



## **Support HB 3265**

“Rape crisis organizations” in the Confidentiality of Statements Made to Rape Crisis Personnel law includes all ICASA-certified rape crisis centers.

**Status: ham001, Passed House 113-000-000**

**Sponsors: Rep. Kelly Cassidy (D-14) & Sen. Mike Simmons (D-7)**

### **What Does HB 3265 Do and Why Is It Needed Now?**

HB 3265 amends the Confidentiality of Statements Made to Rape Crisis Personnel statute (735 ILCS 5/8-802.1) to confirm that all ICASA-certified rape crisis centers are subject to the absolute privilege requirements.

There are 30 ICASA-certified rape crisis centers: 11 are stand-alone rape crisis centers, nine are dual centers serving both sexual assault and domestic violence victims, and 10 are programs of multi-program agencies.

The statute defines a “rape crisis organization” as “any organization or association the major purpose of which is providing information, counseling, and psychological support to victims of” sex crimes. In 2020, a defendant seeking to subpoena a victim’s records argued that rape crisis centers in dual and multi-program organizations do not qualify for privilege protection for client records because they do not have *the* major purpose of serving sexual assault survivors – claiming only organizations with that one singular purpose qualify.

The court ruled against the defendant’s argument and upheld the privilege. However, the victim was subjected to months of uncertainty about whether the records would be protected, and the victim’s attorney spent considerable time and effort opposing the motion. There should be no doubt that victims who seek services at ICASA-certified rape crisis centers are protected by the privilege.

### **Why Is HB 3265 Important for Survivors of Sexual Assault?**

Survivors seeking services from rape crisis centers depend on the confidentiality established in the privilege statute. No victim should have to worry about whether their confidential records will be disclosed without their consent because a defendant claims a center does not meet the definition of rape crisis organization.

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