

Legislative Update: Domestic and Sexual Violence

Many bills relating to domestic and sexual violence were passed by the Illinois General Assembly this session and need only Gov. Pat Quinn's signature to become law. We review nine of them in this month's WOMANVIEW.

[House Bill 0192](#) amends the Stalking No Contact Order Act, the Civil No Contact Order Act, and the Illinois Domestic Violence Act of 1986 to grant judges the power to alter elementary, middle, and high school students' schedules as part of a protective order. This applies only when the petitioner and the respondent attend the same public, private, or nonpublic school. The judge may require that the respondent not attend the petitioner's school, change the respondent's placement or program within the school, or restrict the respondent's movements throughout the school. In deciding whether to include such provisions in a protective order, the judge must weigh the petitioner's safety with the respondent's right to education, the expense of transferring or altering the respondent's schedule, and the disruption any displacement might cause. If the judge requires that the respondent not attend the same school as the petitioner, the school district or private or nonpublic school that the respondent originally attended will determine where the respondent will be transferred. The respondent has the burden of proving by a preponderance of the evidence that a transfer, change of placement, or change of program is not available, and the respondent bears the burden of any associated costs. The court may hold the parents, legal guardians, or legal custodian of a minor respondent in criminal or civil contempt for a violation of any provision of an order.

[House Bill 0277](#) amends the Criminal Code to broaden the definition of aggravated stalking to include any act of stalking when the perpetrator is a registered sex offender and the victim is either the victim of the offense for which the sex offender was required to register or a family member of that victim.

[House Bill 2093](#) amends the Abused and Neglected Child Reporting Act to expand the list of people required to report child abuse or neglect to the Illinois Department of Children and Families Services to include any physician, physician's assistant, registered nurse, licensed practical nurse, medical technician, certified nursing assistant, social worker, or licensed professional counselor of any office or clinic that provides abortions, abortion referrals, or contraceptives. The bill also requires offices and clinics that provide abortions, abortion referrals, or contraceptives to train their personnel on recognizing abuse and neglect and on the reporting process.

[House Bill 2935](#) amends the cyberstalking section of the Criminal Code of 1961 and the Harassing and Obscene Communications Act to increase the types of actions that constitute harassment through electronic communications and cyberstalking. The definition of electronic communication now includes transmissions through any electronic device. This means that harassment or cyberstalking perpetrated via text messages, instant messages, email, voice mail, and any other

electronic device is now covered by the law. Electronic communication used to be defined solely as transmissions over the Internet from one computer to another.

[House Bill 3300](#) amends the Rights of Crime Victims and Witnesses Act to require the office of the state's attorney or victim advocate personnel to give crime victims information about available victim services such as counseling programs and referrals to agencies that assist victims in recovering from trauma, loss, and grief. The bill also has provisions about victims of motor vehicle accidents.

[Senate Bill 106](#) amends the Abused and Neglected Child Reporting Act to state that the privileged quality of communication between any professional person and the professional's client no longer constitutes grounds for failing to share information or documents with the Illinois Department of Children and Family Services during a child abuse or neglect investigation. If the professional so requests, the department will confirm in writing that the documents were gathered in the course of a child abuse or neglect investigation. The bill also requires people who report cases of child abuse or neglect to testify at both judicial proceedings and administrative hearings that result from their reporting.

[Senate Bill 1037](#) amends the Code of Criminal Procedure of 1963 to allow convictions of prostitution to be vacated for sex trafficking victims. To qualify, the defendant must be found guilty of prostitution or first-time felony prostitution, the defendant's participation in the offense must have been a result of being a trafficking victim, and the defendant must either no longer be a victim of trafficking or have recently sought services for victims of trafficking.

[Senate Bill 1828](#) amends the Code of Criminal Procedure of 1963 to expand the number of people who can serve respondents with short-form notifications of protective orders. Such a notification is a shortened notice of a protective order that can be presented to a respondent when the respondent comes in contact with law enforcement and has yet to be notified about having been served with a protective order. Previously only sheriffs and other law enforcement personnel could serve short-order notification. This bill allows personnel assigned by the Department of Corrections to investigate alleged misconduct of committed persons or alleged violations of parole to serve those persons with a short-form notification of any protective orders. The bill also requires that parolees or releasees must immediately inform their parole officer if they receive notice of a protective order issued in Illinois or a similar order issued by another state. (See [Public Act 97-0050](#).)

[Senate Bill 2267](#) amends the Criminal Code of 1961 to include stalking, aggravated stalking, and cyberstalking and violating an order of protection via a third party as a crime. The bill states that anyone who directs a third party to commit stalking, aggravated stalking, and cyberstalking or to violate an order of protection is guilty of violating the law as if one had personally done the actions.

Advocates Fought Against the Passage of [House Bill 3045](#). The bill would have amended the Illinois Domestic Violence Act of 1986 to allow respondents to obtain orders of protection to include provisions requiring the petitioner to stay away from the respondent or prohibiting the petitioner from harassing the respondent. The bill would have called survivors' credibility into question and provided perpetrators with a new method to threaten and exert power over their victims. The Illinois Coalition Against Domestic Violence worked with other advocates around the state to prevent the bill's passage.

The Fifteenth Year of WomanView

This issue marks the beginning of our fifteenth year of publication. Thank you to all of our readers for your continued support. We also extend a warm thank you to the Chicago Foundation for Women, the Jo & Art Moore Family Fund, the Eleanor Peterson Fund, and the Libra Foundation whose generous grants have made this possible. We look forward to another fifteen years committed to raising awareness of policy developments, concerns and initiatives that affect women and girls.

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