



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB5391

by Rep. Grant Wehrli - Avery Bourne - Amy Grant

SYNOPSIS AS INTRODUCED:

750 ILCS 61/1
750 ILCS 61/5
750 ILCS 61/10
750 ILCS 61/11
750 ILCS 61/15
750 ILCS 61/40

Amends the Address Confidentiality for Victims of Domestic Violence Act (renamed the Address Confidentiality for Victims of Domestic Violence, Sexual Assault, or Stalking Act by Public Act 101-270). Renames the Act the Address Confidentiality for Victims of Domestic Violence, Human Trafficking, Sexual Assault, or Stalking Act. Defines "human trafficking". Makes the Act's requirements applicable to victims of human trafficking.

LRB101 15854 LNS 65211 b

1 AN ACT concerning civil law.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Address Confidentiality for Victims of
5 Domestic Violence Act is amended by changing Sections 1, 5, 10,
6 11, 15, and 40 as follows:

7 (750 ILCS 61/1)

8 (Text of Section before amendment by P.A. 101-270)

9 Sec. 1. Short title. This Act may be cited as the Address
10 Confidentiality for Victims of Domestic Violence Act.

11 (Source: P.A. 91-494, eff. 1-1-00.)

12 (Text of Section after amendment by P.A. 101-270)

13 Sec. 1. Short title. This Act may be cited as the Address
14 Confidentiality for Victims of Domestic Violence, Human
15 Trafficking, Sexual Assault, or Stalking Act.

16 (Source: P.A. 101-270, eff. 1-1-21.)

17 (750 ILCS 61/5)

18 (Text of Section before amendment by P.A. 101-270)

19 Sec. 5. Legislative findings. The General Assembly finds
20 that persons attempting to escape from actual or threatened
21 domestic violence frequently establish new addresses in order

1 to prevent their assailants or probable assailants from finding
2 them. The purpose of this Act is to enable State and local
3 agencies to respond to requests for public records without
4 disclosing the location of a victim of domestic violence, to
5 enable interagency cooperation with the Attorney General in
6 providing address confidentiality for victims of domestic
7 violence, and to enable State and local agencies to accept a
8 program participant's use of an address designated by the
9 Attorney General as a substitute mailing address.

10 (Source: P.A. 91-494, eff. 1-1-00.)

11 (Text of Section after amendment by P.A. 101-270)

12 Sec. 5. Legislative findings. The General Assembly finds
13 that persons attempting to escape from actual or threatened
14 domestic violence, human trafficking, sexual assault, or
15 stalking frequently establish new addresses in order to prevent
16 their assailants or probable assailants from finding them. The
17 purpose of this Act is to enable State and local agencies to
18 respond to requests for public records without disclosing the
19 location of a victim of domestic violence, human trafficking,
20 sexual assault, or stalking, to enable interagency cooperation
21 with the Attorney General in providing address confidentiality
22 for victims of domestic violence, human trafficking, sexual
23 assault, or stalking, and to enable State and local agencies to
24 accept a program participant's use of an address designated by
25 the Attorney General as a substitute mailing address.

1 (Source: P.A. 101-270, eff. 1-1-21.)

2 (750 ILCS 61/10)

3 (Text of Section before amendment by P.A. 101-270)

4 Sec. 10. Definitions. In this Act, unless the context
5 otherwise requires:

6 "Address" means a residential street address, school
7 address, or work address of an individual, as specified on the
8 individual's application to be a program participant under this
9 Act.

10 "Program participant" means a person certified as a program
11 participant under this Act.

12 "Domestic violence" has the same meaning as in the Illinois
13 Domestic Violence Act of 1986 and includes a threat of domestic
14 violence against an individual in a domestic situation,
15 regardless of whether the domestic violence or threat has been
16 reported to law enforcement officers.

17 (Source: P.A. 91-494, eff. 1-1-00.)

18 (Text of Section after amendment by P.A. 101-270)

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20 otherwise requires:

21 "Address" means a residential street address, school
22 address, or work address of an individual, as specified on the
23 individual's application to be a program participant under this
24 Act.

1 "Program participant" means a person certified as a program
2 participant under this Act.

3 "Domestic violence" has the same meaning as in the Illinois
4 Domestic Violence Act of 1986 and includes a threat of domestic
5 violence against an individual in a domestic situation,
6 regardless of whether the domestic violence or threat has been
7 reported to law enforcement officers.

8 "Human trafficking" means the practices set forth in
9 subsection (b), (c), or (d) of Section 10-9 of the Criminal
10 Code of 2012, regardless of whether the victim has reported the
11 trafficking to law enforcement officers.

12 "Sexual assault" has the same meaning as sexual conduct or
13 sexual penetration as defined in the Civil No Contact Order
14 Act. "Sexual assault" includes a threat of sexual assault,
15 regardless of whether the sexual assault or threat has been
16 reported to law enforcement officers.

17 "Stalking" has the same meaning as in the Stalking No
18 Contact Order Act. "Stalking" includes a threat of stalking,
19 regardless of whether the stalking or threat has been reported
20 to law enforcement officers.

21 (Source: P.A. 101-270, eff. 1-1-21.)

22 (750 ILCS 61/11)

23 (Text of Section before amendment by P.A. 101-270)

24 Sec. 11. Address confidentiality program; administration.

25 Subject to appropriations for the purposes of this Act, the

1 Attorney General shall administer an address confidentiality
2 program for victims of domestic violence.

3 (Source: P.A. 91-494, eff. 1-1-00.)

4 (Text of Section after amendment by P.A. 101-270)

5 Sec. 11. Address confidentiality program; administration.
6 Subject to appropriations for the purposes of this Act, the
7 Attorney General shall administer an address confidentiality
8 program for victims of domestic violence, human trafficking,
9 sexual assault, or stalking.

10 (Source: P.A. 101-270, eff. 1-1-21.)

11 (750 ILCS 61/15)

12 (Text of Section before amendment by P.A. 101-270)

13 Sec. 15. Address confidentiality program; application;
14 certification.

15 (a) An adult person, a parent or guardian acting on behalf
16 of a minor, or a guardian acting on behalf of a person with a
17 disability, as defined in Article 11a of the Probate Act of
18 1975, may apply to the Attorney General to have an address
19 designated by the Attorney General serve as the person's
20 address or the address of the minor or person with a
21 disability. The Attorney General shall approve an application
22 if it is filed in the manner and on the form prescribed by him
23 or her and if it contains:

24 (1) a sworn statement by the applicant that the

1 applicant has good reason to believe (i) that the
2 applicant, or the minor or person with a disability on
3 whose behalf the application is made, is a victim of
4 domestic violence; and (ii) that the applicant fears for
5 his or her safety or his or her children's safety, or the
6 safety of the minor or person with a disability on whose
7 behalf the application is made;

8 (2) a designation of the Attorney General as agent for
9 purposes of service of process and receipt of mail;

10 (3) the mailing address where the applicant can be
11 contacted by the Attorney General, and the phone number or
12 numbers where the applicant can be called by the Attorney
13 General;

14 (4) the new address or addresses that the applicant
15 requests not be disclosed for the reason that disclosure
16 will increase the risk of domestic violence; and

17 (5) the signature of the applicant and of any
18 individual or representative of any office designated in
19 writing under Section 40 of this Act who assisted in the
20 preparation of the application, and the date on which the
21 applicant signed the application.

22 (b) Applications shall be filed with the office of the
23 Attorney General.

24 (c) Upon filing a properly completed application, the
25 Attorney General shall certify the applicant as a program
26 participant. Applicants shall be certified for 4 years

1 following the date of filing unless the certification is
2 withdrawn or invalidated before that date. The Attorney General
3 shall by rule establish a renewal procedure.

4 (d) A person who falsely attests in an application that
5 disclosure of the applicant's address would endanger the
6 applicant's safety or the safety of the applicant's children or
7 the minor or incapacitated person on whose behalf the
8 application is made, or who knowingly provides false or
9 incorrect information upon making an application, is guilty of
10 a Class 3 felony.

11 (Source: P.A. 99-143, eff. 7-27-15.)

12 (Text of Section after amendment by P.A. 101-270)

13 Sec. 15. Address confidentiality program; application;
14 certification.

15 (a) An adult person, a parent or guardian acting on behalf
16 of a minor, or a guardian acting on behalf of a person with a
17 disability, as defined in Article 11a of the Probate Act of
18 1975, may apply to the Attorney General to have an address
19 designated by the Attorney General serve as the person's
20 address or the address of the minor or person with a
21 disability. The Attorney General shall approve an application
22 if it is filed in the manner and on the form prescribed by him
23 or her and if it contains:

24 (1) a sworn statement by the applicant that the
25 applicant has good reason to believe (i) that the

1 applicant, or the minor or person with a disability on
2 whose behalf the application is made, is a victim of
3 domestic violence, human trafficking, sexual assault, or
4 stalking; and (ii) that the applicant fears for his or her
5 safety or his or her children's safety, or the safety of
6 the minor or person with a disability on whose behalf the
7 application is made;

8 (2) a designation of the Attorney General as agent for
9 purposes of service of process and receipt of mail;

10 (3) the mailing address where the applicant can be
11 contacted by the Attorney General, and the phone number or
12 numbers where the applicant can be called by the Attorney
13 General;

14 (4) the new address or addresses that the applicant
15 requests not be disclosed for the reason that disclosure
16 will increase the risk of domestic violence, human
17 trafficking, sexual assault, or stalking; and

18 (5) the signature of the applicant and of any
19 individual or representative of any office designated in
20 writing under Section 40 of this Act who assisted in the
21 preparation of the application, and the date on which the
22 applicant signed the application.

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6 disclosure of the applicant's address would endanger the
7 applicant's safety or the safety of the applicant's children or
8 the minor or incapacitated person on whose behalf the
9 application is made, or who knowingly provides false or
10 incorrect information upon making an application, is guilty of
11 a Class 3 felony.

12 (Source: P.A. 101-270, eff. 1-1-21.)

13 (750 ILCS 61/40)

14 (Text of Section before amendment by P.A. 101-270)

15 Sec. 40. Assistance for program applicants. The Attorney
16 General shall designate State and local agencies and nonprofit
17 agencies that provide counseling and shelter services to
18 victims of domestic violence to assist persons applying to be
19 program participants. Any assistance and counseling rendered
20 by the office of the Attorney General or its designees to
21 applicants shall in no way be construed as legal advice.

22 (Source: P.A. 91-494, eff. 1-1-00.)

23 (Text of Section after amendment by P.A. 101-270)

24 Sec. 40. Assistance for program applicants. The Attorney

1 General shall designate State and local agencies and nonprofit
2 agencies that provide counseling and shelter services to
3 victims of domestic violence, human trafficking, sexual
4 assault, or stalking to assist persons applying to be program
5 participants. Any assistance and counseling rendered by the
6 office of the Attorney General or its designees to applicants
7 shall in no way be construed as legal advice.

8 (Source: P.A. 101-270, eff. 1-1-21.)

9 Section 95. No acceleration or delay. Where this Act makes
10 changes in a statute that is represented in this Act by text
11 that is not yet or no longer in effect (for example, a Section
12 represented by multiple versions), the use of that text does
13 not accelerate or delay the taking effect of (i) the changes
14 made by this Act or (ii) provisions derived from any other
15 Public Act.