

## **HB 1404 HA1- Illinois Domestic Violence Act (IDVA) Firearm Remedy Clean Up**

HB1404 HA1 is a technical cleanup bill that clarifies the process and timeframe in which firearm remedies may be granted in existing law under the IDVA in cases of orders of protection (OPs). This will further ensure firearm remedies in OPs are accessible and enforceable across the state to safeguard survivors.

**Sponsors:** Representative Hirschauer, Senator Pacione-Zayas

## **SB 2403 - Transportation for Survivors**

SB2403 would create a universal mass transit card for survivors of domestic violence, sexual violence, and human trafficking. The bill would also allow for funding to service providers to be used for ride share programs and travel reimbursements.

**Sponsor:** Senator Villivalam

## **SB 2260 - Gender-Based Violence Resentencing Act Clean Up**

SB2260 amends the Gender-Based Violence Resentencing Act removes ambiguity in timing of when petitions for resentencing can be filed, clarifies the amount of evidence presented at the original hearing to establish survivorship, and ensures survivors of gender-based violence are also included as eligible petitioners. Under current law, only 4 survivors have been able to access this groundbreaking relief.

**Sponsors:** Representative Cassidy, Senator Peters

## **HB 3414 - Prevent Unfair Sentencing of Youth**

HB3414 reforms the criminal legal system to see youth as victims of gender-based violence by creating judicial flexibility to transfer minors back to juvenile court and reconsider mandatory sentencing. It also encourages a trauma-informed judicial response to children surviving sexual abuse.

**Sponsors:** Representative Cassidy

## **HB 3973 - Juvenile Court Act Amendment**

HB3973 amends the Juvenile Court Act to improve response to families experiencing domestic violence. Some changes include prioritizing placement of children with the adult survivor and importing an existing "Environment Injurious" definition to clarify its meaning.

**Sponsors:** Representative Collins, Senator Johnson

## **HB 3596 - Crime Victim's Compensation Accessibility**

This bill expands access to the Crime Victims Compensation system by removing time consuming proof requirements of survivorship which, in some cases, extend beyond the survivors civil or criminal cases. Between 2020-2022 only 8% of applicants awarded compensation were related to gender-based violence.

**Sponsors:** Representative West, Senator Fine

## **HB 1569/SB 242 - Expansion of Eviction Sealing Opportunities Bill**

This bill ensures individuals and families have equitable access to housing by expanding eligibility for eviction records sealing and prohibits the dissemination of information about a sealed court file by consumer reporting agencies, including tenant screening companies.

**Sponsors:** Representative Ford, Senator Villa

## **HB 2755 Organized Retail Theft Act Parity for Survivors Bill**

This bill is a trailer to HB4275 passed in the 101st General Assembly and seeks to create parity between victims of abuse and retailers, by stating that police cannot discourage reports related to domestic battery and aligns notice requirements.

**Sponsors:** Representative Cassidy

# Illinois Domestic Violence Act (IDVA) Firearm Remedy Clean Up HB 1404 HA1



## What is HB 1404 HA1?

HB1404 HA1 is a technical cleanup bill which makes the following changes to the Illinois Domestic Violence Act:

- Clarifies existing judicial authority to issue the firearm remedy in an ex parte emergency order of protection hearing
- Streamlines the process for judges and law enforcement to issue and enforce orders to remove firearms from respondents to orders of protection
- Allows all survivors of abuse, as defined in the IDVA, to have the option to request the firearm remedy at the time of petition

This bill also:

- Adds dating partners to the list of petitioners eligible to file for a Firearm Restraining Order

## Why Do These Changes Matter?

### Two Orders, No Solutions

A Bureau County Survivor's Story

Last year, a survivor of domestic violence residing in Bureau County separated from a boyfriend who was abusive. The boyfriend possessed a firearm legally, which enhanced the threat of harm. The police were contacted when the perpetrator of the abuse threatened suicide with a firearm. Law enforcement advised that the survivor file an emergency order of protection (EOP) in response to the perpetrator's behavior. However, due to conflicting language in the Illinois Domestic Violence Act, the judge failed to grant an order of protection disarming the abusive partner during the critical emergency period. The survivor was not able to file for a firearm restraining order (FRO) because they had been a dating partner who did not qualify to petition under the current statute. The legislative revisions in HB1404 HA1 would protect future survivors from the administrative hurdles faced by this survivor- and reduce the lethality of domestic violence.

## House Sponsor: Representative Hirschauer

Risk of intimate-partner homicide (IPH) increases **500%** when abusers have access to a gun.<sup>1</sup>

Leaving a domestic violence relationship is a period of **high lethality risk**,<sup>2</sup> including when filing for an OP.<sup>3</sup>

States that allow firearm relief at ex parte hearings have seen a **16% reduction** in IPH by firearm.<sup>4</sup>

**14 other states** already authorize or require firearm relief at ex parte hearings. **We must clarify this power** in IL.<sup>5</sup>

Contact Maralea Negron, Director of Policy, Advocacy, and Research for more information. [mnegron@the-network.org](mailto:mnegron@the-network.org), Cell: 312-857-4156



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5. Prosecutors Against Gun Violence, & Consortium for Risk-Based Firearm Policy. (2016). Firearm Removal/Retrieval in Cases of Domestic Violence. 1-154. <http://efsgv.org/wp-content/uploads/2016/02/Removal-Report-Updated-2-11-16.pdf>

# Justice for Survivors of Gender-based Violence

Support  
SB 2260

Chief Sponsor:  
Sen. Robert Peters

See us. Hear us. Believe us. Free us.

*Survivors of sexual assault, sex trafficking and domestic abuse are literally in a fight for their lives every day. Instead of safety and support, many have gotten prison - even for crimes of their abusers.*

1

## PROVIDES CLARITY & CONSISTENCY IN THE GENDER-BASED VIOLENCE RESENTENCING LAW

While the State of Illinois created a path to request resentencing for incarcerated survivors of gender-based violence in 2015, technical ambiguities have prevented most from accessing the justice they deserve. In fact, only 4 known survivors have been able to gain relief from the law as currently written. This bill represents a “fix” to align the law to the original legislative intent.



### Removes ambiguity in timing of when petitions can be filed.

Courts have interpreted the law to require filing within two years of conviction. However, the intent was to allow survivors - many who were convicted decades prior - to request review of the sentence when gender-based violence was not considered when charged or sentenced. This is aligned with the post-partum resentencing provisions in the same Act.



### Clarifies amount of evidence presented at original sentencing.

The law currently states that a survivor is only eligible if NO evidence of domestic violence was presented. This bill changes it to no substantial evidence or incomplete evidence of gender-based violence was presented in the original sentencing.



### Ensures survivors of gender-based violence are eligible.

Survivors of “gender-based violence” will also now be eligible to petition the court. GBV is more inclusive of the different forms of harm committed that can include sexual violence and trafficking and the definition comes from the Criminal Code of 2012.

2

## PROVIDES A DEFENSE TO ACCOUNTABILITY FOR SURVIVORS CHARGED WITH CRIMES OF OTHERS

This bill adds a defense to accountability when the participation in the offense was a result of specific coercion, compulsion, or duress including when related to domestic violence which can involve threats to a victim’s life, that of their children, or their safety.

# Prevent Unfair Sentencing of Youth Act

## Supporting Recovery for Youth Trafficking Survivors



**Legislative Sponsors: Rep. Cassidy (Chief Sponsor), Rep. Ford, Rep. Jiménez, Rep. Olickal, and Rep. Stava-Murray**

**HB 3414 reforms the criminal legal system to see youth as victims of gender-based violence.**

- Judges will have more discretion to consider the impact of sexual harm during sentencing.
- Youth can be identified as child victims protecting themselves from an abuser instead of being criminalized in adult court.
- A youth's case can be examined in an age-appropriate and trauma-informed system with opportunities for the youth to heal and grow.
- HB 3414 promotes system equity for youth survivors of sex trafficking – children who are disproportionately at the intersection of marginalization and vulnerability: girls (mostly of color),<sup>1</sup> LGBTQ youth,<sup>2</sup> foster youth, youth who have experienced abuse and/or economic and housing insecurity, and disabled youth.
- The criminalization of sex trafficking survivors particularly harms Black youth.
  - Black girls and transgender children are less likely to be seen as child victims of gender-based violence, more likely to be hypersexualized and viewed as adults, and are often criminalized instead of offered support services.<sup>3</sup>
  - Sex trafficking contributes to the sexual abuse to prison pipeline for girls of color.<sup>4</sup>
- By amending the sentencing practices concerning child victims of sexual harm, Illinois will enact necessary reform for youth survivors from marginalized communities.

**HB 3414 encourages a trauma-informed judicial response to children surviving sexual abuse.**

- Trafficking survivors frequently experience trauma that results in PTSD and dissociation.<sup>5</sup>
- HB 3414 helps Illinois align with the human rights principles to foster the physical, psychological, and social recovery of child survivors of abuse and exploitation.<sup>6</sup>
- By limiting sentencing terms and keeping trafficking-related cases in juvenile court, youth will be afforded a reduced sentence and a better opportunity to make a life for themselves after the trauma of sexual abuse.<sup>7</sup>



## Supporting Organizations:

ACLU of Illinois	Life Span
Ascend Justice	The Network: Advocating Against Domestic Violence
Cook County Justice Advisory Council	Restore Justice
Family Rescue	Rights4Girls
Illinois Coalition Against Domestic Violence	The Voices and Faces Project
Juvenile Justice Initiative	Women's Justice Institute (WJI)
Law Office of the Cook County Public Defender	World Without Exploitation

## References

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Reducing  
Trauma

## HB 3973

Amending the Juvenile Court Act to Effectively  
Respond to Families Experiencing Domestic Violence

Increasing  
Healing

### Collins

*"I was removed from my mom, who was a victim of domestic violence. I believe that the juvenile court system needs to change. The system could have helped us together but instead it caused me additional trauma. I struggled when I was in foster care. Now it is so hard for me to trust that anyone will ever really help my family."*

-K.S., age 16, spent 16 months in foster care away from his mother, M.S.  
DeKalb County, 2019-2020

### The Need

- **30-60%** of child welfare cases involve circumstances of domestic violence, and black families, families living in poverty and mothers are disproportionately impacted and harmed.
- Child welfare cases involving domestic violence are **complicated**, yet the Illinois Juvenile Court Act **lacks sufficient statutory guidance** to effectively responding to families experiencing domestic violence.
- As a result, juvenile courts **inconsistently respond** to circumstances of domestic violence, children are **unnecessarily removed** from the parent who experienced domestic violence, and families **do not receive the support they need** to live together in enhanced safety, stability, wellbeing, and healing.

**Children are being separated from parents who are victims of domestic violence because of that domestic violence – causing trauma to the children and re-victimizing the victim.  
HB 3973 provides courts clarity to prevent this from happening while keeping children safe.**

### The Solution

HB 3973 **reduces trauma and increases healing** for children and families by:

- Creating a rebuttable presumption that **supports keeping children with the parent** who experienced domestic violence absent other parental acts or omissions;
- Making clear that the court can **assign responsibility to the domestic violence perpetrator**, not the domestic violence victim;
- Adding a **definition of "environment injurious"** that aligns with the Illinois Abused and Neglected Child Reporting Act; and
- **Preserving privilege** for domestic violence service providers so that families can fully engage in services.

*"My three children (ages 6, 10, and 13) were adjudicated neglected in juvenile court based upon their father's domestic violence against me. Despite everything I did to try to keep my children safe and meet their needs, they were removed from me and placed in foster care. They were finally returned to me 487 days later."*

- M.S., Former DCFS Ward from age 4 until aging out, Mother, and Survivor of Domestic Violence  
DeKalb County 2019-2020

### Supporters

ACLU-Illinois  
Arab American Family Services  
Ascend Justice  
Chicago Coalition for the Homeless

Illinois Coalition Against Domestic  
Violence  
Illinois Collaboration on Youth  
Law Office of Cook County Public  
Defender  
Legal Action Chicago

Life Span  
Metropolitan Family Services  
Resilience  
The Network: Advocating Against  
Domestic Violence

## The Need

- » Many victims of violent crime are **unable** to receiving Crime Victim Compensation (CVC) under the current statute due to eligibility and procedural requirements that are unnecessary to determining whether they experienced a violent crime and incurred financial expenses warranting compensation. (See "Experiences of Victims of Crime.")
- » The requirements for reimbursable compensation **impose higher proof obligations** on victims of crime than civil cases or criminal prosecutions require.
- » Many victims of crimes who apply for CVC experience **long processing delays** (in some cases up to 2 years), **accessibility barriers**, **lack of coverage** for commonly incurred expenses, and **lack information** throughout the application process.

## DATA

- The current CVC Act is **not a viable resource** for victims of violent crimes related to gender-based violence and exclude many victims of community violence. (See "CVC Data Findings.")
- From July 2020 to July 2022, CVC applications related to GBV represent only **8.35%** (218 / 2,612).
- Applications related to gender-based violence crimes **do not result in compensation in 75-100%** of applications.
- The eligibility requirements are **inconsistent with the behaviors, responses, and needs of the majority of victims of violent crimes**, especially those who experience crimes related to domestic violence and sexual assault.
  - The majority of victims of domestic violence and sexual assault **do not**:
    - **Report to law enforcement** at all, let alone within 3 or 7 days of the violent crime, and reports to law enforcement are **decreasing**;
    - Obtain a **Plenary Order of Protection, Civil No Contact Order, or Stalking No Contact Order**; or
    - Present at the **hospital for medical treatment** or a **rape evidence collection kit**.

## The Solution

- » This legislation reflects the consensus of a CVC Workgroup, comprised of individuals impacted by CVC and organizations that serve and advocate for the needs of a diverse range of crime victims who have experienced domestic violence, sexual assault, human trafficking, and community violence. The working group based these amendments on research, data, professional experience, lived expertise, and guidance from the national organization Free From.
- » HB 3596:
  - ✓ Amends the definition of "pecuniary loss" to include **additional reimbursable expenses**;
  - ✓ Aligns the reasons for seeking reimbursement for **lost wages** under CVC Act with the reasons for missing work under IL Victims' Economic Security and Safety Act;
  - ✓ Removes the restriction on receiving reimbursement for **incarcerated survivors** of crime;
  - ✓ Enhances **accessibility** of the CVC application;
  - ✓ Addresses the **delays** the AG's office experiences in receiving the full written report from the law enforcement agency;
  - ✓ Removes the **Statute of Limitations** for filing claims;
  - ✓ Removes the **"notification" time requirements**;
  - ✓ **Clarifies** the recently passed **"notification" exceptions**;
  - ✓ Creates a **comprehensive "notification" requirement**;
  - ✓ Defines law enforcement **"cooperation"**;
  - ✓ Clarifies the restriction on denying compensation based on **involvement in the crime**; and
  - ✓ Requires the AG's office to develop a process of handling **"emergency awards."**

## Feasibility

- » These amendments are affordable under the current CVC fund. (See Applications Filed, Awards Granted/Denied, and Cost) and protect against fraudulent requests for CVC.

## Supporters

Ascend Justice  
Beatrice Brooks, CVC Recipient  
Chicago Alliance Against Sexual Exploitation  
Communities Partners for Peace (CP4P),  
LAS at Metropolitan Family Services

Free From  
John Maki  
Heartland Alliance  
Illinois Coalition Against Domestic Violence  
Illinois Coalition Against Sexual Assault

Institute for Nonviolence Chicago  
Law Offices of Phil Milsk  
Metropolitan Family Services  
Resilience  
Sandra Ramos Petri, CVC Recipient

# Expand Eviction Sealing to Help People Find a Home

## (Support HB 1569, House Amendment 1: Rep. Ford)

Having an eviction case on your record hampers your ability to find a home, regardless of the outcome in court. Illinois eviction filings remain in the public record indefinitely, trapping people and families in poverty. Based on pre-pandemic data, more than 50% of eviction filings in Illinois do not result in a judgment against the tenant.

Even when the case was dismissed or the tenant wins, the mere fact that the case was filed can prevent the tenant from finding stable housing in the future.

Sealing provisions from the COVID-19 Emergency Housing Act [PA 102-005](#) sunset in 2022. As a result, Illinois has regressed to its strict standard for sealing eviction records.

**This bill will ensure that old and abandoned eviction cases are not obstacles to people finding housing and makes other modest, but important, changes in state law including the following:**

- Requires that after seven years all eviction records are sealed.
- Provides that if nothing happens in a pending case for a year, the court may dismiss the case and seal the file.
- Clarifies existing law by making it easier for courts to seal eviction files in the interests of justice
- Restricts tenant screening companies from reporting information about a sealed case. Landlords can still check references and consider any past evictions learned from a previous landlord.

**The COVID-19 pandemic taught us the importance of ensuring everyone has a home.**

- Landlords increasingly rely on reports from tenant screening companies that automatically weed out anyone with an eviction filing in their past.
- National and local data has consistently demonstrated that Black and Latinx renters, particularly female renters, are disproportionately at risk of eviction filing.

This bill follows a national trend towards expanding sealing of eviction records, including new state laws in Indiana and Utah.



\* *Eviction in Illinois. Housing Action Illinois. February 2019. Available at <https://housingactionil.org/evict2019>.*

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# Expand Eviction Sealing to Help People Find a Home (Support HB 1569, House Amendment 1: Rep. Ford)

## 70 Organizational Supporters as of February 24, 2023

Access Living  
AIDS Foundation Chicago  
Alliance to End Homelessness in Suburban Cook  
County  
Anew: Building Beyond Violence and Abuse  
Cabrin Green Legal Aid  
Carbondale Warming Center  
Center for Changing Lives  
Center for Disability & Elder Law  
Center for Housing and Health  
Champaign-Urbana Tenant Union  
Chicago Area Fair Housing Alliance  
Chicago Coalition for the Homeless  
Chicago Housing Initiative  
Chicago Housing Justice League  
Citizen Action Illinois  
Communities United  
Community Allies  
Connections for the Homeless  
Cunningham Township  
DOLL Incorporated  
Farmworker and Landscaper Advocacy Project  
Garfield Park Community Council  
Habitat for Humanity of Champaign County  
Heartland Alliance  
HOPE Fair Housing Center  
Housing Action Illinois  
Housing Forward  
Illinois Aging Together  
Illinois Chapter, American Academy of Pediatrics  
Illinois Legal Aid Online (ILAO)  
Impact Behavioral Health Partners  
James B. Moran Center for Youth Advocacy  
Lake County Coalition for the Homeless  
Latino Policy Forum  
Law Center for Better Housing  
Lazarus House  
Legal Action Chicago  
Legal Aid Society of Metropolitan Family Services  
Live4Lali, Inc.  
Metropolitan Tenants Organization  
N/NW Suburban Task Force on Supportive  
Housing  
NAMI Illinois  
Neighborhood Housing Services of Chicago  
North Suburban Legal Aid Clinic  
North West Center Chicago  
Northwest Compass Inc.  
Northwest Side Housing Center  
ONE Northside  
Open Communities  
Out Helping Others  
Palenque LSNA  
PASO - West Suburban Action Project  
Progress Center for Independent Living  
SEIU Healthcare  
Shriver Center on Poverty Law  
Society of St. Vincent de Paul  
South Suburban Housing Center  
Southern Illinois Center for Independent Living  
(SICIL)  
Start Early  
Teamwork Englewood  
The Network: Advocating Against Domestic  
Violence  
The Rebirth of Greater Roseland  
Together We Cope  
Trilogy  
Únete La Villita  
United African Organization  
Uptown People's Law Center  
Working Family Solidarity  
YWCA of the University of Illinois  
ZAM's Hope Community Resource Center

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