



Sen. Jacqueline Y. Collins

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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,  
15 who is otherwise eligible, must be either a United States

1 citizen or included in one of the following categories of  
2 non-citizens:

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

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

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

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

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

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

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

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

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

25 (10) Persons identified by the federal Office of  
26 Refugee Resettlement (ORR) as victims of trafficking;

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

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

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

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

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

1 States.

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

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

11 (305 ILCS 5/2-19 new)

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

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

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

23 (3) a non-citizen who has a well-founded fear of  
24 persecution on account of race, religion, nationality,  
25 membership in a particular social group, or political

1 opinion as set forth in Section 1101(a)(42)(A) of Title 8  
2 of the United States Code.

3 (305 ILCS 5/5-2) (from Ch. 23, par. 5-2)

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

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

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

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

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

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

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

9           (b) (Blank).

10          3. (Blank).

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

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

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

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

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

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

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

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

13 7. (Blank).

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

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

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

25 (i) such coverage shall be pursuant to  
26 provisions of the federal Social Security Act;



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

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

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

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

22           10. Participants in the long-term care insurance  
23 partnership program established under the Illinois  
24 Long-Term Care Partnership Program Act who meet the  
25 qualifications for protection of resources described in  
26 Section 15 of that Act.

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

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

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

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

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

24           12. Subject to federal approval, persons who are  
25 eligible for medical assistance coverage under applicable  
26 provisions of the federal Social Security Act and the

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

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

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

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

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

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

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

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

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

16 15. Family Care Eligibility.

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

22 (b) Eligibility shall be reviewed annually.

23 (c) (Blank).

24 (d) (Blank).

25 (e) (Blank).

26 (f) (Blank).

1 (g) (Blank).

2 (h) (Blank).

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

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

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

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

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

25 (b) Determine the scope, quantity, duration, and  
26 quality, and the rate and method of reimbursement, of

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

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

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

24          19. Beginning January 1, 2014, as required under 42  
25          U.S.C. 1396a(a)(10)(A)(i)(IX), persons older than age 18  
26          and younger than age 26 who are not otherwise eligible for



1 medical assistance under paragraphs (1) through (17) of  
2 this Section who (i) were in foster care under the  
3 responsibility of the State on the date of attaining age 18  
4 or on the date of attaining age 21 when a court has  
5 continued wardship for good cause as provided in Section  
6 2-31 of the Juvenile Court Act of 1987 and (ii) received  
7 medical assistance under the Illinois Title XIX State Plan  
8 or waiver of such plan while in foster care.

9 20. Beginning January 1, 2018, persons who are  
10 foreign-born victims of human trafficking, torture, or  
11 other serious crimes as defined in Section 2-19 of this  
12 Code and their derivative family members if such persons:  
13 (i) reside in Illinois; (ii) are not eligible under any of  
14 the preceding paragraphs; (iii) meet the income guidelines  
15 of subparagraph (a) of paragraph 2; and (iv) meet the  
16 nonfinancial eligibility requirements of Sections 16-2,  
17 16-3, and 16-5 of this Code. The Department may extend  
18 medical assistance for persons who are foreign-born  
19 victims of human trafficking, torture, or other serious  
20 crimes whose medical assistance would be terminated  
21 pursuant to subsection (b) of Section 16-5 if the  
22 Department determines that the person, during the year of  
23 initial eligibility (1) experienced a health crisis, (2)  
24 has been unable, after reasonable attempts, to obtain  
25 necessary information from a third party, or (3) has other  
26 extenuating circumstances that prevented the person from

1       completing his or her application for status. The  
2       Department may adopt any rules necessary to implement the  
3       provisions of this paragraph.

4       In implementing the provisions of Public Act 96-20, the  
5       Department is authorized to adopt only those rules necessary,  
6       including emergency rules. Nothing in Public Act 96-20 permits  
7       the Department to adopt rules or issue a decision that expands  
8       eligibility for the FamilyCare Program to a person whose income  
9       exceeds 185% of the Federal Poverty Level as determined from  
10      time to time by the U.S. Department of Health and Human  
11      Services, unless the Department is provided with express  
12      statutory authority.

13      The eligibility of any such person for medical assistance  
14      under this Article is not affected by the payment of any grant  
15      under the Senior Citizens and Persons with Disabilities  
16      Property Tax Relief Act or any distributions or items of income  
17      described under subparagraph (X) of paragraph (2) of subsection  
18      (a) of Section 203 of the Illinois Income Tax Act.

19      The Department shall by rule establish the amounts of  
20      assets to be disregarded in determining eligibility for medical  
21      assistance, which shall at a minimum equal the amounts to be  
22      disregarded under the Federal Supplemental Security Income  
23      Program. The amount of assets of a single person to be  
24      disregarded shall not be less than \$2,000, and the amount of  
25      assets of a married couple to be disregarded shall not be less  
26      than \$3,000.

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

5           The eligibility of any person for medical assistance under  
6 this Article shall not be affected by the receipt by the person  
7 of donations or benefits from fundraisers held for the person  
8 in cases of serious illness, as long as neither the person nor  
9 members of the person's family have actual control over the  
10 donations or benefits or the disbursement of the donations or  
11 benefits.

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

25           Notwithstanding any other provision of this Code, if an Act  
26 of Congress that becomes a Public Law eliminates Section

1 2001(a) of Public Law 111-148, the State or a unit of local  
2 government shall be prohibited from enrolling individuals in  
3 the Medical Assistance Program as the result of federal  
4 approval of a State Medicaid waiver on or after the effective  
5 date of this amendatory Act of the 97th General Assembly, and  
6 any individuals enrolled in the Medical Assistance Program  
7 pursuant to eligibility permitted as a result of such a State  
8 Medicaid waiver shall become immediately ineligible.

9 Effective October 1, 2013, the determination of  
10 eligibility of persons who qualify under paragraphs 5, 6, 8,  
11 15, 17, and 18 of this Section shall comply with the  
12 requirements of 42 U.S.C. 1396a(e)(14) and applicable federal  
13 regulations.

14 The Department of Healthcare and Family Services, the  
15 Department of Human Services, and the Illinois health insurance  
16 marketplace shall work cooperatively to assist persons who  
17 would otherwise lose health benefits as a result of changes  
18 made under this amendatory Act of the 98th General Assembly to  
19 transition to other health insurance coverage.

20 (Source: P.A. 98-104, eff. 7-22-13; 98-463, eff. 8-16-13;  
21 99-143, eff. 7-27-15.)

22 (305 ILCS 5/Art. XVI heading new)

23 ARTICLE XVI. SURVIVOR SUPPORT AND TRAFFICKING PREVENTION

24 (305 ILCS 5/16-1 new)

1       Sec. 16-1. Benefits for foreign-born victims of  
2 trafficking, torture, or other serious crimes. In order to  
3 protect persons who are foreign-born victims of trafficking,  
4 torture, or other serious crimes and to reduce the risk of  
5 further harm, exploitation, and re-trafficking, beginning  
6 January 1, 2018, cash assistance provided under the Temporary  
7 Assistance for Needy Families program established under  
8 Article IV of this Code and benefits provided under the federal  
9 Supplemental Nutrition Assistance Program (SNAP) shall be  
10 provided to such persons and their derivative family members to  
11 the same extent cash assistance and SNAP benefits are provided  
12 to individuals who are admitted to the United States as  
13 refugees under Section 1157 of Title 8 of the United States  
14 Code. To the extent that federal funding is not available, any  
15 cash assistance or SNAP benefits provided under this Article  
16 shall be paid from State funds. If changes made in this Section  
17 require federal approval, they shall not take effect until such  
18 approval has been received.

19           (305 ILCS 5/16-2 new)

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

24           (a) he or she:

25                   (1) has filed or is preparing to file an

1           application for T Nonimmigrant status with the  
2           appropriate federal agency pursuant to Section  
3           1101(a)(15)(T) of Title 8 of the United States Code, or  
4           is otherwise taking steps to meet the conditions for  
5           federal benefits eligibility under Section 7105 of  
6           Title 22 of the United States Code;

7           (2) has filed or is preparing to file a formal  
8           application with the appropriate federal agency for  
9           status pursuant to Section 1101(a)(15)(U) of Title 8 of  
10           the United States Code; or

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

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

17           (305 ILCS 5/16-3 new)

18           Sec. 16-3. Determination of eligibility.

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

23           (1) the applicant has filed:

24           (A) an application for T Nonimmigrant status with  
25           the appropriate federal agency pursuant to Section

1           1101(a)(15)(T) of Title 8 of the United States Code, or  
2           is otherwise taking steps to meet the conditions for  
3           federal benefits eligibility under Section 7105 of  
4           Title 22 of the United States Code;

5           (B) a formal application with the appropriate  
6           federal agency for status pursuant to Section  
7           1101(a)(15)(U) of Title 8 of the United States Code; or

8           (C) a formal application with the appropriate  
9           federal agency for status under Section 1158 of Title 8  
10           of the United States Code; or

11           (2) the applicant, or a representative of the applicant  
12           if the applicant is not competent, has provided to the  
13           Department:

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

17           (B) at least one item of additional credible  
18           evidence, including, but not limited to, any of the  
19           following:

20                   (i) police, government agency, or court  
21                   records or files;

22                   (ii) news articles;

23                   (iii) documentation from a social services,  
24                   trafficking, domestic violence program or rape  
25                   crisis center, or a legal, clinical, medical, or  
26                   other professional from whom the applicant or

1           recipient has sought assistance in dealing with  
2           the crime;

3           (iv) a statement from any other individual  
4           with knowledge of the circumstances that provided  
5           the basis for the claim;

6           (v) physical evidence;

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

8           (vii) written notice from the federal agency  
9           of receipt of the visa application.

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

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

18           (2) the Department determines that the applicant is  
19           credible.

20          (305 ILCS 5/16-4 new)

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

22          (a) Persons who are foreign-born victims of trafficking,  
23          torture, or other serious crimes and who are receiving cash  
24          assistance or SNAP benefits under this Article shall be subject  
25          to the same work requirements and work requirement exemptions



1 as other recipients of cash assistance or SNAP benefits,  
2 provided that compliance with these requirements is authorized  
3 by law.

4 (b) A person who is a foreign-born victim of trafficking,  
5 torture, or other serious crimes shall be exempted from any  
6 work requirements if physical or psychological trauma related  
7 to or arising from the trafficking, torture, or other serious  
8 crimes impedes his or her ability to comply.

9 (305 ILCS 5/16-5 new)

10 Sec. 16-5. Termination of benefits.

11 (a) Any cash assistance or SNAP benefits provided under  
12 this Article to a person who is a foreign-born victim of  
13 trafficking, torture, or other serious crimes and his or her  
14 derivative family members shall be terminated if there is a  
15 final denial of that person's visa or asylum application under  
16 Sections 1101(a)(15)(T), 1101(a)(15)(U), or 1158 of Title 8 of  
17 the United States Code.

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

1 benefits provided under this Article. The Department of Human  
2 Services may extend the person's and his or her derivative  
3 family members' eligibility for medical assistance, cash  
4 assistance, or SNAP benefits beyond one-year if the Department  
5 determines that the person, during the year of initial  
6 eligibility (i) experienced a health crisis, (ii) has been  
7 unable, after reasonable attempts, to obtain necessary  
8 information from a third party, or (iii) has other extenuating  
9 circumstances that prevented the person from completing his or  
10 her application for status.

11 (305 ILCS 5/16-6 new)

12 Sec. 16-6. Rulemaking authority. The Department of Human  
13 Services shall adopt any rules necessary to implement the  
14 provisions of this Article on or before January 1, 2018.

15 (305 ILCS 5/16-7 new)

16 Sec. 16-7. Program termination. The provisions of this  
17 Article are inoperative on and after June 30, 2019.

18 Section 99. Effective date. This Act takes effect upon  
19 becoming law.".