



Sen. Jacqueline Y. Collins

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09900SB3007sam001

LRB099 19820 KTG 46310 a

1 AMENDMENT TO SENATE BILL 3007

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 3007 by replacing  
3 everything after the enacting clause with the following:

4 "Section 1. This Act may be referred to as the Survivor  
5 Support and Trafficking Prevention Act.

6 Section 5. The Illinois Public Aid Code is amended by  
7 changing Sections 1-11 and 5-2 and by adding Section 2-19 and  
8 Article XVI as follows:

9 (305 ILCS 5/1-11)

10 Sec. 1-11. Citizenship. To the extent not otherwise  
11 provided in this Code or federal law, all clients who receive  
12 cash or medical assistance under Article III, IV, V, or VI of  
13 this Code must meet the citizenship requirements as established  
14 in this Section. To be eligible for assistance an individual,

1 who is otherwise eligible, must be either a United States  
2 citizen or included in one of the following categories of  
3 non-citizens:

4 (1) United States veterans honorably discharged and  
5 persons on active military duty, and the spouse and  
6 unmarried dependent children of these persons;

7 (2) Refugees under Section 207 of the Immigration and  
8 Nationality Act;

9 (3) Asylees under Section 208 of the Immigration and  
10 Nationality Act;

11 (4) Persons for whom deportation has been withheld  
12 under Section 243(h) of the Immigration and Nationality  
13 Act;

14 (5) Persons granted conditional entry under Section  
15 203(a)(7) of the Immigration and Nationality Act as in  
16 effect prior to April 1, 1980;

17 (6) Persons lawfully admitted for permanent residence  
18 under the Immigration and Nationality Act;

19 (7) Parolees, for at least one year, under Section  
20 212(d)(5) of the Immigration and Nationality Act;

21 (8) Nationals of Cuba or Haiti admitted on or after  
22 April 21, 1980;

23 (9) Amerasians from Vietnam, and their close family  
24 members, admitted through the Orderly Departure Program  
25 beginning on March 20, 1988;

26 (10) Persons identified by the federal Office of

1 Refugee Resettlement (ORR) as victims of trafficking;

2 (11) Persons legally residing in the United States who  
3 were members of a Hmong or Highland Laotian tribe when the  
4 tribe helped United States personnel by taking part in a  
5 military or rescue operation during the Vietnam era  
6 (between August 5, 1965 and May 7, 1975); this also  
7 includes the person's spouse, a widow or widower who has  
8 not remarried, and unmarried dependent children;

9 (12) American Indians born in Canada under Section 289  
10 of the Immigration and Nationality Act and members of an  
11 Indian tribe as defined in Section 4e of the Indian  
12 Self-Determination and Education Assistance Act; and

13 (13) Persons who are a spouse, widow, or child of a  
14 U.S. citizen or a spouse or child of a legal permanent  
15 resident (LPR) who have been battered or subjected to  
16 extreme cruelty by the U.S. citizen or LPR or a member of  
17 that relative's family who lived with them, who no longer  
18 live with the abuser or plan to live separately within one  
19 month of receipt of assistance and whose need for  
20 assistance is due, at least in part, to the abuse.

21 (14) Persons who are foreign-born victims of  
22 trafficking, torture, or other serious crimes as defined in  
23 Section 2-19 of this Code.

24 Those persons who are in the categories set forth in  
25 subdivisions 6 and 7 of this Section, who enter the United  
26 States on or after August 22, 1996, shall not be eligible for 5

1 years beginning on the date the person entered the United  
2 States.

3 The Illinois Department may, by rule, cover prenatal care  
4 or emergency medical care for non-citizens who are not  
5 otherwise eligible under this Section. Local governmental  
6 units which do not receive State funds may impose their own  
7 citizenship requirements and are authorized to provide any  
8 benefits and impose any citizenship requirements as are allowed  
9 under the Personal Responsibility and Work Opportunity  
10 Reconciliation Act of 1996 (P.L. 104-193).

11 (Source: P.A. 93-342, eff. 7-24-03.)

12 (305 ILCS 5/2-19 new)

13 Sec. 2-19. Foreign-born victims of trafficking, torture,  
14 or other serious crimes. "Foreign-born victim of trafficking,  
15 torture, or other serious crimes" means a person who is:

16 (1) a non-citizen victim of a severe form of  
17 trafficking in persons who has been subjected to an act or  
18 practice described in Section 7102 of Title 22 of the  
19 United States Code or Section 10-9 of the Criminal Code of  
20 2012;

21 (2) a non-citizen victim of an act or practice  
22 described in Section 1101(a)(15)(U)(iii) of Title 8 of the  
23 United States Code; or

24 (3) a non-citizen who has a well-founded fear of  
25 persecution on account of race, religion, nationality,

1       membership in a particular social group, or political  
2       opinion as set forth in Section 1101(a)(42)(A) of Title 8  
3       of the United States Code.

4       (305 ILCS 5/5-2) (from Ch. 23, par. 5-2)

5       Sec. 5-2. Classes of Persons Eligible.

6       Medical assistance under this Article shall be available to  
7       any of the following classes of persons in respect to whom a  
8       plan for coverage has been submitted to the Governor by the  
9       Illinois Department and approved by him. If changes made in  
10      this Section 5-2 require federal approval, they shall not take  
11      effect until such approval has been received:

12           1. Recipients of basic maintenance grants under  
13           Articles III and IV.

14           2. Beginning January 1, 2014, persons otherwise  
15           eligible for basic maintenance under Article III,  
16           excluding any eligibility requirements that are  
17           inconsistent with any federal law or federal regulation, as  
18           interpreted by the U.S. Department of Health and Human  
19           Services, but who fail to qualify thereunder on the basis  
20           of need, and who have insufficient income and resources to  
21           meet the costs of necessary medical care, including but not  
22           limited to the following:

23                   (a) All persons otherwise eligible for basic  
24                   maintenance under Article III but who fail to qualify  
25                   under that Article on the basis of need and who meet

1           either of the following requirements:

2                   (i) their income, as determined by the  
3           Illinois Department in accordance with any federal  
4           requirements, is equal to or less than 100% of the  
5           federal poverty level; or

6                   (ii) their income, after the deduction of  
7           costs incurred for medical care and for other types  
8           of remedial care, is equal to or less than 100% of  
9           the federal poverty level.

10           (b) (Blank).

11           3. (Blank).

12           4. Persons not eligible under any of the preceding  
13           paragraphs who fall sick, are injured, or die, not having  
14           sufficient money, property or other resources to meet the  
15           costs of necessary medical care or funeral and burial  
16           expenses.

17           5.(a) Women during pregnancy and during the 60-day  
18           period beginning on the last day of the pregnancy, together  
19           with their infants, whose income is at or below 200% of the  
20           federal poverty level. Until September 30, 2019, or sooner  
21           if the maintenance of effort requirements under the Patient  
22           Protection and Affordable Care Act are eliminated or may be  
23           waived before then, women during pregnancy and during the  
24           60-day period beginning on the last day of the pregnancy,  
25           whose countable monthly income, after the deduction of  
26           costs incurred for medical care and for other types of

1 remedial care as specified in administrative rule, is equal  
2 to or less than the Medical Assistance-No Grant(C)  
3 (MANG(C)) Income Standard in effect on April 1, 2013 as set  
4 forth in administrative rule.

5 (b) The plan for coverage shall provide ambulatory  
6 prenatal care to pregnant women during a presumptive  
7 eligibility period and establish an income eligibility  
8 standard that is equal to 200% of the federal poverty  
9 level, provided that costs incurred for medical care are  
10 not taken into account in determining such income  
11 eligibility.

12 (c) The Illinois Department may conduct a  
13 demonstration in at least one county that will provide  
14 medical assistance to pregnant women, together with their  
15 infants and children up to one year of age, where the  
16 income eligibility standard is set up to 185% of the  
17 nonfarm income official poverty line, as defined by the  
18 federal Office of Management and Budget. The Illinois  
19 Department shall seek and obtain necessary authorization  
20 provided under federal law to implement such a  
21 demonstration. Such demonstration may establish resource  
22 standards that are not more restrictive than those  
23 established under Article IV of this Code.

24 6. (a) Children younger than age 19 when countable  
25 income is at or below 133% of the federal poverty level.  
26 Until September 30, 2019, or sooner if the maintenance of

1 effort requirements under the Patient Protection and  
2 Affordable Care Act are eliminated or may be waived before  
3 then, children younger than age 19 whose countable monthly  
4 income, after the deduction of costs incurred for medical  
5 care and for other types of remedial care as specified in  
6 administrative rule, is equal to or less than the Medical  
7 Assistance-No Grant (C) (MANG(C)) Income Standard in effect  
8 on April 1, 2013 as set forth in administrative rule.

9 (b) Children and youth who are under temporary custody  
10 or guardianship of the Department of Children and Family  
11 Services or who receive financial assistance in support of  
12 an adoption or guardianship placement from the Department  
13 of Children and Family Services.

14 7. (Blank).

15 8. As required under federal law, persons who are  
16 eligible for Transitional Medical Assistance as a result of  
17 an increase in earnings or child or spousal support  
18 received. The plan for coverage for this class of persons  
19 shall:

20 (a) extend the medical assistance coverage to the  
21 extent required by federal law; and

22 (b) offer persons who have initially received 6  
23 months of the coverage provided in paragraph (a) above,  
24 the option of receiving an additional 6 months of  
25 coverage, subject to the following:

26 (i) such coverage shall be pursuant to



1 provisions of the federal Social Security Act;

2 (ii) such coverage shall include all services  
3 covered under Illinois' State Medicaid Plan;

4 (iii) no premium shall be charged for such  
5 coverage; and

6 (iv) such coverage shall be suspended in the  
7 event of a person's failure without good cause to  
8 file in a timely fashion reports required for this  
9 coverage under the Social Security Act and  
10 coverage shall be reinstated upon the filing of  
11 such reports if the person remains otherwise  
12 eligible.

13 9. Persons with acquired immunodeficiency syndrome  
14 (AIDS) or with AIDS-related conditions with respect to whom  
15 there has been a determination that but for home or  
16 community-based services such individuals would require  
17 the level of care provided in an inpatient hospital,  
18 skilled nursing facility or intermediate care facility the  
19 cost of which is reimbursed under this Article. Assistance  
20 shall be provided to such persons to the maximum extent  
21 permitted under Title XIX of the Federal Social Security  
22 Act.

23 10. Participants in the long-term care insurance  
24 partnership program established under the Illinois  
25 Long-Term Care Partnership Program Act who meet the  
26 qualifications for protection of resources described in

1 Section 15 of that Act.

2 11. Persons with disabilities who are employed and  
3 eligible for Medicaid, pursuant to Section  
4 1902(a)(10)(A)(ii)(xv) of the Social Security Act, and,  
5 subject to federal approval, persons with a medically  
6 improved disability who are employed and eligible for  
7 Medicaid pursuant to Section 1902(a)(10)(A)(ii)(xvi) of  
8 the Social Security Act, as provided by the Illinois  
9 Department by rule. In establishing eligibility standards  
10 under this paragraph 11, the Department shall, subject to  
11 federal approval:

12 (a) set the income eligibility standard at not  
13 lower than 350% of the federal poverty level;

14 (b) exempt retirement accounts that the person  
15 cannot access without penalty before the age of 59 1/2,  
16 and medical savings accounts established pursuant to  
17 26 U.S.C. 220;

18 (c) allow non-exempt assets up to \$25,000 as to  
19 those assets accumulated during periods of eligibility  
20 under this paragraph 11; and

21 (d) continue to apply subparagraphs (b) and (c) in  
22 determining the eligibility of the person under this  
23 Article even if the person loses eligibility under this  
24 paragraph 11.

25 12. Subject to federal approval, persons who are  
26 eligible for medical assistance coverage under applicable

1 provisions of the federal Social Security Act and the  
2 federal Breast and Cervical Cancer Prevention and  
3 Treatment Act of 2000. Those eligible persons are defined  
4 to include, but not be limited to, the following persons:

5 (1) persons who have been screened for breast or  
6 cervical cancer under the U.S. Centers for Disease  
7 Control and Prevention Breast and Cervical Cancer  
8 Program established under Title XV of the federal  
9 Public Health Services Act in accordance with the  
10 requirements of Section 1504 of that Act as  
11 administered by the Illinois Department of Public  
12 Health; and

13 (2) persons whose screenings under the above  
14 program were funded in whole or in part by funds  
15 appropriated to the Illinois Department of Public  
16 Health for breast or cervical cancer screening.

17 "Medical assistance" under this paragraph 12 shall be  
18 identical to the benefits provided under the State's  
19 approved plan under Title XIX of the Social Security Act.  
20 The Department must request federal approval of the  
21 coverage under this paragraph 12 within 30 days after the  
22 effective date of this amendatory Act of the 92nd General  
23 Assembly.

24 In addition to the persons who are eligible for medical  
25 assistance pursuant to subparagraphs (1) and (2) of this  
26 paragraph 12, and to be paid from funds appropriated to the

1 Department for its medical programs, any uninsured person  
2 as defined by the Department in rules residing in Illinois  
3 who is younger than 65 years of age, who has been screened  
4 for breast and cervical cancer in accordance with standards  
5 and procedures adopted by the Department of Public Health  
6 for screening, and who is referred to the Department by the  
7 Department of Public Health as being in need of treatment  
8 for breast or cervical cancer is eligible for medical  
9 assistance benefits that are consistent with the benefits  
10 provided to those persons described in subparagraphs (1)  
11 and (2). Medical assistance coverage for the persons who  
12 are eligible under the preceding sentence is not dependent  
13 on federal approval, but federal moneys may be used to pay  
14 for services provided under that coverage upon federal  
15 approval.

16 13. Subject to appropriation and to federal approval,  
17 persons living with HIV/AIDS who are not otherwise eligible  
18 under this Article and who qualify for services covered  
19 under Section 5-5.04 as provided by the Illinois Department  
20 by rule.

21 14. Subject to the availability of funds for this  
22 purpose, the Department may provide coverage under this  
23 Article to persons who reside in Illinois who are not  
24 eligible under any of the preceding paragraphs and who meet  
25 the income guidelines of paragraph 2(a) of this Section and  
26 (i) have an application for asylum pending before the

1 federal Department of Homeland Security or on appeal before  
2 a court of competent jurisdiction and are represented  
3 either by counsel or by an advocate accredited by the  
4 federal Department of Homeland Security and employed by a  
5 not-for-profit organization in regard to that application  
6 or appeal, or (ii) are receiving services through a  
7 federally funded torture treatment center. Medical  
8 coverage under this paragraph 14 may be provided for up to  
9 24 continuous months from the initial eligibility date so  
10 long as an individual continues to satisfy the criteria of  
11 this paragraph 14. If an individual has an appeal pending  
12 regarding an application for asylum before the Department  
13 of Homeland Security, eligibility under this paragraph 14  
14 may be extended until a final decision is rendered on the  
15 appeal. The Department may adopt rules governing the  
16 implementation of this paragraph 14.

17 15. Family Care Eligibility.

18 (a) On and after July 1, 2012, a parent or other  
19 caretaker relative who is 19 years of age or older when  
20 countable income is at or below 133% of the federal  
21 poverty level. A person may not spend down to become  
22 eligible under this paragraph 15.

23 (b) Eligibility shall be reviewed annually.

24 (c) (Blank).

25 (d) (Blank).

26 (e) (Blank).

1 (f) (Blank).

2 (g) (Blank).

3 (h) (Blank).

4 (i) Following termination of an individual's  
5 coverage under this paragraph 15, the individual must  
6 be determined eligible before the person can be  
7 re-enrolled.

8 16. Subject to appropriation, uninsured persons who  
9 are not otherwise eligible under this Section who have been  
10 certified and referred by the Department of Public Health  
11 as having been screened and found to need diagnostic  
12 evaluation or treatment, or both diagnostic evaluation and  
13 treatment, for prostate or testicular cancer. For the  
14 purposes of this paragraph 16, uninsured persons are those  
15 who do not have creditable coverage, as defined under the  
16 Health Insurance Portability and Accountability Act, or  
17 have otherwise exhausted any insurance benefits they may  
18 have had, for prostate or testicular cancer diagnostic  
19 evaluation or treatment, or both diagnostic evaluation and  
20 treatment. To be eligible, a person must furnish a Social  
21 Security number. A person's assets are exempt from  
22 consideration in determining eligibility under this  
23 paragraph 16. Such persons shall be eligible for medical  
24 assistance under this paragraph 16 for so long as they need  
25 treatment for the cancer. A person shall be considered to  
26 need treatment if, in the opinion of the person's treating

1 physician, the person requires therapy directed toward  
2 cure or palliation of prostate or testicular cancer,  
3 including recurrent metastatic cancer that is a known or  
4 presumed complication of prostate or testicular cancer and  
5 complications resulting from the treatment modalities  
6 themselves. Persons who require only routine monitoring  
7 services are not considered to need treatment. "Medical  
8 assistance" under this paragraph 16 shall be identical to  
9 the benefits provided under the State's approved plan under  
10 Title XIX of the Social Security Act. Notwithstanding any  
11 other provision of law, the Department (i) does not have a  
12 claim against the estate of a deceased recipient of  
13 services under this paragraph 16 and (ii) does not have a  
14 lien against any homestead property or other legal or  
15 equitable real property interest owned by a recipient of  
16 services under this paragraph 16.

17 17. Persons who, pursuant to a waiver approved by the  
18 Secretary of the U.S. Department of Health and Human  
19 Services, are eligible for medical assistance under Title  
20 XIX or XXI of the federal Social Security Act.  
21 Notwithstanding any other provision of this Code and  
22 consistent with the terms of the approved waiver, the  
23 Illinois Department, may by rule:

24 (a) Limit the geographic areas in which the waiver  
25 program operates.

26 (b) Determine the scope, quantity, duration, and

1           quality, and the rate and method of reimbursement, of  
2           the medical services to be provided, which may differ  
3           from those for other classes of persons eligible for  
4           assistance under this Article.

5           (c) Restrict the persons' freedom in choice of  
6           providers.

7           18. Beginning January 1, 2014, persons aged 19 or  
8           older, but younger than 65, who are not otherwise eligible  
9           for medical assistance under this Section 5-2, who qualify  
10          for medical assistance pursuant to 42 U.S.C.  
11          1396a(a)(10)(A)(i)(VIII) and applicable federal  
12          regulations, and who have income at or below 133% of the  
13          federal poverty level plus 5% for the applicable family  
14          size as determined pursuant to 42 U.S.C. 1396a(e)(14) and  
15          applicable federal regulations. Persons eligible for  
16          medical assistance under this paragraph 18 shall receive  
17          coverage for the Health Benefits Service Package as that  
18          term is defined in subsection (m) of Section 5-1.1 of this  
19          Code. If Illinois' federal medical assistance percentage  
20          (FMAP) is reduced below 90% for persons eligible for  
21          medical assistance under this paragraph 18, eligibility  
22          under this paragraph 18 shall cease no later than the end  
23          of the third month following the month in which the  
24          reduction in FMAP takes effect.

25          19. Beginning January 1, 2014, as required under 42  
26          U.S.C. 1396a(a)(10)(A)(i)(IX), persons older than age 18



1 and younger than age 26 who are not otherwise eligible for  
2 medical assistance under paragraphs (1) through (17) of  
3 this Section who (i) were in foster care under the  
4 responsibility of the State on the date of attaining age 18  
5 or on the date of attaining age 21 when a court has  
6 continued wardship for good cause as provided in Section  
7 2-31 of the Juvenile Court Act of 1987 and (ii) received  
8 medical assistance under the Illinois Title XIX State Plan  
9 or waiver of such plan while in foster care.

10 20. Beginning January 1, 2017, the Department shall  
11 provide medical assistance coverage under this Article to  
12 persons who are foreign-born victims of human trafficking,  
13 torture, or other serious crimes as defined in Section 2-19  
14 of this Code and to their derivative family members if such  
15 persons: (i) reside in Illinois; (ii) are not eligible  
16 under any of the preceding paragraphs; (iii) meet the  
17 income guidelines of subparagraph (a) of paragraph 2; and  
18 (iv) either: (I) have filed or are preparing to file a  
19 formal application for status pursuant to Sections  
20 1101(a)(15)(T), 1101(a)(15)(U), or 1158 of Title 8 of the  
21 United States Code; or (II) have an application for  
22 Continued Presence filed on their behalf as provided under  
23 Section 7105(c)(3) of Title 22 of the United States Code. A  
24 person who is a foreign-born victim of trafficking,  
25 torture, or other serious crimes and his or her derivative  
26 family members shall be ineligible for continued medical

1 assistance coverage under this paragraph if the person has  
2 not filed a formal application for status pursuant to  
3 Sections 1101(a)(15)(T), 1101(a)(15)(U), or 1158 of Title  
4 8 of the United States Code within one year after the date  
5 of his or her application for cash assistance or SNAP  
6 benefits pursuant to Article XVI of this Code; however,  
7 such a person shall not be ineligible for continued medical  
8 assistance coverage under this paragraph if the person has  
9 Continued Presence status under Section 7105(c)(3) of  
10 Title 22 of the United States Code. If there is a final  
11 denial of either: (A) the person's visa or asylum  
12 application under Sections 1101(a)(15)(T), 1101(a)(15)(U),  
13 or 1158 of Title 8 of the United States Code or (B) the  
14 person's application for Continued Presence under Section  
15 7105(c)(3) of Title 22 of the United States Code, any  
16 medical assistance coverage provided to that person and to  
17 his or her derivative family members under this paragraph  
18 shall be terminated. The Department may adopt any rules  
19 necessary to implement the provisions of this paragraph.

20 In implementing the provisions of Public Act 96-20, the  
21 Department is authorized to adopt only those rules necessary,  
22 including emergency rules. Nothing in Public Act 96-20 permits  
23 the Department to adopt rules or issue a decision that expands  
24 eligibility for the FamilyCare Program to a person whose income  
25 exceeds 185% of the Federal Poverty Level as determined from  
26 time to time by the U.S. Department of Health and Human

1 Services, unless the Department is provided with express  
2 statutory authority.

3 The eligibility of any such person for medical assistance  
4 under this Article is not affected by the payment of any grant  
5 under the Senior Citizens and Persons with Disabilities  
6 Property Tax Relief Act or any distributions or items of income  
7 described under subparagraph (X) of paragraph (2) of subsection  
8 (a) of Section 203 of the Illinois Income Tax Act.

9 The Department shall by rule establish the amounts of  
10 assets to be disregarded in determining eligibility for medical  
11 assistance, which shall at a minimum equal the amounts to be  
12 disregarded under the Federal Supplemental Security Income  
13 Program. The amount of assets of a single person to be  
14 disregarded shall not be less than \$2,000, and the amount of  
15 assets of a married couple to be disregarded shall not be less  
16 than \$3,000.

17 To the extent permitted under federal law, any person found  
18 guilty of a second violation of Article VIII A shall be  
19 ineligible for medical assistance under this Article, as  
20 provided in Section 8A-8.

21 The eligibility of any person for medical assistance under  
22 this Article shall not be affected by the receipt by the person  
23 of donations or benefits from fundraisers held for the person  
24 in cases of serious illness, as long as neither the person nor  
25 members of the person's family have actual control over the  
26 donations or benefits or the disbursement of the donations or

1 benefits.

2 Notwithstanding any other provision of this Code, if the  
3 United States Supreme Court holds Title II, Subtitle A, Section  
4 2001(a) of Public Law 111-148 to be unconstitutional, or if a  
5 holding of Public Law 111-148 makes Medicaid eligibility  
6 allowed under Section 2001(a) inoperable, the State or a unit  
7 of local government shall be prohibited from enrolling  
8 individuals in the Medical Assistance Program as the result of  
9 federal approval of a State Medicaid waiver on or after the  
10 effective date of this amendatory Act of the 97th General  
11 Assembly, and any individuals enrolled in the Medical  
12 Assistance Program pursuant to eligibility permitted as a  
13 result of such a State Medicaid waiver shall become immediately  
14 ineligible.

15 Notwithstanding any other provision of this Code, if an Act  
16 of Congress that becomes a Public Law eliminates Section  
17 2001(a) of Public Law 111-148, the State or a unit of local  
18 government shall be prohibited from enrolling individuals in  
19 the Medical Assistance Program as the result of federal  
20 approval of a State Medicaid waiver on or after the effective  
21 date of this amendatory Act of the 97th General Assembly, and  
22 any individuals enrolled in the Medical Assistance Program  
23 pursuant to eligibility permitted as a result of such a State  
24 Medicaid waiver shall become immediately ineligible.

25 Effective October 1, 2013, the determination of  
26 eligibility of persons who qualify under paragraphs 5, 6, 8,

1 15, 17, and 18 of this Section shall comply with the  
2 requirements of 42 U.S.C. 1396a(e)(14) and applicable federal  
3 regulations.

4 The Department of Healthcare and Family Services, the  
5 Department of Human Services, and the Illinois health insurance  
6 marketplace shall work cooperatively to assist persons who  
7 would otherwise lose health benefits as a result of changes  
8 made under this amendatory Act of the 98th General Assembly to  
9 transition to other health insurance coverage.

10 (Source: P.A. 98-104, eff. 7-22-13; 98-463, eff. 8-16-13;  
11 99-143, eff. 7-27-15.)

12 (305 ILCS 5/Art. XVI heading new)

13 ARTICLE XVI. SURVIVOR SUPPORT AND TRAFFICKING PREVENTION

14 (305 ILCS 5/16-1 new)

15 Sec. 16-1. Benefits for foreign-born victims of  
16 trafficking, torture, or other serious crimes. In order to  
17 protect persons who are foreign-born victims of trafficking,  
18 torture, or other serious crimes and to reduce the risk of  
19 further harm, exploitation, and re-trafficking, beginning  
20 January 1, 2017, cash assistance provided under the Temporary  
21 Assistance for Needy Families program established under  
22 Article IV of this Code and benefits provided under the federal  
23 Supplemental Nutrition Assistance Program (SNAP) shall be  
24 provided to such persons and their derivative family members to

1 the same extent cash assistance and SNAP benefits are provided  
2 to individuals who are admitted to the United States as  
3 refugees under Section 1157 of Title 8 of the United States  
4 Code. To the extent that federal funding is not available, any  
5 cash assistance or SNAP benefits provided under this Article  
6 shall be paid from State funds.

7 (305 ILCS 5/16-2 new)

8 Sec. 16-2. Eligibility. A foreign-born victim of  
9 trafficking, torture, or other serious crimes and his or her  
10 derivative family members are eligible for cash assistance or  
11 SNAP benefits under this Article if:

12 (a) he or she:

13 (1) has filed or is preparing to file an  
14 application for T Nonimmigrant status with the  
15 appropriate federal agency pursuant to Section  
16 1101(a)(15)(T) of Title 8 of the United States Code,  
17 has an application for Continued Presence filed on his  
18 or her behalf as provided under Section 7105(c)(3) of  
19 Title 22 of the United States Code, or is otherwise  
20 taking steps to meet the conditions for federal  
21 benefits eligibility under Section 7105 of Title 22 of  
22 the United States Code;

23 (2) has filed or is preparing to file a formal  
24 application with the appropriate federal agency for  
25 status pursuant to Section 1101(a)(15)(U) of Title 8 of

1           the United States Code; or

2           (3) has filed or is preparing to file a formal  
3           application with the appropriate federal agency for  
4           status under Section 1158 of Title 8 of the United  
5           States Code; and

6           (b) is otherwise eligible for cash assistance or SNAP  
7           benefits, as applicable.

8           (305 ILCS 5/16-3 new)

9           Sec. 16-3. Determination of eligibility.

10          (a) The Department shall determine that an applicant for  
11          cash assistance or SNAP benefits provided under this Article is  
12          eligible for such benefits if the applicant meets the income  
13          guidelines and is otherwise eligible and either:

14           (1) the applicant:

15           (A) has filed an application for T Nonimmigrant  
16           status with the appropriate federal agency pursuant to  
17           Section 1101(a)(15)(T) of Title 8 of the United States  
18           Code, has an application for Continued Presence filed  
19           on his or her behalf as provided under Section  
20           7105(c)(3) of Title 22 of the United States Code, or is  
21           otherwise taking steps to meet the conditions for  
22           federal benefits eligibility under Section 7105 of  
23           Title 22 of the United States Code;

24           (B) has filed a formal application with the  
25           appropriate federal agency for status pursuant to

1           Section 1101(a)(15)(U) of Title 8 of the United States  
2           Code; or

3           (C) has filed a formal application with the  
4           appropriate federal agency for status under Section  
5           1158 of Title 8 of the United States Code; or

6           (2) the applicant, or a representative of the applicant  
7           if the applicant is not competent, has provided to the  
8           Department:

9           (A) a sworn statement that he or she is a  
10           foreign-born victim of trafficking, torture, or other  
11           serious crimes; and

12           (B) at least one item of additional evidence,  
13           including, but not limited to, any of the following:

14           (i) police, government agency, or court  
15           records or files;

16           (ii) news articles;

17           (iii) documentation from a social services,  
18           trafficking, domestic violence program or rape  
19           crisis center, or a legal, clinical, medical, or  
20           other professional from whom the applicant or  
21           recipient has sought assistance in dealing with  
22           the crime;

23           (iv) a statement from any other individual  
24           with knowledge of the circumstances that provided  
25           the basis for the claim;

26           (v) physical evidence;



1                   (vi) a copy of a completed visa application; or

2                   (vii) written notice from the federal agency

3                   of receipt of the visa application.

4           (b) The Department may, in its discretion, provide cash  
5 assistance or SNAP benefits pursuant to this Article to an  
6 applicant who cannot provide additional evidence as set forth  
7 in subparagraph (B) of paragraph (2) of subsection (a) if:

8                   (1) the applicant, or a representative of the applicant  
9 if the applicant is not competent, has provided a sworn  
10 statement that he or she is a foreign-born victim of  
11 trafficking, torture, or other serious crimes; and

12                   (2) the Department determines that the applicant is  
13 credible.

14           (305 ILCS 5/16-4 new)

15           Sec. 16-4. Work requirements and exemptions.

16           (a) Persons who are foreign-born victims of trafficking,  
17 torture, or other serious crimes and who are receiving cash  
18 assistance or SNAP benefits under this Article shall be subject  
19 to the same work requirements and work requirement exemptions  
20 as other recipients of cash assistance or SNAP benefits,  
21 provided that compliance with these requirements is authorized  
22 by law.

23           (b) A person who is a foreign-born victim of trafficking,  
24 torture, or other serious crimes shall be exempted from any  
25 work requirements if physical or psychological trauma related

1 to or arising from the trafficking, torture, or other serious  
2 crimes impedes his or her ability to comply.

3 (305 ILCS 5/16-5 new)

4 Sec. 16-5. Termination of benefits.

5 (a) Any cash assistance or SNAP benefits provided under  
6 this Article to a person who is a foreign-born victim of  
7 trafficking, torture, or other serious crimes and his or her  
8 derivative family members shall be terminated if there is a  
9 final denial of either: (I) that person's visa or asylum  
10 application under Sections 1101(a)(15)(T), 1101(a)(15)(U), or  
11 1158 of Title 8 of the United States Code; or (II) that  
12 person's application for Continued Presence under Section  
13 7105(c)(3) of Title 22 of the United States Code.

14 (b) A person who is a foreign-born victim of trafficking,  
15 torture, or other serious crimes and his or her derivative  
16 family members shall be ineligible for continued State-funded  
17 cash assistance or SNAP benefits provided under this Article if  
18 that person has not filed a formal application for status  
19 pursuant to Sections 1101(a)(15)(T), 1101(a)(15)(U), or 1158  
20 of Title 8 of the United States Code within one year after the  
21 date of his or her application for cash assistance or SNAP  
22 benefits provided under this Article; however, such a person  
23 shall not be ineligible for continued State-funded cash  
24 assistance or SNAP benefits provided under this Article if the  
25 person has Continued Presence status as provided under Section

1 7105(c)(3) of Title 22 of the United States Code. The  
2 Department of Human Services may extend the person's  
3 eligibility for cash assistance or SNAP benefits beyond  
4 one-year if the person can show that during the year of initial  
5 eligibility he or she (i) experienced a health crisis, (ii) has  
6 been unable, after reasonable attempts, to obtain information  
7 from a third party that is necessary to complete his or her  
8 application for status, or (iii) has other extenuating  
9 circumstances.

10 (305 ILCS 5/16-6 new)

11 Sec. 16-6. Rulemaking authority. The Department of Human  
12 Services shall adopt any rules necessary to implement the  
13 provisions of this Article on or before January 1, 2017.

14 Section 99. Effective date. This Act takes effect upon  
15 becoming law."