



2023 Illinois Legislative Update

**Illinois Coalition Against Sexual Assault
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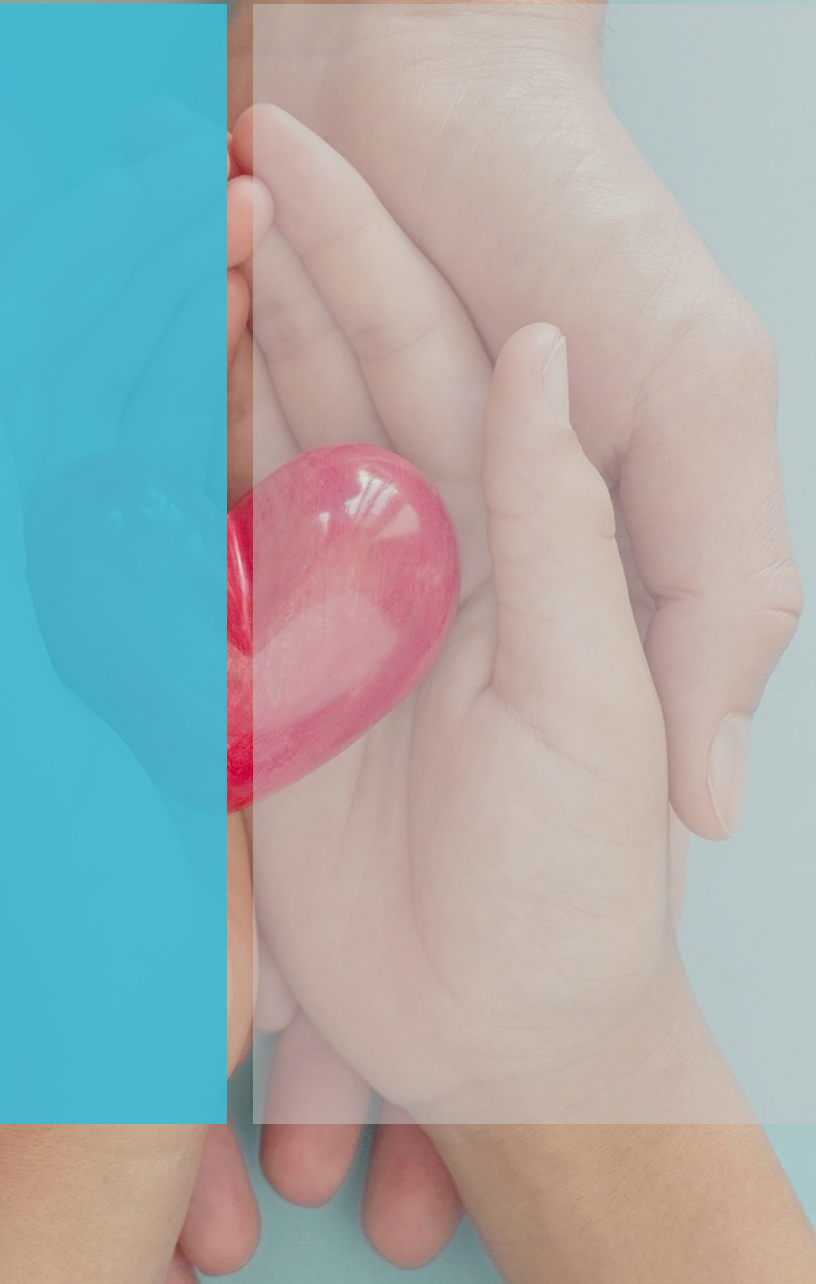
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2023 Legislative Session: Key Bills

Topic Areas

- Survivor Support Laws
- Civil Options
- Criminal Law
- Education & Children
- Reproductive Rights
- Anti-Oppression

SURVIVOR SUPPORT LAWS



SASETA Reminder

- AFQHC provisions will repeal on 12/31/2023. Prior provisions go into effect on 1/1/2024
- The 2022 Law Book includes the current 2023 version of SASETA, so starting in 2024 use www.ilga.gov

RTA Transportation For Survivors

- **HB 1342**
- [Public Act 103-0281](#)
- Effective Date: July 28, 2023
Some provisions January 1, 2024
- Primary Sponsors: Rep. Kam Buckner (D-26)
Sen. Ram Villivalam (D-8)

HB 1342

- Creates the Domestic Violence and Sexual Assault Regional Transit Authority (RTA) Public Transportation Assistance Program
- RTA to partner with The Network to issue pre-loaded mass transit cards to service providers
- Allows RTA to suspend riders who commit or pose a reasonable threat to commit assault, battery, sexual assault, or public indecency violations

Massage Therapist Training

- **HB 2756**
- [Public Act 103-0039](#)
- Effective Date: January 1, 2024
- Primary Sponsors: Rep. Jenn Ladisch Douglass (D-45)
Sen. Celina Villanueva (D-12)

HB 2756

- Requires one additional hour of approved sexual assault and domestic violence awareness continuing education per license renewal period
- Department of Financial and Professional Regulation (DFPR) may adopt rules regarding requirements for instructors and curriculum
- Provider must be approved by the DFPR

Vital Records Fee Waiver for DV

- **HB 2841**
- [Public Act 103-0170](#)
- Effective Date: January 1, 2024
- Primary Sponsors: Rep. Sharon Chung (D-91)
Sen. David Koehler (D-46)

HB 2841

- DV victims may seek waiver of fees for copies of vital records (e.g., birth or death certificates)
- The person seeking the fee waiver must provide a certification letter stating:
 - They are a victim or child of a victim of Domestic Violence (defined by the IDVA)
 - They are currently fleeing a dangerous living situation

Certification Requirement

- The Certification Letter must be signed by:
 - an advocate at a family violence center who assisted the victim
 - a licensed medical care or mental health provider
 - the director of an emergency shelter or transitional housing or
 - the director of a transitional living program

CIVIL OPTIONS



Gender Violence Act Amendment

- **HB 1363**
- [Public Act 103-0282](#)
- Effective Date: January 1, 2024
- Primary Sponsors: Rep. Will Guzzardi (D-39)
Sen. Karina Villa (D-25)

HB 1363

- Adds Domestic Violence to definition of gender-related violence (GRV)
- Adds employer liability for GRV committed by an employee or agent in the workplace, if the employer:
 - failed to supervise, train, or monitor the offender, or
 - failed to investigate complaints or reports and failed to take remedial measures
- 4-year SOL for actions against employers

Digitally-Altered Sexual Images

- **HB 2123 & SB 382** (*passed in Veto*)
- [Public Act 103-0294](#) & [Public Act 103-0571](#)
- Effective Date: January 1, 2024 & December 8, 2023
- Primary Sponsors: Rep. Jennifer Gong-Gershowitz (D-17)
Sen. Mary Edly-Allen (D-31)

HB 2123

- Amends Civil Remedies for Nonconsensual Dissemination of Private Sexual Images Act
- Adds “Intentionally Altered Sexual Images”
- Disclosing digital alteration is not a defense
- Images not “matters of public concern” just because accompanied by political message
- Removes state liability protections for interactive computer services
- Relief may include TRO or injunction

SB 382

- Signed by Governor 12/8/2023
- Depicted Individual is any person whose face or body is shown in a private sexual image or digitally altered sexual image
- Defines "Digitally altered sexual image"
- Applies the exceptions to liability to digitally altered sexual images

Civil Liability for Doxing Act

- **HB 2954**
- [Public Act 103-0439](#)
- Effective Date: January 1, 2024
- Primary Sponsors: Rep. Jennifer Gong-Gershowitz (D-17)
Sen. Julie Morrison (D-29)

HB 2954

- Creates civil action for Doxing against:
 - Person who commits Doxing
 - Person or entity that directs others to commit Doxing and knowingly benefits, financially or by receiving anything of value from participation in the Doxing
- May sue for damages and/or seek injunctive relief

What is Doxing?

- Intentionally publishing other's Personally Identifiable Information without consent
 - With intent to harm or harass, and
 - With knowledge or reckless disregard that the person is reasonably likely to suffer death, bodily injury, or stalking
- Publishing causes:
 - significant economic injury, emotional distress, fear of serious bodily injury or death, or
 - a substantial life disruption

What is NOT Doxing?

- Providing PII
 - when making a good faith report of criminal activity to law enforcement or U.S. intelligence agency
 - When reporting conduct reasonably believed to be unlawful
 - In connection with constitutionally-protected activity pertaining to speech, press, assembly, protest and petition
 - To the press

TNPA - *Doe v. Lyft* Fix

- **HB 2231**
- [Public Act 103-0527](#)
- Effective Date: August 11, 2023; common carrier exception for TNPs inoperative on January 1, 2024
- Primary Sponsors: Rep. Jennifer Gong-Gershowitz (D-17)
Sen. Robert F. Martwick (D-10)

HB 2231

- "TNC" is an entity that uses a digital network or software application service to connect passengers to transportation services
- "TNCs or TNC drivers are not common carriers, contract carriers or motor carriers, as defined by applicable State law . . . This subsection (e) is inoperative on and after January 1, 2024."
- TNPA repeal date now 9/1/2028

VESSA Bereavement Leave

- **HB 2493**
- [Public Act 103-0314](#)
- Effective Date: January 1, 2024
- Primary Sponsors: Rep. Aaron Ortiz (D-1)
Sen. Robert Peters (D-13)

HB 1363

- Up to 10 workdays of unpaid leave related to the death of a family or household member killed in a crime of violence
 - to attend a funeral, wake, or similar event
 - to make needed arrangements
 - to grieve the death
- Must be taken within 60 days of the employee receiving notice of the death

Document Options

- Certification requires employee's sworn statement, and if available a document
- Death certificate, published obituary, or written verification of death, burial, or memorial services from a mortuary, funeral home, burial society, crematorium, religious institution, or government agency
- Documenting that a victim was killed in a crime of violence

Overlapping Leave

- If entitled to 10 days unpaid leave under the Family Bereavement Leave Act, not entitled to additional leave under VESSA
- Bereavement leave under FBLA is in addition to and does not diminish the amount of VESSA leave time

Court Record Accessibility

- **HB 2624**
- [Public Act 103-0166](#)
- Effective Date: January 1, 2024
- Primary Sponsors: Rep. Nabeela Syed (D-51)
Sen. Ram Villivalam (D-8)

HB 2624

- Privacy of Child Victims of Criminal Sexual Offenses Act: “court records that are public” as defined in the Act:
 - “Public” means “accessible to any person upon request”
- Access to emergency petitions, orders and files in SNCOs CNCOs and to petitions DVOPs

Court Record & Document Accessibility Act

- “Shall not be public” means clerk shall impound case information and documents unless the court directs otherwise
- “Impounded” means accessible only to the parties of record or upon order of a court

Emergency Protective Orders

- When petition filed: “petition and file shall not be public” for SNCOs and CNCOs – petition only for DVOPs
- When order granted: “petition, order, and file shall not be public” for SNCOs and CNCOs – order and file for DVOPs
- Accessibility prior to petition being served on respondent in accordance with the Court Record and Document Accessibility Act

CNCOs & SNCOs for Military

- **HB 3103**
- [Public Act 103-0407](#)
- Effective Date: July 31, 2023
- Primary Sponsors: Rep. Stephanie Kifowit (D-84)
Sen. Mike Porfirio (D-11)

HB 3103

- Clarifies National Guard members and Staff Judge Advocates (SJAs) ability to petition for Criminal OPs, CNCOs, and SNCOs, and Civil CNCOs and SNCOs
- Changed references to orders issued by a “military tribunal” to “military judge” for enforcement provisions

Criminal Orders

- Consent of victims is required before SJA can file a petition for a 112A Criminal OP, CNCO or SNCO
- May be filed by the SJA on behalf of a victim who has a Military Protective Order “only after receiving consent from the victim, and the petition shall include a statement that the victim has consented to the Staff Judge Advocate filing the petition”

Civil Orders

- Amends CNCO Act and SNCO Act to allow filing of petitions by:
 - a service member of the Guard who is a victim who has also received a Military Protective Order; or
 - by the SJA on behalf of a victim who has also received a Military Protective Order only after receiving consent from the victim, and the petition shall include a statement that the victim has consented

CRIMINAL LAW

Support for RCVWA Notices

- [HR 0325](#)
- Resolution Adopted: May 26. 2023
- Primary Sponsor: Rep. Kelly Cassidy (D-14)
 - Response to Organized Retail Theft law
 - Recognizes humans deserve equal rights to stores for timely notice
 - Urges judiciary and law enforcement to prioritize human victims on court dockets over corporate/business entities

Child Testimony Via CCTV

- **HB 2607**
- [Public Act 103-0164](#)
- Effective Date: January 1, 2024
- Primary Sponsors: Rep. Adam Niemerg (R-102)
Sen. Chapin Rose (R-51)

HB 2607

- Rebuttable presumption that child victims under age 13 shall testify via CCTV
- Unless defendant proves by clear and convincing evidence that the child victim will not suffer severe emotional distress
- Court must make finding that testimony via CCTV does not prejudice defendant

Sentencing of Minor Survivors

- **HB 3414**
- [Public Act 103-0191](#)
- Effective Date: January 1, 2024
- Primary Sponsors: Rep. Lilian Jiménez (D-4)
Sen. Mike Simmons (D-7)

HB 3414

- Creates opportunity to depart from mandatory minimum sentence or suspend sentence if the convicted minor committed the crime against their abuser
- Adds other mitigating factors to consider when sentencing minors
- Adds to list of matters to consider in evaluating whether to transfer from Juvenile to Criminal Court

Sentencing Mitigation for Survivors

- If court finds clear and convincing evidence that the individual against whom the person is convicted of committing a crime previously committed a crime against them within 3 years before the offense, the court may:
 - Transfer to juvenile court for sentencing
 - Depart from mandatory minimum sentence
 - Suspend any portion of an otherwise applicable sentence

Crimes Against the Convicted Survivor

- Eligible previous crimes include:
 - Trafficking and involuntary servitude (720 ILCS 5/10-9)
 - Sexual assault and sexual abuse (720 ILCS 5/11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60)
 - Indecent solicitation and solicitation to meet a child (720 ILCS 5/11-6, 11-6.5, 11-6.6)
 - Sexual exploitation of a child (720 ILCS 5/11-9.1)
 - Promoting prostitution and patronizing a minor engaged in prostitution (720 ILCS 5/11-14.3, 11-14.4, 11-18.1)

Intent to View as Victims

This law “shall be construed as prioritizing the successful treatment and rehabilitation of persons under 18 years of age who are sex crime victims who commit acts of violence against their abusers. It is the General Assembly's intent that these persons be viewed as victims and provided treatment and services in the community, juvenile or family court system.”

Other New Mitigating Factors

- When sentencing those under 18 at the time of the offense, court shall consider mitigating factors and specify them on the record
 - History of domestic or sexual violence, sexual exploitation, and childhood trauma, specifically including ACEs
 - Involvement in the child welfare system
 - Involvement in the community
 - The outcome of any comprehensive mental health evaluation by a qualified mental health professional

Transfer to Criminal Court

- State's Attorney may petition for transfer from juvenile court to criminal court
 - Minors 15+ presumptive for forcible felonies
 - Minors 13+ discretionary for any crime or
 - Minors 13+ extended jurisdiction juvenile prosecution (EJJP) for felonies allows an adult criminal sentence, which is suspended and shall be vacated upon successful completion of the juvenile sentence

New Considerations

- Minor's involvement in the child welfare system
- Evidence minor was subjected to outside pressure: peer pressure, family pressure, or negative influences
- Minor's degree or participation and specific role in the offense

Judgement Relief for Survivors

- **SB 2260**
- [Public Act 103-0403](#)
- Effective Date: January 1, 2024
- Primary Sponsors: Sen. Robert Peters (D-13)
Rep. Kelly Cassidy (D-14)

SB 2260

- Judgement relief expanded to GBV
- “Gender-based violence” includes evidence of victimization:
 - as a trafficking victim,
 - under the IDVA
 - under the SNCO Act
 - under Article 11 of the Criminal Code of 2012 – Sex Offenses
- Does not require criminal prosecution or conviction

Presenting a Meritorious Claim

- Petition shows by a preponderance of the evidence:
 - Participation in forcible felony was related to previously being a victim of DV or GBV
 - Substantial evidence of DV or GBV that was not presented at sentencing hearing
 - Evidence of DV or GBV is material, noncumulative, and is of such a conclusive character that it would likely change the sentence

People v. Wells

- Illinois Supreme Court Opinion
November 30, 2023
- Held GBV resentencing law does not apply to a person who is sentenced pursuant to a fully negotiated plea agreement

Law Enforcement Updates

- **HB 2412: ISP Division of Forensic Services**
 - “Exercise the rights, powers, and duties vested by law in the Illinois State Police under the Sexual Assault Evidence Submission Act.”
- **SB 1543: ILETSB Statewide PTSD Mental Health Coordinator**
 - Responsible for implementing a program for mental health support and education for law enforcement officers

Code of Corrections Amendments

- **HB 3026: Earned Discretionary Sentence Credit**
 - Time in county jail counts towards 60 days required to be served before earned discretionary sentence credits can be awarded
- **HB 3779: Work Release Notice**
 - IDOC must give State's Attorney's and Sheriff's offices 3 days notice before an offender is placed in a work release facility (previously 15 days notice required)

Anxiety Definition in Cyberstalking

- HB 3289:

- In the Criminal Cyberstalking law “emotional distress” means “significant mental suffering, anxiety or alarm”
- Adds a definition of “anxiety” based Diagnostic and Statistical Manual (DSM-5) definition of anxiety

EDUCATION & CHILDREN



Guardian Ad Litem Duties

- **HB 1555**
- [Public Act 103-0126](#)
- Effective Date: January 1, 2024
- Primary Sponsors: Rep. Terra Costa Howard (D-42)
Sen. Michael Halpin (D-36)

HB 1555

- Mandates GAL shall investigate facts and interview child and parties (previously at the discretion of the court)
- Unless directed otherwise by the court, the GAL shall submit a written report, recommendations or proposed parenting plan, based on child's best interests, to court and parties 30 days before final hearing/trial
- GAL report admitted into evidence without having to lay foundation

Additions to GAL Duties

- Shall be available for deposition
- At the discretion of the Court,
 - May be present for all proceedings, including in camera examinations of the child
 - May issue subpoenas for records as part of their investigation
 - May file pleadings relating to procedural matters

Human Services Professional Loan Repayment Program Changes

- **HB 2380**
- [Public Act 103-0031](#)
- Effective Date: July 1, 2023
- Primary Sponsors: Rep. Lindsay LaPointe (D-19)
Sen. Laura Fine (D-9)

HB 2380

- Adds “receives funding from” a State agency to qualify as an eligible “human services agency” employer (in addition to “contracts with or is grant funded by”)
- Illinois Student Assistance Commission may grant preference to applicants based on need or income levels
- Removes provision limiting grants to an applicant for a maximum of 4 years

ISBE: Data Collection

- **HB 3071**
- [Public Act 103-0175](#)
- Effective Date: June 30, 2023
- Primary Sponsors: Rep. Fred Crespo (D-44)
Sen. Robert Peters (D-57)

HB 3071

- ISBE not required to collect personally identifiable information on students regarding sex, sexual orientation, and gender identity unless it is required federally
- Requires ISBE to publish statistical data on their website concerning sex, sexual orientation, and gender identity demographics obtained through anonymous age/developmentally appropriate surveys

Protections for Minors at Teacher Dismissal Hearings

- **HB 3592**
- [Public Act 103-0354](#)
- Effective Date: January 1, 2024
- Primary Sponsors: Rep. Michelle Mussman (D-56)
Sen. Adriane Johnson (D-30)

HB 3592

- Hearing Officers shall make accommodations to protect witnesses who were students or under 18 at the time the alleged conduct occurred
- Student may not be compelled to testify in the physical or visual presence of a teacher or other witnesses
- Teacher may not question a student witness, either directly or through a representative

Possible Accommodations

- Testimony via telecommunication device outside the hearing room
- Testimony in hearing room outside the physical presence of teacher, with teacher listening via telecommunication
- Non-public testimony
- Testimony via videoconference with teacher's camera and microphone off
- Pre-recorded testimony, including a recorded CAC interview

School Discrimination, Harassment and Retaliation Policy

- **SB 0090**
- [Public Act 103-0472](#)
- Effective Date: August 1, 2024
- Primary Sponsors: Sen. Laura Murphy (D-28)
Rep. Maurice West, II (D-67)

SB 0090

- Requires school districts, charter schools and private schools to create, implement and maintain a written policy prohibiting discrimination, harassment, and retaliation based on race, color, and national origin
- Must include complaint and response procedures
- Policy to be posted on district's website, included in handbook, and distributed beginning in the 2024-25 school year

ISBE Data Collection & Reporting

- ISBE will collect data on student allegations of racial discrimination, harassment, or retaliation in schools
- Report status of the allegations annually
- No personally identifying information regarding the victim or offender included
- Student may be accompanied by a support individual of the person's choice when making a report

IL Human Rights Act: Harassment in Schools

- Adds Harassment in Elementary, Secondary and Higher Education to the IHRA:
 - “any unwelcome conduct by a [school] representative toward a student on the basis of a student’s actual or perceived race, color, religion, national origin, ancestry, age, sex, marital status, order of protection status, disability, military status, sexual orientation, pregnancy, or unfavorable discharge from military service that has the purpose or effect of substantially interfering with a student's educational performance or creating an intimidating, hostile, or offensive educational environment”

IL Dept. of Human Rights: Training

- IDHR shall produce a model bystander training program aimed at preventing discrimination and harassment based on race, color, and national origin in elementary and secondary schools
- Schools must provide training at all new employee training programs and to existing staff at least once every 2 years
- Schools may use the IDHR model training or their own training that meets the standards

Student Mental Health Access

- **SB 1709**
- [Public Act 103-0222](#)
- Effective Date: January 1, 2024
- Primary Sponsors: Sen. Mike Simmons (D-7)
Rep. Marcus C. Evans, Jr. (D-33)

SB 1709

- IL Department of Human Services (IDHS) to partner with ISBE to provide technical assistance for provision of mental health care during school days
- Goal to increase availability and accessibility of mental health resources for students
- IDHS to report to the General Assembly on implementation by 7/1/2025



REPRODUCTIVE RIGHTS

Insurance Protections

- **SB 1344**
- [Public Act 103-0462](#)
- Effective Date: August 4, 2023
 - Health insurance policies in Illinois shall cover all abortifacients, hormonal therapy medication, and HIV pre-exposure and post-exposure prophylaxis drugs approved by the FDA, and related follow-up services

Campus Emergency Contraception

- **SB 1907**
- [Public Act 103-0465](#)
- Effective Date: August 4, 2023
- Primary Sponsors: Sen. Celina Villanueva (D-12)
Rep. Barbara Hernandez (D-50)

SB 1907

- Requires all public institutions of Higher Education to have one wellness kiosk
- Wellness kiosks must include discounted emergency contraceptives (EC)
- EC must be available on weekends and after class hours at residential colleges
- Community Colleges only required to make EC available during class hours

EC Vending Machines Must

- Sell EC in original, undamaged packaging
- Store EC according to manufacturer recommendations
- Clearly identify the machine owner and have a toll-free number to contact the machine owner
- Remove expired packages and advise consumers to check the expiration date

Deceptive Practices: Abortion Access

- **SB 1909**
- [Public Act 103-0270](#)
- Effective Date: July 27, 2023
 - Limited services pregnancy centers (aka crisis pregnancy centers) shall not engage in unfair or deceptive acts or practices to interfere with or prevent someone from accessing an abortion provider or emergency contraception

Fertility Fraud

- **SB 380**
- [Public Act 103-0478](#)
- Effective Date: January 1, 2024
 - Patient who gave birth, their surviving spouse, intended parent, or child may sue health care provider, embryologist, or other person involved in fertility treatment who knowingly or intentionally used their own human reproductive material without patient's informed written consent. Donor can sue for non-consensual use of reproductive material.

The background features a large teal rectangle on the left containing the text. To the right of this rectangle is a vertical bar with a rainbow gradient, transitioning from yellow at the top to purple at the bottom. The entire composition is set against a background of various colored geometric shapes, including triangles and rectangles in shades of pink, blue, brown, and grey.

ANTI- OPPRESSION

LGBTQ+ Legislation

- **HB 1591: Marriage Equality**

- Provides same-sex couples can marry in Illinois and receive a marriage license without permission from their home state

- **HB 1596: Pronouns Concerning Children**

- Amends child welfare and juvenile court statutes to reflect more gender-inclusive language to promote equality and respect

Equitable Restrooms

- **HB 1286: Multiple Occupancy, All-Gender Option**
 - Allows, but does not require, any multiple occupancy restroom to be labeled an all-gender restroom and sets out standards for what newly constructed all-gender restrooms must include

Cultural Competency and Interpreters

- **HB 2450: Cultural Competency Education, Eff 1/1/2025**
 - Healthcare professionals with continuing education requirements will be required to complete 1-hour cultural competency training
- **HB 2829: IHRC Interpreters**
 - Requires IL Human Rights Commission to provide qualified interpreters for hearing impaired and LEP individuals who are witnesses in or taking part in proceedings

MENA Classification and ERA

- **HB 3768: Adds MENA Racial Classification, starting 7/1/2025**
 - Adds Middle Eastern or Northern African as a racial classification for State data collection in Uniform Racial Classification Act
- **HJR 0020: Affirm Equal Rights Amendment**
 - Urges Biden Administration to publish and certify the ERA as the 28th Amendment to the U.S. Constitution; urges Congress to pass a joint resolution affirming the ERA as the 28th Amendment

Questions & Comments

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