

VETO VIOLENCE, SUPPORT SURVIVORS

A Legislator's How-To Guide to
Champion Survivors This Session

ABOUT THE NETWORK: ADVOCATING AGAINST DOMESTIC VIOLENCE

The Network: Advocating Against Domestic Violence is a collaborative membership organization dedicated to improving the lives of those impacted by domestic violence through education, public policy and advocacy, and the connection of community members to direct service providers.

LEGISLATIVE PRIORITY AREAS



Criminal Justice Reform

We support legislation that provides better representation of survivors' needs in the criminal legal process and advocacy for criminalized survivors.



Funding Services

As the cost of business and demand for services increase, additional statewide funding is needed to support survivors.



Survivor Protections

Creating additional protections and increased access to these protections is a critical aspect of helping survivors maintain safety and promote healing.

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CRIMINAL JUSTICE REFORM

Bill Number : HB 4847

Subject : Criminal-Accountability Relief

Synopsis :

Amends the Criminal Code of 2012. Provides that a person is not accountable for the conduct of another if he or she was subjected to specific and credible coercion, compulsion, duress, or threats. Provides that no offense is excepted from the provision that a person is not guilty of an offense by reason of conduct that he or she performs under the compulsion of threat or menace of the imminent infliction of death or great bodily harm, if he or she reasonably believes death or great bodily harm will be inflicted upon him or her, or upon his or her spouse or child, if he or she does not perform that conduct. Amends the Code of Civil Procedure. In a provision concerning relief from judgments: Changes the allegations a movant must establish when presenting a meritorious claim to: (1) the movant was convicted of a forcible felony; (2) the movant's participation in the offense was related to experiencing or the effects of gender-based violence; and (3) no substantial evidence or incomplete evidence of gender-based violence against the movant was presented at the movant's sentencing hearing. Changes the term "domestic violence" to "gender-based violence". Removes the definition of "intimate partner". Makes corresponding changes.

Why You Should Support It:

The power and control exerted by persons who cause harm over survivors may be utilized to manipulate or coerce them into criminal activity that led to their incarceration. One study found that nearly half of the participants (institutionalized survivors of gender-based violence) had been coerced into criminal activity as "part of a structural sequence of actions in a climate of terror and diminished, violated sense of self." Allowing coercion and compulsion as acceptable defenses for survivors avoids unnecessary prosecution of experiencing trauma and, instead, enables these individuals to seek wrap-around services.

CRIMINAL JUSTICE REFORM

Bill Number : HB 5021

Subject : Parole - Gender Based Violence

Synopsis :

Amends the Unified Code of Corrections. Provides that the Prisoner Review Board shall create a process by which an incarcerated individual may submit an application to be declared a survivor of gender-based violence. Provides that an application to be declared a survivor of gender-based violence may be filed with the Prisoner Review Board. Provides that application materials shall be maintained on the Prisoner Review Board's website and maintained in a clearly visible place within the law library and the infirmary of every correctional institution or facility operated by the Department of Corrections. Provides that within 90 days after the receipt of the application, the Prisoner Review Board shall conduct a hearing if a hearing is requested and render a decision granting or denying the application. Provides that the Prisoner Review Board shall create an enumerated list of factors for determination of the applicant's qualification as a survivor of gender-based violence. Provides that these factors shall be made publicly available. Provides that petitions to be declared a survivor of gender-based violence shall be considered by 3-member panels, and decisions shall be made by simple majority vote of the panel. Provides that applicants receiving a declaration shall be eligible for parole consideration by the Prisoner Review Board. Provides that the hearings shall be conducted in accordance with the Open Parole Hearings Act.

Why You Should Support It:

Gender-based violence survivors often are subjected to long sentences based on accountability without the possibility of parole. Survivors also experience high levels of trauma that impact the brain and result in PTSD, anxiety, extreme alertness, numbness, and heightened 'fight or flight' response. This parole process enables survivors to be eligible for parole as their incarceration is likely to due to the impacts of their trauma.

FUNDING SERVICES

Illinois Coalition Against Domestic Violence

Budget Allocation Ask: \$50 Million

Invest in a Statewide Domestic Violence Safety Net:

Expand Community Education & Outreach

Provide life-saving information on statewide domestic violence resources

Implement Prevention Education

Teach communities and youth about healthy relationships

Sustain Direct Services to Survivors

Deliver survivor supports to address current gaps in services

Increase Access to Safe Housing

Provide safe, stable and affordable housing options

Maintain Current Operations & Staffing with a Thriving Wage

Sustain the necessary workforce to meet survivor needs

Why You Should Support It:

Funding levels for gender-based violence services have remained stagnant with only minimal increases in recent years. The cost of business for services providers has risen along with increased demand for services and supports.

The \$50 million allocation for gender-based violence will address the key areas of outreach, implementation of prevention education, direct services, access to safe housing, and service provider operations & staffing. This funding will enable service providers to meet the needs of survivors across the state more efficiently and effectively.

SURVIVOR PROTECTIONS

Bill Number : HB 2541

Subject : Order of Protections - Gun Restrictions

Synopsis :

Amends the Domestic Violence Act of 1986. In cases in which a petitioner seeks a prohibition on firearm possession, removes a requirement that the respondent receives actual notice of and an opportunity to participate in a hearing. Provides that an order of protection shall include a remedy that prohibits a respondent from possessing any firearms for a minimum of 2 years (instead of for the duration of the order of protection). Provides that any Firearm Owner's Identification Card in the possession of the respondent shall be suspended and turned over to a law enforcement agency of the court's choosing (rather than a local law enforcement agency). Makes other changes.

Why You Should Support it :

Firearms possessed by those who cause harm increases the risk of domestic violence-related homicide and long-lasting psychological trauma for survivors. It can be used to inflict harm—physical and emotional—on the survivor, their children, loved ones of the survivor, and even pets. The presence of a firearm instills fear and further asserts power and control.

Gun-owning Individuals who cause harm are five times more likely to kill partners. Therefore, it is critical to provide survivors with the option while filing an order of protection to request the removal of a firearm without prior notice, which may escalate the violence. Allowing the court to determine which law enforcement agency the FOID card should be turned over to enables more efficient and effective revocation.

SURVIVOR PROTECTIONS

Bill Number : SB 3208

Subject : Victim Sexual Assault Notice

Synopsis :

Amends the Criminal Identification Act. Provides that when a person sustains injury as a victim of a crime and is treated by a medical facility or a physician or nurse and the person presents himself or herself as a victim of a sex offense or domestic violence, the local law enforcement agency shall only be notified by the medical facility, or any physician or nurse that treats the victim, if the victim requests or agrees to the notification. Provides that this exception does not change the obligations of mandated reporters under the Abused and Neglected Child Reporting Act. Effective immediately.

Why You Should Support it :

The response of law enforcement to domestic violence and sexual assault situations often lacks a trauma-informed approach to properly handle the needs and fears of survivors. 59% of survivors who participated in a 2015 study by the National Domestic Violence Hotline reported being afraid law enforcement would not believe them or would do nothing. Additionally, survivors fear law enforcement involvement will result in escalated violence or retribution by the person causing them harm. Other survivors may not be ready to engage in the legal process that may be re-traumatizing. Therefore, it is important to prioritize survivor wishes in law enforcement notification within the healthcare system. Survivors would be able to request or agree to law enforcement notification without being forced to engage with law enforcement.