



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

SB2682

Introduced 10/14/2025, by Sen. Darby A. Hills

SYNOPSIS AS INTRODUCED:

See Index

Amends the Sexual Exploitation in Psychotherapy, Professional Health Services, and Professional Mental Health Services Act. Changes the long title of the Act. Changes the short title of the Act to the Therapist Abuse Prevention and Accountability Act. Provides that a cause of action against a therapist or unlicensed health professional for abuse exists for a client or former client for injury caused by the abuse by the therapist or unlicensed health professional, if the abuse occurred: (1) during the period the client was receiving therapy from the therapist or health services from the unlicensed health professional or (2) within 2 years after the period the client received therapy from the therapist or health services from the unlicensed health professional. Provides that the consent of the client or former client is not a defense to a cause of action under this provision. Provides that a person is deemed incapable of consent when he or she is a person who is in a therapeutic relationship or has been in a therapeutic relationship within the previous 2 years with the therapist. Provides that a therapist must report any observed or suspected therapist abuse to the Department of Financial and Professional Regulation and to a local law enforcement agency. Provides that failure to report the abuse is subject to the criminal penalties provided in the Criminal Code of 2012 and disciplinary action by the Department of Financial and Professional Regulation. Makes other changes. Defines terms. Amends the Criminal Code of 2012 to make conforming changes.

LRB104 14380 RLC 27516 b

1 AN ACT concerning therapist abuse.

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

4 Section 5. The Criminal Code of 2012 is amended by adding
5 Section 11-9.6 as follows:

6 (720 ILCS 5/11-9.6 new)

7 Sec. 11-9.6. Therapist abuse.

8 (a) In this Section:

9 "Abuse", "client", and "therapist" have the meanings
10 ascribed to those terms in the Therapist Abuse Prevention and
11 Accountability Act.

12 "Vulnerable adult" means a person who is at least 18 years
13 of age and: (1) is suffering from a developmental or
14 intellectual disability or related disability; (2) has
15 substance use disorder; or (3) is suffering from Alzheimer's
16 disease or other forms of dementia.

17 (b) A person commits therapist abuse when he or she is a
18 therapist and engages in abuse of a client or former client in
19 which the therapy terminated within the previous 2 years.

20 (c) The consent of the client or former client shall not be
21 a defense to a prosecution under this Section. A person is
22 deemed incapable of consent when he or she is a client or
23 former client of the therapist.

1 (d) This Section does not apply to any therapist who is
2 lawfully married to the client or former client if the
3 marriage occurred before the date of the therapy.

4 (e) Therapists must report any observed or suspected
5 therapist abuse to the Department of Financial and
6 Professional Regulation and to a local law enforcement agency.

7 (f) Sentence. Therapist abuse is a Class 3 felony. If the
8 victim of the offense is under 18 years of age or is a
9 vulnerable adult, the penalty is a Class 2 felony. Any
10 therapist convicted of violating this Section immediately
11 shall forfeit his or her professional license as a therapist
12 to the Department of Financial and Professional Regulation and
13 that license shall be revoked. The person convicted shall be
14 permanently barred from practicing therapy within this State.
15 A therapist who fails to report another therapist's abuse
16 known to the therapist is guilty of a Class A misdemeanor and
17 shall be fined not to exceed \$5,000.

18 Section 10. The Sexual Exploitation in Psychotherapy,
19 Professional Health Services, and Professional Mental Health
20 Services Act is amended by changing the title of the Act and
21 Sections 0.01, 1, 2, 3, 4, 5, 6, and 7 and by adding Sections
22 6.1, 6.2, 6.3, and 6.4 as follows:

23 (740 ILCS 140/Act title)

24 An Act concerning therapist abuse prevention and

1 accountability ~~sexual exploitation by psychotherapists,~~
2 ~~unlicensed health professionals, or unlicensed mental health~~
3 ~~professionals.~~

4 (740 ILCS 140/0.01) (from Ch. 70, par. 800)

5 Sec. 0.01. Short title. This Act may be cited as the
6 Therapist Abuse Prevention and Accountability ~~Sexual~~
7 ~~Exploitation in Psychotherapy, Professional Health Services,~~
8 ~~and Professional Mental Health Services Act.~~

9 (Source: P.A. 90-538, eff. 12-1-97.)

10 (740 ILCS 140/1)

11 Sec. 1. Definitions. In this Act:

12 "Abuse" means any form of sexual contact, exploitation, or
13 physical harm perpetrated by a therapist against a client
14 during or within 2 years after the therapeutic relationship.

15 "Client" means any individual receiving therapeutic
16 services from a therapist.

17 ~~(a) "Emotionally dependent" means that the nature of the~~
18 ~~patient's or former patient's emotional condition and the~~
19 ~~nature of the treatment provided by the psychotherapist,~~
20 ~~unlicensed health professional, or unlicensed mental health~~
21 ~~professional are such that the psychotherapist, unlicensed~~
22 ~~health professional, or unlicensed mental health professional~~
23 ~~knows or has reason to believe that the patient or former~~
24 ~~patient is unable to withhold consent to sexual contact by the~~

1 ~~psychotherapist, unlicensed health professional, or unlicensed~~
2 ~~mental health professional.~~

3 "Exploitation" means using the therapist's professional
4 relationship with the client or former client for personal,
5 financial, or sexual gain, including a dual relationship that
6 impairs the judgment of the therapist or create conflicts of
7 interest.

8 ~~(b) "Former client patient" means a person who was given~~
9 ~~therapy psychotherapy within 2 years 1-year prior to the abuse~~
10 ~~by sexual contact with the therapist psychotherapist or who~~
11 ~~obtained a professional consultation or diagnostic or~~
12 ~~therapeutic service from an unlicensed health professional ~~or~~~~
13 ~~unlicensed mental health professional within 2 years one year~~
14 ~~prior to the abuse by sexual contact with the unlicensed~~
15 ~~health professional ~~or unlicensed mental health professional~~.~~

16 ~~(c) "Patient" means a person who seeks or obtains~~
17 ~~psychotherapy or who obtains a professional consultation or~~
18 ~~diagnostic or therapeutic service from an unlicensed health~~
19 ~~professional or unlicensed mental health professional.~~

20 ~~(d) "Psychotherapist" means a physician, psychologist,~~
21 ~~nurse, chemical dependency counselor, social worker, or other~~
22 ~~person, whether or not licensed by the State, who performs or~~
23 ~~purports to perform psychotherapy.~~

24 ~~(e) "Psychotherapy" means the professional treatment,~~
25 ~~assessment, or counseling of a mental or emotional illness,~~
26 ~~symptom, or condition. "Psychotherapy" does not include~~

1 ~~counseling of a spiritual or religious nature, social work, or~~
2 ~~casual advice given by a friend or family member.~~

3 ~~(f)~~ "Sexual contact" means any of the following, whether
4 or not occurring with the consent of a client ~~patient~~ or former
5 client ~~patient~~:

6 (1) sexual intercourse, cunnilingus, fellatio, anal
7 intercourse or any intrusion, however slight, into the
8 genital or anal openings of the client ~~patient's~~ or former
9 client's ~~patient's~~ body by any part of the therapist's or
10 ~~psychotherapist's, unlicensed health professional's, or~~
11 ~~unlicensed mental health professional's~~ body or by any
12 object used by the therapist or ~~psychotherapist,~~
13 ~~unlicensed health professional, or unlicensed mental~~
14 ~~health professional~~ for that purpose, or any intrusion,
15 however slight, into the genital or anal openings of the
16 therapist's or ~~psychotherapist's,~~ unlicensed health
17 ~~professional's, or unlicensed mental health professional's~~
18 body by any part of the client's ~~patient's~~ or former
19 client's ~~patient's~~ body or by any object used by the
20 client ~~patient~~ or former client ~~patient~~ for that purpose,
21 if agreed to by the therapist or ~~psychotherapist,~~
22 ~~unlicensed health professional, or unlicensed mental~~
23 ~~health professional;~~

24 (2) kissing or intentional touching by the therapist
25 or ~~psychotherapist,~~ unlicensed health professional, ~~or~~
26 ~~unlicensed mental health professional~~ of the client's

1 ~~patient's~~ or former client's ~~patient's~~ genital area,
2 groin, inner thigh, buttocks, or breast or the clothing
3 covering any of these body parts;

4 (3) kissing or intentional touching by the client
5 ~~patient~~ or former client ~~patient~~ of the therapist's or
6 ~~psychotherapist's,~~ unlicensed health professional's, ~~or~~
7 ~~unlicensed mental health professional's~~ genital area,
8 groin, inner thigh, buttocks, or breast or the clothing
9 covering any of these body parts if the therapist or
10 ~~psychotherapist,~~ unlicensed health professional, ~~or~~
11 ~~unlicensed mental health professional~~ agrees to the
12 kissing or intentional touching.

13 "Sexual contact" includes a request by the therapist or
14 ~~psychotherapist,~~ unlicensed health professional, ~~or unlicensed~~
15 ~~mental health professional~~ for conduct described in paragraphs
16 (1) through (3).

17 "Sexual contact" does not include conduct described in
18 paragraph (1) or (2) that is a part of standard medical
19 treatment of a client ~~patient,~~ casual social contact not
20 intended to be sexual in character, or inadvertent touching.

21 "Therapist" means any licensed mental health professional,
22 including, but not limited to, a psychiatrist, physician,
23 clinical psychologist, clinical social worker, marriage and
24 family therapist, or nurse providing mental health or
25 developmental disabilities services or any other person not
26 prohibited by law from providing such services or from holding

1 himself or herself out as a therapist if the recipient
2 reasonably believes that such person is permitted to do so.

3 Therapist includes any successor of the therapist.

4 ~~(g) "Therapeutic deception" means a representation by a~~
5 ~~psychotherapist, unlicensed health professional, or unlicensed~~
6 ~~mental health professional that sexual contact with the~~
7 ~~psychotherapist, unlicensed health professional, or unlicensed~~
8 ~~mental health professional is consistent with or part of the~~
9 ~~patient's or former patient's treatment.~~

10 ~~(h) "Unlicensed health professional" means a person who is~~
11 ~~not licensed or registered to provide health services,~~
12 ~~including mental health services,~~ by the Department of
13 ~~Financial and Professional Regulation or a board of~~
14 ~~registration duly authorized to grant licenses or registration~~
15 ~~to persons engaged in the practice of providing health~~
16 ~~services or whose license or registration to provide health~~
17 ~~services has been returned or revoked by the Department or~~
18 ~~that board.~~

19 ~~(i) "Unlicensed mental health professional" means a person~~
20 ~~who is not licensed or registered to provide mental health~~
21 ~~services by the Department of Professional Regulation or a~~
22 ~~board of registration duly authorized to grant licenses or~~
23 ~~registration to persons engaged in the practice of providing~~
24 ~~mental health services or whose license or registration to~~
25 ~~provide mental health services has been returned or revoked by~~
26 ~~the Department or that board.~~

1 (Source: P.A. 90-538, eff. 12-1-97.)

2 (740 ILCS 140/2) (from Ch. 70, par. 802)

3 Sec. 2. Cause of action for abuse; duty to report abuse
4 ~~sexual exploitation.~~

5 (a) A cause of action against a therapist or
6 ~~psychotherapist,~~ unlicensed health professional, ~~or unlicensed~~
7 ~~mental health professional~~ for abuse ~~sexual exploitation~~
8 exists for a client ~~patient~~ or former client ~~patient~~ for
9 injury caused by abuse by ~~sexual contact with~~ the therapist or
10 ~~psychotherapist,~~ unlicensed health professional, ~~or~~
11 ~~unlicensed mental health professional,~~ if the abuse ~~sexual~~
12 ~~contact~~ occurred:

13 (1) during the period the client ~~patient~~ was receiving
14 therapy ~~psychotherapy~~ from the therapist ~~psychotherapist,~~
15 or health services from the unlicensed health
16 professional, ~~or mental health services from the~~
17 ~~unlicensed mental health professional; or~~

18 (2) within 2 years after the period the client ~~patient~~
19 received therapy ~~psychotherapy~~ from the therapist
20 ~~psychotherapist,~~ or health services from the unlicensed
21 health professional, ~~or mental health services from the~~
22 ~~unlicensed mental health professional if (i) the former~~
23 ~~patient was emotionally dependent on the psychotherapist,~~
24 ~~unlicensed health professional, or unlicensed mental~~
25 ~~health professional or (ii) the sexual contact occurred by~~

1 ~~means of therapeutic deception.~~

2 (a-1) The consent of the client or former client is not a
3 defense to a cause of action under this Section. A person is
4 deemed incapable of consent when he or she is a person who is
5 in a therapeutic relationship or has been in a therapeutic
6 relationship within the previous 2 years with the therapist.

7 (a-2) A therapist must report any observed or suspected
8 therapist abuse as described in subsection (a) to the
9 Department of Financial and Professional Regulation and to a
10 local law enforcement agency. Failure to report the abuse is
11 subject to the criminal penalties provided in Section 11-9.6
12 of the Criminal Code of 2012 and disciplinary action by the
13 Department of Financial and Professional Regulation.

14 (b) The client ~~patient~~ or former client ~~patient~~ may
15 recover damages from a therapist or psychotherapist,
16 ~~unlicensed health professional, or unlicensed mental health~~
17 ~~professional~~ who is found liable for abuse ~~sexual~~
18 ~~exploitation~~. It is not a defense to the action that the abuse
19 ~~of sexual contact with~~ a client or former client ~~patient~~
20 occurred outside a therapy or treatment session or that it
21 occurred off the premises regularly used by the therapist or
22 ~~psychotherapist,~~ ~~unlicensed health professional, or unlicensed~~
23 ~~mental health professional~~ for therapy or treatment sessions.

24 (c) Whenever the Attorney General has probable cause to
25 believe (i) that a therapist or psychotherapist, unlicensed
26 ~~health professional, or unlicensed mental health professional~~

1 is having or has abused ~~had sexual contact with~~ one or more
2 ~~patients or clients or former patients or former clients~~ while
3 the therapist or psychotherapist, unlicensed health
4 professional, ~~or unlicensed mental health professional~~ was
5 licensed or unlicensed and (ii) that the therapist or
6 ~~psychotherapist,~~ unlicensed health professional, ~~or unlicensed~~
7 ~~mental health professional~~ poses a threat to the health,
8 safety, or welfare of members of the public who are or may be
9 ~~patients or clients of the~~ therapist or psychotherapist,
10 unlicensed health professional, ~~or unlicensed mental health~~
11 ~~professional,~~ the Attorney General may bring an action in the
12 name of the State against the therapist or psychotherapist,
13 unlicensed health professional, ~~or unlicensed mental health~~
14 ~~professional~~ to restrain by temporary restraining order or
15 preliminary or permanent injunction the therapist or
16 ~~psychotherapist,~~ unlicensed health professional, ~~or unlicensed~~
17 ~~mental health professional~~ from providing, offering to
18 provide, or representing himself or herself as being able to
19 provide therapy or psychotherapy, health services, ~~or mental~~
20 ~~health services.~~

21 At least 5 days prior to the commencement of any action
22 brought under this Section, except when a temporary
23 restraining order is sought, the Attorney General shall notify
24 the therapist or psychotherapist, unlicensed health
25 professional, ~~or unlicensed mental health professional~~ of the
26 Attorney General's intended action and shall give the

1 therapist or psychotherapist, unlicensed health professional,
2 ~~or unlicensed mental health professional~~ an opportunity to
3 confer with the Attorney General or his or her representative
4 in person or by counsel or other representative as to the
5 proposed action.

6 The notice shall be given by first-class mail, postage
7 prepaid, to the therapist's or psychotherapist's, unlicensed
8 health professional's, ~~or unlicensed mental health~~
9 ~~professional's~~ usual place of business or, if that person has
10 no usual place of business, to that person's last known
11 address.

12 (d) The action may be brought either in the circuit court
13 of the county in which the conduct complained of occurred or in
14 the circuit court of the county in which the therapist or
15 ~~psychotherapist~~, unlicensed health professional, ~~or unlicensed~~
16 ~~mental health professional~~ resides or has his or her principal
17 place of business.

18 The court may issue temporary restraining orders or
19 preliminary or permanent injunctions and make other orders or
20 judgments it deems appropriate.

21 (e) No injunction shall be issued under this Section
22 unless the court finds that the defendant has had an
23 opportunity for an evidentiary hearing as to all contested
24 material issues of fact. Issues decided in a prior evidentiary
25 hearing in a court or in an administrative proceeding may be
26 applied to a proceeding under this Section in compliance with

1 the Code of Civil Procedure.

2 If the court issues an injunction against a therapist or
3 ~~psychotherapist, unlicensed health professional, or unlicensed~~
4 ~~mental health professional~~ under this Section, the court shall
5 retain jurisdiction of the matter and the cause shall be
6 continued. Any therapist or ~~psychotherapist, unlicensed health~~
7 ~~professional, or unlicensed mental health professional~~ who is
8 ordered to refrain from certain conduct or activities in an
9 action brought under this Section may petition the court for a
10 modification or termination of the injunction upon 10 days
11 notice to the Attorney General.

12 (f) Any State's Attorney or other law enforcement office
13 receiving notice of any alleged violation of this Section or
14 violation of an injunction or order issued in an action
15 brought under this Section shall immediately forward written
16 notice of the alleged violation together with any information
17 that the State's Attorney or other law enforcement office may
18 have to the office of the Attorney General.

19 (g) In an action brought under this Section, whenever the
20 court issues a temporary restraining order or a preliminary or
21 permanent injunction ordering a defendant to refrain from
22 certain conduct or activities, the order shall contain the
23 following statement:

24 VIOLATION OF THIS ORDER IS A CRIMINAL OFFENSE.

25 The clerk shall transmit 2 certified copies of each such
26 order issued under this Section to each appropriate law

1 enforcement agency having jurisdiction over locations where
2 the defendant is alleged to have committed the act giving rise
3 to the action, and the law enforcement agency shall serve one
4 copy of the order on the defendant. Unless otherwise ordered
5 by the court, service shall be by delivering a copy in hand to
6 the defendant.

7 After any such order has been served on the defendant, any
8 violation of the order by the defendant is a Class 4 felony
9 punishable by a fine of not more than \$25,000.

10 Law enforcement agencies shall establish procedures
11 adequate to ensure that all officers responsible for the
12 enforcement of an order entered under this Section are
13 informed of the existence and terms of the order. Whenever any
14 law enforcement officer has probable cause to believe that a
15 defendant has violated the provisions of this Section, the
16 officer has the authority to arrest the defendant.

17 Whenever the court vacates a temporary restraining order
18 or a preliminary or permanent injunction issued under this
19 Section, the clerk shall promptly notify in writing each
20 appropriate law enforcement agency that has been notified of
21 the issuance of the order and shall direct each such agency to
22 destroy all records of the vacated order. The law enforcement
23 agency shall comply with that directive.

24 (h) Nothing contained in this Section shall prohibit the
25 Attorney General in his or her discretion from bringing an
26 action for civil contempt against the defendant rather than

1 bringing criminal charges for an alleged violation of an order
2 issued under this Section as provided in subsection (g). If
3 the court finds that a therapist or psychotherapist,
4 unlicensed health professional, ~~or unlicensed mental health~~
5 ~~professional~~ is in civil contempt by reason of an alleged
6 violation of an injunction or the order entered under this
7 Section, the court shall assess a civil penalty of not more
8 than \$10,000 for each such violation found.

9 (Source: P.A. 90-538, eff. 12-1-97.)

10 (740 ILCS 140/3) (from Ch. 70, par. 803)

11 Sec. 3. Liability of employer. An employer of a therapist
12 or psychotherapist, unlicensed health professional, ~~or~~
13 ~~unlicensed mental health professional~~ may be liable under
14 Section 2 if the employer fails or refuses to take reasonable
15 action when the employer knows or has reason to know that the
16 therapist or psychotherapist, unlicensed health professional,
17 ~~or unlicensed mental health professional engaged in sexual~~
18 ~~contact with~~ has abused the plaintiff or any other client
19 ~~patient~~ or former client patient of the therapist or
20 psychotherapist, unlicensed health professional, ~~or unlicensed~~
21 ~~mental health professional.~~

22 (Source: P.A. 90-538, eff. 12-1-97.)

23 (740 ILCS 140/4) (from Ch. 70, par. 804)

24 Sec. 4. Scope of discovery; waiver of confidentiality. (a)

1 In an action for abuse ~~sexual exploitation~~, evidence of the
2 plaintiff's sexual history is not subject to discovery except
3 when the plaintiff claims damage to sexual functioning; or

4 (1) the defendant requests a hearing prior to conducting
5 discovery and makes an offer of proof of the relevancy of the
6 history; and

7 (2) the court finds that the history is relevant and that
8 the probative value of the history outweighs its prejudicial
9 effect.

10 (b) The court shall allow the discovery only of specific
11 information or examples of the plaintiff's conduct that are
12 determined by the court to be relevant. The court's order
13 shall detail the information or conduct that is subject to
14 discovery.

15 (c) A victim of abuse may waive confidentiality of
16 therapist sessions for the purpose of filing a complaint under
17 this Act. A person who files a complaint under this Act or
18 seeks to pursue a cause of action under this Act shall not be
19 retaliated against for filing such complaint or seeking a
20 cause of action under this Act.

21 (Source: P.A. 85-1254.)

22 (740 ILCS 140/5) (from Ch. 70, par. 805)

23 Sec. 5. Admission of evidence. (a) In an action for abuse
24 ~~sexual exploitation~~, evidence of the plaintiff's sexual
25 history is not admissible except when:

1 (1) the defendant requests a hearing prior to trial and
2 makes an offer of proof of the relevancy of the history; and

3 (2) the court finds that the history is relevant and that
4 the probative value of the history outweighs its prejudicial
5 effect.

6 (b) The court shall allow the admission only of specific
7 information or examples of the plaintiff's conduct that are
8 determined by the court to be relevant. The court's order
9 shall detail the information or conduct that is admissible and
10 no other such evidence may be introduced.

11 (c) Violation of the terms of the order may be grounds for
12 a new trial.

13 (Source: P.A. 85-1254.)

14 (740 ILCS 140/6) (from Ch. 70, par. 806)

15 Sec. 6. Limitation period. An action for abuse ~~sexual~~
16 ~~exploitation~~ shall be commenced within 5 ~~2~~ years after the
17 discovery of the abuse or, if the victim of the abuse was a
18 minor at the time of the discovery of the abuse, within 2 years
19 after the minor attains 18 years of age, whichever is later
20 ~~cause of action arises.~~

21 (Source: P.A. 85-1254.)

22 (740 ILCS 140/6.1 new)

23 Sec. 6.1. Ethics training. All licensed therapists must
24 complete annual training on professional ethics and abuse

1 prevention as provided by the Department of Financial and
2 Professional Regulation.

3 (740 ILCS 140/6.2 new)

4 Sec. 6.2. Suspension and revocation of therapist license;
5 limited practice. The Department of Financial and Professional
6 Regulation may temporarily suspend the license of a therapist
7 if credible allegations of abuse are made against the
8 therapist pending an investigation of the alleged abuse. The
9 Department of Financial and Professional Regulation may
10 require a therapist under investigation for abuse to practice
11 therapy under the supervision of another licensed therapist of
12 his or her license classification during all client
13 interactions.

14 (740 ILCS 140/6.3 new)

15 Sec. 6.3. Public awareness campaign. The Department of
16 Human Services shall conduct public awareness campaigns about
17 client rights under this Act and how to report therapist
18 abuse.

19 (740 ILCS 140/6.4 new)

20 Sec. 6.4. Counseling and legal assistance. The Department
21 of Human Services shall provide counseling to victims of
22 therapist abuse. The Attorney General shall provide legal
23 assistance to victims of therapist abuse.

1 (740 ILCS 140/7) (from Ch. 70, par. 807)

2 Sec. 7. Application. This Act applies only to causes of
3 action arising on or after its effective date and applies to
4 all licensed therapists practicing in this State. This Act,
5 except Sections 6.1 and 6.2, apply to unlicensed health
6 professionals subject to this Act.

7 (Source: P.A. 85-1254.)

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