

Illinois Legislative Update: Domestic and Sexual Violence

Five bills related to domestic and sexual violence were signed into law by Gov. Pat Quinn this legislative session:

House Bill 5510 amends the Criminal Domestic Violence Act and the Code of Criminal Procedure regarding the entry of emergency orders of protection into the Law Enforcement Agencies Data System. The law requires a judge issuing an emergency order of protection when the court is not in session to communicate or convey the order to the sheriff to facilitate the entry of the order into the data system. (See [Public Act 96-1241](#).)

House Bill 5523 amends the Code of Civil Procedure to create additional housing protections for survivors of domestic violence, sexual violence, and stalking. Effective July 22, 2010, the law provides domestic and sexual violence victims with an affirmative defense to an eviction based on their status as victims of domestic or sexual violence or based on the violence committed against them. It also allows landlords to pursue, without evicting the victim, an eviction against the abuser if the abuser is a household member. (See [Public Act 96-1188](#).) Advocates at the Sargent Shriver National Center on Poverty Law worked to advance this critical piece of legislation, building on the housing protections of the Safe Homes Act, a prior Shriver Center initiative.

House Bill 5931 amends the Sex Offense Victim Polygraph Act. Effective January 1, 2011, the law bars law enforcement officers from asking or requiring an alleged victim of criminal sexual assault, aggravated criminal sexual assault, predatory criminal sexual assault of a child, criminal sexual abuse, or aggravated criminal sexual abuse to submit to a polygraph test or any form of mechanical or electrical lie detector test for any reason. (See [Public Act 96-1273](#).)

House Bill 6124 amends the Civil Code of Procedure to extend the statute of limitations for victims of childhood sexual abuse to 20 years (instead of 10 years from the date the limitation begins or 5 years from the date the person abused discovers that the childhood sexual abuse occurred and injury was caused by that abuse). This applies to all action for damages for personal injury based on childhood sexual abuse commenced on or after the law's effective date, January 1, 2011. (See [Public Act 96-1093](#).)

Senate Bill 3269 creates the Sexual Assault Evidence Submission Act, which addresses the ever-growing backlog of untested rape kits in Illinois. The Act requires law enforcement agencies that receive sexual assault evidence (including but not limited to rape kits) to submit the evidence within 10 business days to a Department of State Police forensic laboratory or a laboratory approved and designated by the Director of State Police. All evidence thus submitted must be tested and analyzed

within six months. Furthermore, by October 15 of this year, all law enforcement agencies in Illinois must report to the Department of State Police the number of untested sexual assault cases that they have, and, within 180 days of the Act's effective date, September 1, 2010, appropriate arrangements must be made to ensure that untested cases collected before the effective date are submitted and tested. The Sexual Assault Evidence Submission Act also amends the Sexual Assault Survivors Emergency Treatment Act accordingly. (See [Public Act 96-1011](#).)

Upcoming Webinar: VAWA and Housing—Past, Present, and Future

On Tuesday, September 14, the National Law Center on Homelessness and Poverty will host a [free webinar](#) on the evolution of the Violence Against Women Act's housing protections for domestic violence survivors. Topics will include the social and legislative history behind the introduction of these protections, their efficacy in combating discrimination against survivors, and how their strengths and limitations have shaped goals for the Act's pending reauthorization. Speakers will include Rachel Natelson of the National Law Center on Homelessness & Poverty, Sandra Park of the American Civil Liberties Union, Meliah Schultzman of the National Housing Law Project, and Kate Walz of the Sargent Shriver National Center on Poverty Law. [Register online](#) for the webinar or contact [Rachel Natelson](#) for more information.

For more information on the aforementioned Illinois laws, contact Wendy Pollack, director, Women's Law and Policy Project, Shriver Center, at 312.368.3303 or wendypollack@povertylaw.org.

Published by the SARGENT SHRIVER NATIONAL CENTER ON POVERTY LAW. Funded in part by generous grants from the Sophia Fund for Advocacy of the Chicago Foundation for Women, the Jo & Art Moore Family Fund, and The Libra Foundation.