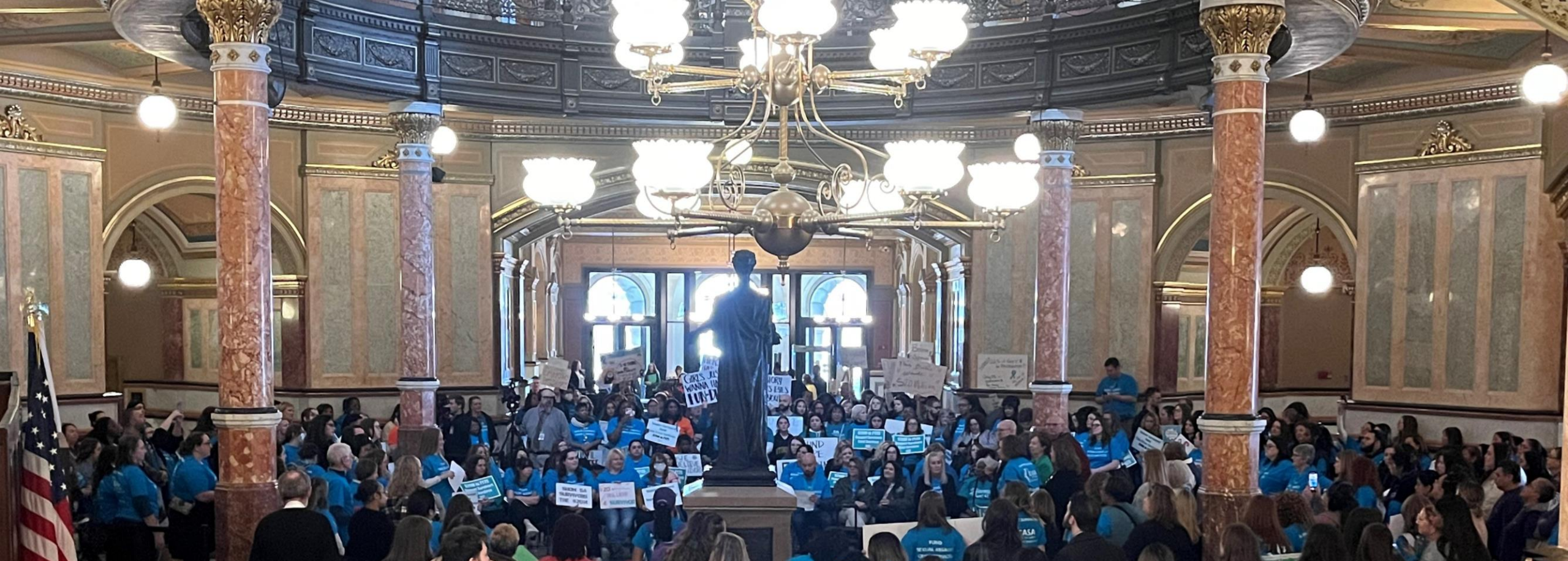
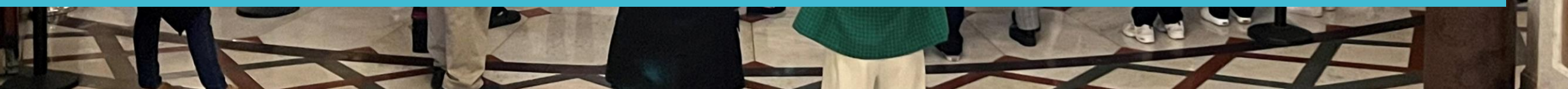




2024 Illinois Legislative Update

Illinois Coalition Against Sexual Assault
December 19, 2024



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Legislative Information

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- Committee Schedules

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Legal Resources
- ICASA Bill Trackers
- Webinars



2024 Legislative Session: Key Bills

Topic Areas

- Budget
- Civil Laws
- Education & Children
- Criminal Laws
- Reproductive & Public Health
- Anti-Oppression

A collage of protest photos featuring various signs and people. A large cyan rectangular overlay covers the center of the image, containing the text "BUDGET WIN!".

BUDGET WIN!

\$20M for Sexual Assault Services

- **SB 251**
- [Public Act 103-0589](#)
- Effective Date: July 1, 2024; some provisions June 5, 2024
- Primary Sponsors: Sen. Elgie Sims, Jr. (D-17)
Rep. Jehan Gordon-Booth (D-92)

A close-up photograph of a wooden gavel resting on a stack of books. The gavel's head is in the foreground, showing its curved shape and wood grain. The handle extends towards the background. A semi-transparent teal rectangle covers the left half of the image, serving as a background for the text.

CIVIL LAWS

SNCOs & Electronic Tracking

- **SB 2683**
- [Public Act 103-0760](#)
- Effective Date: January 1, 2025
- Primary Sponsors: Sen. Steve Stadelman (D-34)
Rep. Dave Vella (D-68)

SB 2683

- Stalking No Contact Order Act
 - “Course of conduct may include using any electronic tracking system or acquiring tracking information to determine the targeted person’s location, movement, or travel patterns”
 - Order may prohibit respondent from using electronic tracking or acquiring tracking information to locate or track petitioner

Summary of Rights for Safer Homes

- **SB 3652**
- [Public Act 103-1031](#)
- Effective Date: January 1, 2026
- Primary Sponsors: Sen. Robert Peters (D-13)
Rep. Theresa Mah (D-24)

SB 3652

- Landlords must:
 - Attach the IDHR summary of rights of tenants who are survivors of domestic or sexual violence as the first page of any written residential lease
 - Obtain the signature of each tenant at the bottom of each page of the summary
 - Provide evidence of compliance by presenting the signed summary

Summary of Rights

- Safe Homes Act
- Eviction Article in the Code of Civil Procedure
- Illinois Human Rights Act
- Public Utilities Act Section 8-201.6
- Illinois Municipal Code and Counties Code ordinances prohibiting penalties against tenants who contact police or emergency services

Penalties

- Failure to provide evidence of tenant's signature creates a rebuttable presumption of non-compliance
- Landlord found in non-compliance is liable to that tenant for the greater of:
 - Tenant's actual damages - \$2,000 max
 - \$100
 - Court costs and attorney's fees

Crime Victims Compensation

- **SB 3713**
- [Public Act 103-1037](#)
- Effective Date: January 1, 2025;
some provisions August 9, 2024
- Primary Sponsors: Sen. Robert Peters (D-13)
Rep. Maurice West, II (D-67)

SB 3713

- Crime Victim Compensation (CVC) Act Revisions:
 - Additional covered victims and crimes
 - More compensable expenses
 - Access to law enforcement records
 - Adds and clarifies alternatives to a law enforcement report
 - Clarifies claims closed because of lack of documentation may be reopened

Additional Covered People

1. Person residing in same dwelling as the victim
2. Grandparent and grandchild of the victim
 - 1 & 2 are limited to compensation for:
 - (1) expenses related to counseling
 - (2) loss of earnings for time off work to provide full time care for the injured victim
 - (3) relocation expenses
3. Person in a dating relationship with person killed may seek CVC only for counseling expenses
4. Individual injured or killed by a law enforcement officer's use of force
5. Victim with felony status and their family

Additional Covered Crimes & Expenses

- Aggravated Battery = Crime of Violence
- Pecuniary Loss includes:
 - Doors
 - Loss of earnings as a direct result of the crime (up to \$2,400 per month)
 - Headstone
 - Cremation
 - Legal fees from proceedings necessary solely because of the crime (up to \$3,500)

Law Enforcement Records

- OAG has the power to subpoena law enforcement records
- Applicant may provide a report to the OAG
- OAG may not disclose records received for the purpose of investigating or processing a CVC application (already exempt from FOIA)
- Juvenile Court Act amended to be clear it does not prohibit law enforcement from disclosing records to OAG to comply with the CVC Act

Alternative Reports & Cooperation

- Notification in lieu of law enforcement report:
 - Obtained a protective order
 - Presented to a medical facility for care or sexual assault evidence collection
 - Presented to a mental health provider for an independent medical evaluation
 - Is engaged in a legal proceeding regarding being a victim of human trafficking or law enforcement use of force

Criminal Responsibility

- Person criminally responsible for the crime or an accomplice shall not be eligible for CVC
- Family members eligible unless the person will receive substantial economic benefit
- A victim's death found to be caused by provocation or incitement by the victim shall not automatically bar survivors of homicide victims from receiving compensation for counseling, crime scene cleanup, relocation, funeral or burial costs or loss of support

Crowdfunding & Collections

- Crowdfunding is not a collateral source of payment and will not impact CVC eligibility or award amounts
- A vendor who violates the CVC Act's prohibitions on debt collection activities may be sued by the affected victim or applicant
- Debt collection activities include calling or writing to victim or applicant or their relatives or employers repeatedly or after an explicit request to cease contact

Private Detective Process Servers

- **HB 4351**
- [Public Act 103-0671](#)
- Effective Date: January 1, 2025
- Primary Sponsors: Rep. Jennifer Gong-Gershowitz (D-17)
Sen. Robert F. Martwick (D-10)

HB 4351

- Removes the restriction on large counties allowing service of process by a licensed or registered private detective
- Requires a \$5 fee to the county sheriff when a summons is served by a private detective in a county of 3 million people or more
- Removes provisions about private detectives being appointed by the court as special process servers

Childhood Sexual Abuse

- [HB 222](#)
- **Not a Public Act – sent to Governor on 12/5**
- Effective Date: Upon being signed by the Governor
- Primary Sponsors: Rep. Curtis Tarver, II (D-25)
Sen. Lakesia Collins (D-5)

HB 222

- Plaintiffs in childhood sexual abuse cases cannot have fault attributed to them
 - Avoids reductions in damages
 - Limits victim-blaming discovery
- If plaintiff proves the defendant committed child sexual abuse, the sexual conduct shall be considered obviously and materially harmful and deemed by the court “per se harmful and traumatic”
 - Need not present additional evidence to prove harm, but may to show extent of harm

The background is a collage of three educational scenes. The top right shows a male teacher with a beard and glasses high-fiving a young student. The middle left shows a student with curly hair writing in a notebook. The bottom right shows a desk with various school supplies like pens, pencils, and a notebook. A large, semi-transparent blue rectangle is overlaid on the left side of the image, containing the text.

EDUCATION & CHILDREN

Child Abuse Notice Act

- **HB 4350**
- [Public Act 103-0813](#)
- Effective Date: January 1, 2025
- Primary Sponsors: Rep. Jed Davis (R-75)
Sen. Sue Rezin (R-38)

HB 4350

- Creates the Child Abuse Notice Act
- Requires certain businesses and establishments to post notices in public places that explain what constitutes physical and sexual abuse and how to report such abuse
 - The notices are to be aimed at children under 18 years of age
- Outlines notice language and size requirements
- Up to \$500 fine for each violation of this Act

Businesses Required to Post Notices

- Hotels and motels
- Entertainment and sporting facilities
- Tattoo and piercing establishments
- Airports
- Intercity rail stations and bus stations
- Truck stops
- Emergency rooms and urgent cares

Child Abuse Mandated Reporting

- **SB 2788**
- [Public Act 103-0624](#)
- Effective Date: January 1, 2025
- Primary Sponsors: Sen. Mary Edly-Allen (D-31)
Rep. Laura Faver Dias (D-62)

SB 2788

- Amends the Abused and Neglected Child Reporting Act (ANCRA)
- Removes the requirement that all reports by mandated reporters be confirmed in writing within 48 hours of any initial report of child abuse or neglect

Family Recovery Plans Task Force

- **SB 3136**
- [Public Act 103-0941](#)
- Effective Date: August 9, 2024;
some provisions January 1, 2025
- Primary Sponsors: Sen. Christina Castro (D-22)
Rep. Mary Beth Canty (D-54)

SB 3136

- Creates the Family Recovery Plans Implementation Task Force Act
- Outlines the duties and operational provisions of the Task Force
- Amends the Adoption Act by removing the rebuttable presumption that a parent is unfit solely based on the presence of controlled substances in a newborn's system at birth

Task Force Duties

- Review models of family recovery plans that have been implemented in other states
- Review research regarding implementation of family recovery plans
- Develop recommendations regarding the implementation of a family recovery plans
- Review and develop recommendations to replace punitive policies with notification policies
- Solicit feedback from advocates and other stakeholders

Child Support Determinations

- **SB 3284: Imputed Income**

- When making determinations regarding potential imputed income, the court shall consider the specific circumstances of a party including the parents' assets, residence, employment and earning history, job skills, education level, literacy, age, health, and criminal record

Legal Guidelines Regarding Education

- **HB 4653: School Employee Civil Liability Exemption**

- Protects trauma-trained school district employees from civil liability in the use of a trauma kit unless the action constitutes willful or wanton misconduct

- **SB 2934: Consent Not a Defense for Hazing**

- In prosecutions for hazing, it is not a valid defense that the person whom the hazing was directed towards consented to the act

Other Childhood Education Updates

- **SB 2824: School Tuition Waiver for Childhood Survivors**
 - Allows a child to stay in their public school without paying tuition when they are removed from their parent or guardian by DCFS as part of a safety plan, if the new caregiver is located in a different school district, and DCFS determines it is in the child's best interest to continue to attend the school

CRIMINAL LAWS

Limit Use of Victim DNA

- **HB 1168**
- [Public Act 103-0792](#)
- Effective Date: January 1, 2025
- Primary Sponsors: Rep. Nabeela Syed (D-51)
Sen. Celina Villanueva (D-12)

HB 1168

- A DNA profile collected from a crime victim shall not be entered into any DNA database used for investigative leads
 - Person must be identified as a victim by law enforcement
 - Only applies to the specific DNA profile collected from the victim in conjunction with that criminal investigation
 - Coroners may still provide samples to ISP

AI Sexual Abuse Images

- **HB 4623**
- [Public Act 103-0825](#)
- Effective Date: January 1, 2025
- Primary Sponsors: Rep. Jennifer Gong-Gershowitz (D-17)
Sen. Mary Edly-Allen (D-31)

HB 4623

- Adds digitally manipulated depictions to the definition of “Child Pornography”
- Creates new criminal offenses:
 - “Obscene depiction of a purported child” (ODPC)
 - “Non-consensual dissemination of sexually explicit digitized depictions”
- Included both for forfeiture of proceeds or property acquired or maintained as a result of the crime
- ODPC included in Bill of Rights for Children for parent impact statements and as a disqualifying crime for school bus driver permits

A.I. Child Pornography

- “‘Child pornography’ includes the depiction of a part of an actual child under the age of 18 who, by manipulation, creation, or modification, appears to be engaged in” sexual activity, masturbation, lewd fondling, or lewd exhibition
- Not including images or materials in which the creator is the sole subject

Obscene Depiction of a Purported Child

- Committed when, with knowledge of the nature of content, a person:
 1. Receives, obtains or accesses, with intent to view, any obscene depiction of a purported child
 - Class 3 felony for 1st offense; Class 2 for subsequent offenses
 - OR
 2. Reproduces, exhibits, disseminates, offers to disseminate, or possesses with intent to disseminate, any obscene depiction of a purported child
 - 2 is Class 1 felony for first offense and Class X for subsequent

Obscene Depiction

- Visual representation of any kind, that the average person would find appeals to the prurient interest
- Depicts in a patently offensive way sexual acts or sadomasochistic sexual acts, masturbation, excretory functions or lewd exhibition of a child
- Taken as a whole lacks serious literary, artistic, political, or scientific value

Purported Child

- Visual representation that appears to depict a child under the age of 18 but may or may not depict an actual child

Non- consensual Dissemination of Sexually Explicit Digitized Depictions

- Class 4 Felony committed when a person:
 1. Intentionally disseminates a sexually explicit digitized depiction of another person who is identifiable from the image itself, or whose information is displayed or disseminated with the image, or whose identity is known to the person who disseminates the image, and
 2. Knows or should have known the person in the image has not consented to the dissemination

Sexually Explicit Digitized Depiction

- Any image, photograph, film, video, digital recording, or other depiction or portrayal that has been created, altered, or otherwise modified to realistically depict either:
 - the intimate parts of another person or computer-generated intimate parts as the intimate parts of the depicted individual
- OR
- The depicted individual engaging in sexual activity in which they did not engage

Exempt Activities

- For the purpose of a criminal investigation that is otherwise lawful
- For the purpose of or in connection with reporting unlawful conduct
- When the images involve voluntary exposure in public or commercial settings
- When it serves a lawful public purpose

Massage Therapy & Criminal Charges

- **SB 2660**
- [Public Act 103-0757](#)
- Effective Date: August 2, 2024
- Primary Sponsors: Sen. Javier Cervantes (D-1)
Rep. Bob Morgan (D-58)

SB 2660

- Amends the Massage Licensing Act
- When a licensed massage therapist is charged with certain crimes the prosecuting attorney must give notice to DFPR
- DFPR issues an order that the massage therapist may only practice with a chaperone who is another licensed massage therapist or DFPR licensed health care worker
- **The chaperone shall provide a written notice to patients about the order**

Notice to Patients

- That the massage therapist must have a chaperone for all patient encounters pending the outcome of the criminal case
- The following statement must be included in 14-point font: “The massage therapist is presumed innocent until proven guilty of the charges.”
- Each patient shall sign an acknowledgment that they received the notice

Included Offenses

- An offense for which the sentence includes registration as a sex offender
- Involuntary sexual servitude of a minor
- Battery against a patient, including any offense based on sexual conduct or sexual penetration in the course of patient care or treatment
- Forcible felonies

GBV Resentencing Applies to Pleas

- **SB 3285**
- [Public Act 103-0968](#)
- Effective Date: January 1, 2025
- Primary Sponsors: Sen. Robert Peters (D-13)
Rep. Kelly Cassidy (D-14)

SB 3285

- Amends the “Relief from Judgments” law that allows petitions for resentencing when evidence of gender-based violence or postpartum depression or psychosis was not considered at the original hearing
- Clarifies the law applies to all eligible convictions, including sentences based on a negotiated plea agreement
- Modification of the length of sentence does not affect the conviction

Expungement Updates - Adults

- **SB 2626: Diversion Program Expungement Petitions**

- In anticipation of successful completion of a problem-solving court or diversion program, a petition for expungement may be filed 61 days before dismissal. Upon successful completion and dismissal of the case, the court shall grant expungement if petitioner meets the requirements

Expungement Updates - Juveniles

- [HB 5465](#): Upon completion of a juvenile court sentence, a trafficking victim may petition for vacation and expungement or immediate sealing of their juvenile records if their participation in the offense was a result of trafficking
- [SB 3463](#): For juvenile adjudications eligible for automatic expungement two years after the case is closed, on the date the minor's sentence ends or the court enters an order committing the minor to the DJJ, the judge shall schedule a date to enter the automatic expungement order

Other Criminal Law Updates

- **HB 4621: Office of Statewide Pretrial Services**

- Establishes the Office in the Judicial Branch of State Government and allows pretrial services to be provided by the Office or a local pretrial services agency

- **HB 5285: No Conviction until Judgment Entered**

- Clarifies that a sentence without a judgment is not a criminal conviction under Illinois law unless and until judgment is entered



REPRODUCTIVE & PUBLIC HEALTH

State EMTALA Requirements

- **HB 581**
- [Public Act 103-0784](#)
- Effective Date: August 7, 2024
- Primary Sponsors: Rep. Dagmara Avelar (D-85)
Sen. Celina Villanueva (D-12)

HB 581

- Provides Illinois requirements in interpreting the federal Emergency Medical Treatment and Active Labor Act (EMTALA)
- Includes ectopic pregnancy, complications of pregnancy loss, risk to future fertility, PPRM, and emergent hypertensive disorders as requiring emergency treatment
- Specifically defines abortion as necessary to resolve injury or acute medical condition as “stabilizing treatment”
- \$50,000 minimum penalty for violations

Human Rights Act Protections

- **HB 4867**
- [Public Act 103-0785](#)
- Effective Date: January 1, 2025
- Primary Sponsors: Rep. Anna Moeller (D-43)
Sen. Laura Fine (D-9)

HB 4867

- Amends the Illinois Human Rights Act definition of unlawful discrimination to include reproductive health decisions
- Defines “reproductive health decisions” as “a person’s decisions regarding use of contraception, fertility or sterilization care, assisted reproductive technologies, miscarriage management care, healthcare related to continuation or termination of pregnancy, and prenatal, intranatal, or postnatal care”

Interstate Reproductive Health Care

- **HB 5239**
- [Public Act 103-0786](#)
- Effective Date: August 7, 2024
- Primary Sponsors: Rep. Kelly Cassidy (D-14)
Sen. Celina Villanueva (D-12)

HB 5239

- Lawful health care activity is exempt from FOIA
- State will not provide information or expend time or resources to assist out-of-state agencies in enforcing civil or criminal liability against people seeking lawful healthcare in Illinois
- Creates civil right of action against any unit of Illinois government in violation of this act with a 2-year statute of limitations
- Clarifies that a home rule unit may not regulate lawful healthcare

Expanded Pregnancy Related Insurance Coverage

- **HB 5142**
- [Public Act 103-0720](#)
- Effective Date: January 1, 2025
- Primary Sponsors: Rep. Robyn Gabel (D-18)
Sen. Lakesia Collins (D-5)

HB 5142

- Insurers must cover all pregnancy services rendered by perinatal doulas or licensed certified midwives
 - home births,
 - home visits
 - support during labor, abortion, or miscarriage
- Coverage for certified lactation consultants and associated supplies is now required
- Postpartum services coverage applies for 12 months after the end of the pregnancy

Support For Pregnancy Related Care

- **HB 5431: Rights of Incarcerated Pregnant People**

- Those who are pregnant while in prison or jail must receive written notice of relevant laws. The bill expands and clarifies rights afforded to pregnant and postpartum individuals

- **HB 5643: Insurance Coverage of Pregnancy Tests**

- Public aid medical assistance program must provide coverage for home pregnancy tests ordered by a clinician. On 1/1/2026, this coverage will expand to all insurance plans in Illinois.

Public Health Updates

- **HB 4264: Donated Menstrual Products**

- Guarantees immunity from liability for nonprofit organizations that receive donated menstrual products that appear to be usable upon inspection.

- **SB 3784: Sexually Transmitted Infections**

- Changes language in the law to replace “sexually transmissible diseases” with “sexually transmitted infections,” and adds mpox and human papillomavirus (HPV) to list of infections of public health concern

Mental Health and Licensure

- **HB 5395: Coverage for Mental Health Treatment**

- On 1/1/2026 insurance coverage for inpatient mental health treatment will no longer be allowed to require prior authorization, and such coverage cannot be subject to concurrent review for 72 hours

- **HB 5353: Licensure Portability**

- Creates guidelines for expedited licensure in Illinois for military service members and their spouses who are on orders to relocate to Illinois



ANTI- OPPRESSION

Language Equity and Access Act

- **SB 3762**
- [Public Act 103-0723](#)
- Effective Date: August 2, 2024
- Primary Sponsors: Sen. Karina Villa (D-25)
Rep. Dagmara Avelar (D-85)

SB 3762

- Creates Language Equity and Access Act
- Ensures that people with Limited English Proficiency (LEP) have access to state programs and resources
- Outlines the responsibilities of the Governor's Office of New Americans (ONA) in implementing this Act

Responsibilities of the ONA

- Prepare a Language Needs Assessment Report
- Assist State agencies in developing language access plans
- Develop performance standards to assess progress by State agencies and ensure compliance with expected progress
- Establish requirements for the availability of interpretation and translation services
- Set standards for staffing of bilingual employees
- Ensure LEP persons are notified of crisis situations

Anti-Discrimination in Real Estate

- **HB 5371**
- [Public Act 103-0859](#)
- Effective Date: August 9, 2024;
Some provisions January 1, 2025
- Primary Sponsors: Rep. Ann M. Williams (D-11)
Sen. Laura Fine (D-9)

HB 5371

- Prohibits the use of criteria or methods that have the effect of discriminating based on family status, immigration status, source of income or arrest records in real estate transactions
- Establishes hotlines for confidential reporting of discrimination and harassment
- Expands enforcement options for civil rights violations

Enforcement Options for Civil Rights Violations

- The aggrieved party can take steps to enforce judicial orders and collect on the judgement, even if the action was brought by the State
- Penalties may be imposed for each violation and each aggrieved party
- OAG may seek restitution for the aggrieved party and may impose a civil penalty per violation and per aggrieved party
 - Increases amounts for OAG civil penalties

A.I. Civil Rights Violations

- **HB 3773**
- [Public Act 103-0804](#)
- Effective Date: January 1, 2026
- Primary Sponsors: Rep. Jaime M. Andrade, Jr. (D-40)
Sen. Javier L. Cervantes (D-1)

HB 3773

- It is a civil rights violation under the Illinois Human Rights Act for an employer to:
 - Use artificial intelligence that has the effect of discriminating against an applicant or employee based on their protected class
 - Fail to provide notice to an employee of the use of artificial intelligence in any employment decision

Autism-Informed Police Training

- **SB 3201**
- [Public Act 103-0949](#)
- Effective Date: January 1, 2025
- Primary Sponsors: Sen. Natalie Toro (D-20)
Rep. Michael J. Kelly (D-15)

SB 3201

- Requires the Illinois Law Enforcement Training and Standards Board to develop or approve a course designed to assist law enforcement officers in identifying and appropriately responding to individuals with autism spectrum disorders
 - The course must include instruction in autism-informed responses, procedures, and techniques
 - The curriculum must be periodically updated

Gender Identity Legal Changes

- **HB 5507: Birth Certificate Corrections**

- Provides a legal process for Illinois residents born outside the state or country to request a judicial order making findings of fact that they can use to petition the issuing jurisdiction to change the birth certificate
- Must file a petition in their county of residence stating the reason for the change

Guardians of Persons

- **HB 4961: Appointment of Successor Guardian**

- In cases where a successor guardian is to be appointed for a person with a disability, all parties are to receive 3-days notice before a hearing to appoint a temporary guardian, and 14-days notice before a hearing to appoint a limited or plenary guardian

Anti-Discrimination Updates

- **SB 3310: Human Rights Violation Statute of Limitations Increase**
 - Extends the statute of limitations from 300 calendar days to 2 years to file a charge for an alleged violation under the Illinois Human Rights Act
- **HB 3241: Discriminatory Sentencing Remedy Recommendations**
 - The Illinois Sentencing Policy Advisory Council shall study and identify discriminatory practices in sentencing and make recommendations regarding ways to remedy those discriminatory practices

Questions & Comments

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