



## 96TH GENERAL ASSEMBLY

### State of Illinois

2009 and 2010

HB5426

Introduced 2/5/2010, by Rep. Charles E. Jefferson

#### SYNOPSIS AS INTRODUCED:

725 ILCS 120/4.6 new

Amends the Rights of Crime Victims and Witnesses Act. Provides that except as otherwise provided in the Victims' Economic Security and Safety Act, an employer who has 50 or more employees for each working day in each of 20 or more calendar weeks in the current or preceding calendar year, and any agent of that employer, shall allow an employee who is a crime victim to leave work to attend certain court proceedings. Provides that an employer may not dismiss an employee who is a crime victim because the employee exercises the right to leave work pursuant to these provisions. Provides that an employer is not required to compensate an employee who is a crime victim when the employee leaves work pursuant to these provisions. Provides that employers shall keep confidential records regarding the employee's leave pursuant to these provisions.

LRB096 19313 RLC 34704 b

FISCAL NOTE ACT  
MAY APPLY

STATE MANDATES  
ACT MAY REQUIRE  
REIMBURSEMENT

A BILL FOR

1 AN ACT concerning criminal law.

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

4 Section 5. The Rights of Crime Victims and Witnesses Act is  
5 amended by adding Section 4.6 as follows:

6 (725 ILCS 120/4.6 new)

7 Sec. 4.6. Right to leave work; scheduled proceedings;  
8 counseling; employment rights; nondiscrimination;  
9 confidentiality; definition.

10 (a) Except as otherwise provided in the Victims' Economic  
11 Security and Safety Act, an employer who has 50 or more  
12 employees for each working day in each of 20 or more calendar  
13 weeks in the current or preceding calendar year, and any agent  
14 of that employer, shall allow an employee who is a crime victim  
15 to leave work to:

16 (1) exercise the employee's right to be present at a  
17 proceeding pursuant to the Bill of Rights for Children,  
18 Article 109 or Article 122 of the Code of Criminal  
19 Procedure of 1963, Section 5-4-1 of the Unified Code of  
20 Corrections, the presentation of a negotiated plea  
21 agreement to the court, or any other proceeding in which  
22 the crime victim may be present and receive notification  
23 under this Act; or

1           (2) obtain or attempt to obtain an order of protection,  
2           an injunction against harassment or any other injunctive  
3           relief to help ensure the health, safety or welfare of the  
4           victim or the victim's child to the extent consistent with  
5           the Victims' Economic Security and Safety Act.

6           (b) An employer may not dismiss an employee who is a crime  
7           victim because the employee exercises the right to leave work  
8           pursuant to subsection (a) of this Section.

9           (c) An employer is not required to compensate an employee  
10           who is a crime victim when the employee leaves work pursuant to  
11           subsection (a) of this Section.

12           (d) If an employee leaves work pursuant to subsection (a)  
13           of this Section, the employee may elect to use or an employer  
14           may require the employee to use the employee's accrued paid  
15           vacation, personal leave, or sick leave.

16           (e) An employee who is a crime victim shall not lose  
17           seniority or precedence while absent from employment pursuant  
18           to subsection (a) of this Section.

19           (f) Before an employee may leave work pursuant to  
20           subsection (a) of this Section, the employee shall do all of  
21           the following:

22           (1) provide the employer with a copy of the notice  
23           provided to the employee by the appropriate official  
24           pursuant to Section 4.5 of this Act, the information the  
25           appropriate official provides to the employee pursuant to  
26           that Section, a court order the employee is subject to or

1 any other proper documentation; and

2 (2) if applicable, give the employer a copy of the  
3 notice of each scheduled proceeding that is provided to the  
4 victim by the agency that is responsible for providing  
5 notice to the victim.

6 (g) It is unlawful for an employer or an employer's agent  
7 to refuse to hire or employ, to bar or to discharge from  
8 employment or to discriminate against an individual in  
9 compensation or other terms, conditions or privileges of  
10 employment because the individual exercises the right to leave  
11 work pursuant to subsection (a) of this Section.

12 (h) Employers shall keep confidential records regarding  
13 the employee's leave pursuant to this Section.

14 (i) An employer may limit the leave provided under this  
15 Section if the employee's leave creates an undue hardship to  
16 the employer's business.

17 (j) The prosecutor shall inform the victim of the victim's  
18 rights pursuant to this Section. A victim may notify the  
19 prosecutor if exercising the victim's right to leave under this  
20 Section would create an undue hardship for the victim's  
21 employer. The prosecutor shall communicate the notice to the  
22 court during the scheduling of proceedings where the victim has  
23 the right to be present. The court shall continue to take the  
24 victim's schedule into consideration when scheduling a  
25 proceeding pursuant to subsection (a) of this Section.

26 (k) For the purposes of this Section, "undue hardship"

1 means a significant difficulty and expense to a business and  
2 includes the consideration of the size of the employer's  
3 business and the employer's critical need of the employee.