



# WomanView

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## Illinois Legislative Update: Domestic and Sexual Violence

Six bills related to domestic and sexual violence need only Gov. Pat Quinn's signature to become law after both houses of the Illinois General Assembly passed them. Thanks to your support, **Senate Bill 1770**—the Victims' Economic Security and Safety Act (VESSA) amendment—was passed by both houses and is ready for the governor's signature. Look for a VESSA update from us in the near future.

**House Bill 693** creates the Stalking No Contact Order Act, which establishes a civil remedy for stalking victims when relief is not available under the Illinois Domestic Violence Act of 1986. The General Assembly's finding that an estimated 70 percent of victims know the individuals stalking them but only 30 percent of victims have dated or been in intimate relationships with their stalkers indicates the need for this legislation. H.B. 693 goes beyond the provisions of the Illinois Domestic Violence Act to ensure that all stalking victims can seek civil remedy.

**House Bill 721** amends the Illinois Human Rights Act to make it unlawful to discriminate against an individual because of his or her order-of-protection status. This amendatory legislation applies to persons protected under an order of protection issued pursuant to the Illinois Domestic Violence Act of 1986 or an order of protection issued by a court of another state.

**House Bill 2660** amends the Cindy Bischof Law, which permits a judge to order a person charged with violating a protective order to wear a satellite tracking device—as a condition of parole, mandatory supervised release, early release, probation, or conditional discharge—that alerts police and the victim when the offender breaches a court-imposed boundary. Under current law, offenders who violate an order of protection are required to undergo a risk-assessment evaluation utilized by the Illinois Department of Human Services (DHS) to determine if the offender should be placed under electronic surveillance. If signed by Governor Quinn, H.B. 2660 would allow the court to determine whether to order the offender to take a risk-assessment evaluation on a case-by-case basis. In deciding whether to order an evaluation, the court will consider twelve points of information collected at the bail hearing for a violation of an order of protection; among such points are the severity and duration of the abuse, whether the offender has a history of domestic violence, and whether the offender has access to or a history of using deadly weapons. While DHS-approved partner abuse intervention program providers are the only agencies allowed to conduct the assessment under current law, H.B. 2660 also allows DHS-approved pretrial service, probation, or parole agencies to perform the assessment. For the risk evaluation, these agencies will have access to the defendant's criminal history summaries that will exclude victim interviews or information about the victim.

H.B. 2660 also clarifies that the GPS (global positioning system) technology used in conjunction with the Domestic Violence Surveillance Program (DVSP) must have real-time and interactive capabilities for immediate notification to the supervising authority about a breach of a court-ordered exclusion zone, notification of the breach to the offender, and communication among the supervising authority, law enforcement, and the victim. Current law requires that the protective order violation fee, which is set at an amount not less than \$200, be assessed by the court imposing sentence, collected by the circuit clerk, and paid to the state treasurer for deposit into the Domestic Violence Surveillance Fund. H.B. 2660 repeals the Surveillance Fund and mandates instead that the fees be paid to the appropriate county treasurer for deposit in the probation and court services fund. H.B. 2660 requires that the supervising authority of the DVSP assess an additional fee incurred by the offender and paid to the county treasurer for deposit into the

probation and court services fund to cover the costs of providing the equipment and the additional supervision needed for the surveillance. The offender is barred from using funds belonging solely to the victim for payment of the fee, and if the court finds that the fee would impose an undue burden on the victim, the fee may be reduced or waived. H.B. 2660 requires the Division of Probation Services to develop standards to implement the DVSP and collect data to evaluate its impact and costs.

**House Bill 3991** amends three current laws—the Firearm Owners Identification Card Act, the Domestic Violence Article of the Code of Criminal Procedure of 1963, and the Illinois Domestic Violence Act of 1986. It amends the Firearm Owners Identification Card Act to require, instead of permit, the Department of State Police to deny an application or to revoke and seize a Firearm Owner’s Identification (FOID) Card if the applicant or cardholder is subject to an order of protection at the time of application or card issuance. H.B. 3991 amends the Domestic Violence Article of the Code of Criminal Procedure of 1963 and the Illinois Domestic Violence Act of 1986 to provide that if the court finds that there is any danger of the illegal use of firearms, and the respondent to the order of protection is present in court, the court will order the respondent to turn over the FOID—in addition to any firearms which current law already requires to be turned over—to the local law enforcement agency for safekeeping. If the respondent is not present in court, the judge will issue a warrant for seizure of the respondent’s firearms and FOID. Both the Domestic Violence Article of the Code of Criminal Procedure and the Illinois Domestic Violence Act stipulate the same period of safekeeping for a respondent’s seized firearms and FOID: a stated period of time not to exceed two years; the firearms and FOID to be returned to the respondent at the end of the stated period or at the expiration of the order of protection, whichever is sooner. However, H.B. 3991 further amends the Code of Criminal Procedure to say that upon expiration of the period of safekeeping, if the firearms or FOID cannot be returned to the respondent because the respondent cannot be located, fails to respond to requests to retrieve the items, or is not lawfully eligible to possess a firearm, the court may order law enforcement to destroy the firearms, use them for training purposes, or turn them over to a third party who is lawfully eligible to possess firearms and does not reside with the respondent. Finally, H.B. 3991 amends the Illinois Domestic Violence Act of 1986 to provide that, in granting exclusive possession as a legal remedy as part of an order of protection, a judge may prohibit the respondent from entering or remaining in any “premises” of the petitioner, in addition to any residence or household of the petitioner; but H.B. 3991 does not amend the Domestic Violence Article of the Criminal Code of Procedure of 1963 regarding this provision.

**House Bill 4081** amends the Sexual Assault Survivors Emergency Treatment Act to provide that any person, instead of minor, who is a sexual assault survivor and seeks emergency hospital and forensic services or follow-up health care under the Act does not need the consent of any parent, guardian, custodian, surrogate, or agent in order to receive these services. In a case where an adult survivor has a legal guardian, health care surrogate, or agent acting under a health care power of attorney, H.B. 4081 stipulates that consent from these parties is not required to release evidence and information concerning the sexual assault. If the adult survivor is unable to consent to the release of evidence of information and these parties are unavailable or unwilling to consent, then an investigating law enforcement officer may authorize the release.

To read the full text of these bills or see a list of their sponsors, go to the Illinois General Assembly’s website, [www.ilga.gov](http://www.ilga.gov), and search for the legislation by bill number.

*For more information, contact Wendy Pollack, director, Women’s Law and Policy Project, Shriver Center; 312.263.3830 ext. 238; [wendypollack@povertylaw.org](mailto:wendypollack@povertylaw.org).*

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