

1 AN ACT concerning criminal law.

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

4 Section 3. The Criminal Code of 2012 is amended by adding
5 Sections 12-3.8 and 12-3.9 as follows:

6 (720 ILCS 5/12-3.8 new)

7 Sec. 12-3.8. Violation of a civil no contact order.

8 (a) A person commits violation of a civil no contact order
9 if:

10 (1) he or she knowingly commits an act which was
11 prohibited by a court or fails to commit an act which was
12 ordered in violation of:

13 (A) a remedy of a valid civil no contact order
14 authorized under Section 213 of the Civil No Contact
15 Order Act or Section 112A-14.5 of the Code of Criminal
16 Procedure of 1963; or

17 (B) a remedy, which is substantially similar to the
18 remedies authorized under Section 213 of the Civil No
19 Contact Order Act or Section 112A-14.5 of the Code of
20 Criminal Procedure of 1963, or in a valid civil no
21 contact order, which is authorized under the laws of
22 another state, tribe, or United States territory; and

23 (2) the violation occurs after the offender has been

1 served notice of the contents of the order under the Civil
2 No Contact Order Act, Article 112A of the Code of Criminal
3 Procedure of 1963, or any substantially similar statute of
4 another state, tribe, or United States territory, or
5 otherwise has acquired actual knowledge of the contents of
6 the order.

7 A civil no contact order issued by a state, tribal, or
8 territorial court shall be deemed valid if the issuing
9 court had jurisdiction over the parties and matter under
10 the law of the state, tribe, or territory. There shall be a
11 presumption of validity when an order is certified and
12 appears authentic on its face.

13 (a-3) For purposes of this Section, a "civil no contact
14 order" may have been issued in a criminal or civil proceeding.

15 (a-5) Failure to provide reasonable notice and opportunity
16 to be heard shall be an affirmative defense to any charge or
17 process filed seeking enforcement of a foreign civil no contact
18 order.

19 (b) Prosecution for a violation of a civil no contact order
20 shall not bar a concurrent prosecution for any other crime,
21 including any crime that may have been committed at the time of
22 the violation of the civil no contact order.

23 (c) Nothing in this Section shall be construed to diminish
24 the inherent authority of the courts to enforce their lawful
25 orders through civil or criminal contempt proceedings.

26 (d) A defendant who directed the actions of a third party

1 to violate this Section, under the principles of accountability
2 set forth in Article 5 of this Code, is guilty of violating
3 this Section as if the same had been personally done by the
4 defendant, without regard to the mental state of the third
5 party acting at the direction of the defendant.

6 (e) Sentence. A violation of a civil no contact order is a
7 Class A misdemeanor for a first violation, and a Class 4 felony
8 for a second or subsequent violation.

9 (720 ILCS 5/12-3.9 new)

10 Sec. 12-3.9. Violation of a stalking no contact order.

11 (a) A person commits violation of a stalking no contact
12 order if:

13 (1) he or she knowingly commits an act which was
14 prohibited by a court or fails to commit an act which was
15 ordered by a court in violation of:

16 (A) a remedy in a valid stalking no contact order
17 of protection authorized under Section 80 of the
18 Stalking No Contact Order Act or Section 112A-14.7 of
19 the Code of Criminal Procedure of 1963; or

20 (B) a remedy, which is substantially similar to the
21 remedies authorized under Section 80 of the Stalking No
22 Contact Order Act or Section 112A-14.7 of the Code of
23 Criminal Procedure of 1963, or in a valid stalking no
24 contact order, which is authorized under the laws of
25 another state, tribe, or United States territory; and

1 (2) the violation occurs after the offender has been
2 served notice of the contents of the order, under the
3 Stalking No Contact Order Act, Article 112A of the Code of
4 Criminal Procedure of 1963, or any substantially similar
5 statute of another state, tribe, or United States
6 territory, or otherwise has acquired actual knowledge of
7 the contents of the order.

8 A stalking no contact order issued by a state, tribal,
9 or territorial court shall be deemed valid if the issuing
10 court had jurisdiction over the parties and matter under
11 the law of the state, tribe, or territory. There shall be a
12 presumption of validity when an order is certified and
13 appears authentic on its face.

14 (a-3) For purposes of this Section, a "stalking no contact
15 order" may have been issued in a criminal or civil proceeding.

16 (a-5) Failure to provide reasonable notice and opportunity
17 to be heard shall be an affirmative defense to any charge or
18 process filed seeking enforcement of a foreign stalking no
19 contact order.

20 (b) Prosecution for a violation of a stalking no contact
21 order shall not bar a concurrent prosecution for any other
22 crime, including any crime that may have been committed at the
23 time of the violation of the civil no contact order.

24 (c) Nothing in this Section shall be construed to diminish
25 the inherent authority of the courts to enforce their lawful
26 orders through civil or criminal contempt proceedings.

1 (d) A defendant who directed the actions of a third party
2 to violate this Section, under the principles of accountability
3 set forth in Article 5 of this Code, is guilty of violating
4 this Section as if the same had been personally done by the
5 defendant, without regard to the mental state of the third
6 party acting at the direction of the defendant.

7 (e) Sentence. A violation of a stalking no contact order is
8 a Class A misdemeanor for a first violation, and a Class 4
9 felony for a second or subsequent violation.

10 Section 5. The Code of Criminal Procedure of 1963 is
11 amended by changing the heading of Article 112A and by changing
12 Sections 112A-3, 112A-4, 112A-5, 112A-12, 112A-14, 112A-15,
13 112A-20, 112A-21, 112A-22, 112A-23, 112A-24, 112A-25, 112A-26,
14 112A-28, and 112A-30 and by adding Sections 112A-1.5, 112A-2.5,
15 112A-4.5, 112A-5.5, 112A-11.5, 112A-14.5, 112A-14.7,
16 112A-21.5, 112A-21.7, and 112A-22.3 as follows:

17 (725 ILCS 5/Art. 112A heading)

18 ARTICLE 112A. PROTECTIVE ORDERS ~~DOMESTIC VIOLENCE: ORDER OF~~
19 ~~PROTECTION~~

20 (725 ILCS 5/112A-1.5 new)

21 Sec. 112A-1.5. Purpose. The purpose of this Article is to
22 protect the safety of victims of domestic violence, sexual
23 assault, sexual abuse, and stalking and the safety of their

1 family and household members; and to minimize the trauma and
2 inconvenience associated with attending separate and multiple
3 civil court proceedings to obtain protective orders. This
4 Article shall be interpreted in accordance with the purposes
5 set forth in Section 2 of the Rights of Crime Victims and
6 Witnesses Act.

7 (725 ILCS 5/112A-2.5 new)

8 Sec. 112A-2.5. Types of protective orders. The following
9 protective orders may be entered in conjunction with a
10 delinquency petition or a criminal prosecution:

11 (1) an order of protection in cases involving domestic
12 violence;

13 (2) a civil no contact order in cases involving sexual
14 offenses; or

15 (3) a stalking no contact order in cases involving
16 stalking offenses.

17 (725 ILCS 5/112A-3) (from Ch. 38, par. 112A-3)

18 Sec. 112A-3. Definitions.

19 (a) For the purposes of this Article, "protective order"
20 means a domestic violence order of protection, a civil no
21 contact order, or a stalking no contact order. ~~the following~~
22 ~~terms shall have the following meanings:~~

23 (b) For the purposes of domestic violence cases, the
24 following terms shall have the following meanings in this

1 Article:

2 (1) "Abuse" means physical abuse, harassment,
3 intimidation of a dependent, interference with personal
4 liberty or willful deprivation but does not include
5 reasonable direction of a minor child by a parent or person
6 in loco parentis.

7 (2) "Domestic violence" means abuse as described in
8 paragraph (1).

9 (3) "Family or household members" include spouses,
10 former spouses, parents, children, stepchildren and other
11 persons related by blood or by present or prior marriage,
12 persons who share or formerly shared a common dwelling,
13 persons who have or allegedly have a child in common,
14 persons who share or allegedly share a blood relationship
15 through a child, persons who have or have had a dating or
16 engagement relationship, persons with disabilities and
17 their personal assistants, and caregivers as defined in
18 subsection (e) of Section 12-4.4a of the Criminal Code of
19 2012. For purposes of this paragraph, neither a casual
20 acquaintanceship nor ordinary fraternization between 2
21 individuals in business or social contexts shall be deemed
22 to constitute a dating relationship.

23 (4) "Harassment" means knowing conduct which is not
24 necessary to accomplish a purpose which is reasonable under
25 the circumstances; would cause a reasonable person
26 emotional distress; and does cause emotional distress to

1 the petitioner. Unless the presumption is rebutted by a
2 preponderance of the evidence, the following types of
3 conduct shall be presumed to cause emotional distress:

4 (i) creating a disturbance at petitioner's place
5 of employment or school;

6 (ii) repeatedly telephoning petitioner's place of
7 employment, home or residence;

8 (iii) repeatedly following petitioner about in a
9 public place or places;

10 (iv) repeatedly keeping petitioner under
11 surveillance by remaining present outside his or her
12 home, school, place of employment, vehicle or other
13 place occupied by petitioner or by peering in
14 petitioner's windows;

15 (v) improperly concealing a minor child from
16 petitioner, repeatedly threatening to improperly
17 remove a minor child of petitioner's from the
18 jurisdiction or from the physical care of petitioner,
19 repeatedly threatening to conceal a minor child from
20 petitioner, or making a single such threat following an
21 actual or attempted improper removal or concealment,
22 unless respondent was fleeing from an incident or
23 pattern of domestic violence; or

24 (vi) threatening physical force, confinement or
25 restraint on one or more occasions.

26 (5) "Interference with personal liberty" means

1 committing or threatening physical abuse, harassment,
2 intimidation or willful deprivation so as to compel another
3 to engage in conduct from which she or he has a right to
4 abstain or to refrain from conduct in which she or he has a
5 right to engage.

6 (6) "Intimidation of a dependent" means subjecting a
7 person who is dependent because of age, health or
8 disability to participation in or the witnessing of:
9 physical force against another or physical confinement or
10 restraint of another which constitutes physical abuse as
11 defined in this Article, regardless of whether the abused
12 person is a family or household member.

13 (7) "Order of protection" means an ~~emergency~~ order,
14 ~~interim order or plenary order~~, granted pursuant to this
15 Article, which includes any or all of the remedies
16 authorized by Section 112A-14 of this Code.

17 (8) "Petitioner" may mean not only any named petitioner
18 for the order of protection and any named victim of abuse
19 on whose behalf the petition is brought, but also any other
20 person protected by this Article.

21 (9) "Physical abuse" includes sexual abuse and means
22 any of the following:

23 (i) knowing or reckless use of physical force,
24 confinement or restraint;

25 (ii) knowing, repeated and unnecessary sleep
26 deprivation; or

1 (iii) knowing or reckless conduct which creates an
2 immediate risk of physical harm.

3 (9.3) "Respondent" in a petition for an order of
4 protection means the defendant.

5 (9.5) "Stay away" means for the respondent to refrain
6 from both physical presence and nonphysical contact with
7 the petitioner whether direct, indirect (including, but
8 not limited to, telephone calls, mail, email, faxes, and
9 written notes), or through third parties who may or may not
10 know about the order of protection.

11 (10) "Willful deprivation" means wilfully denying a
12 person who because of age, health or disability requires
13 medication, medical care, shelter, accessible shelter or
14 services, food, therapeutic device, or other physical
15 assistance, and thereby exposing that person to the risk of
16 physical, mental or emotional harm, except with regard to
17 medical care and treatment when such dependent person has
18 expressed the intent to forgo such medical care or
19 treatment. This paragraph does not create any new
20 affirmative duty to provide support to dependent persons.

21 (c) For the purposes of cases involving sexual offenses,
22 the following terms shall have the following meanings in this
23 Article:

24 (1) "Civil no contact order" means an order granted
25 under this Article, which includes a remedy authorized by
26 Section 112A-14.5 of this Code.

1 (2) "Family or household members" include spouses,
2 parents, children, stepchildren, and persons who share a
3 common dwelling.

4 (3) "Non-consensual" means a lack of freely given
5 agreement.

6 (4) "Petitioner" means not only any named petitioner
7 for the civil no contact order and any named victim of
8 non-consensual sexual conduct or non-consensual sexual
9 penetration on whose behalf the petition is brought, but
10 includes any other person sought to be protected under this
11 Article.

12 (5) "Respondent" in a petition for a civil no contact
13 order means the defendant.

14 (6) "Sexual conduct" means any intentional or knowing
15 touching or fondling by the petitioner or the respondent,
16 either directly or through clothing, of the sex organs,
17 anus, or breast of the petitioner or the respondent, or any
18 part of the body of a child under 13 years of age, or any
19 transfer or transmission of semen by the respondent upon
20 any part of the clothed or unclothed body of the
21 petitioner, for the purpose of sexual gratification or
22 arousal of the petitioner or the respondent.

23 (7) "Sexual penetration" means any contact, however
24 slight, between the sex organ or anus of one person by an
25 object, the sex organ, mouth or anus of another person, or
26 any intrusion, however slight, of any part of the body of

1 one person or of any animal or object into the sex organ or
2 anus of another person, including but not limited to
3 cunnilingus, fellatio or anal penetration. Evidence of
4 emission of semen is not required to prove sexual
5 penetration.

6 (8) "Stay away" means to refrain from both physical
7 presence and nonphysical contact with the petitioner
8 directly, indirectly, or through third parties who may or
9 may not know of the order. "Nonphysical contact" includes,
10 but is not limited to, telephone calls, mail, e-mail, fax,
11 and written notes.

12 (d) For the purposes of cases involving stalking offenses,
13 the following terms shall have the following meanings in this
14 Article:

15 (1) "Course of conduct" means 2 or more acts,
16 including, but not limited to, acts in which a respondent
17 directly, indirectly, or through third parties, by any
18 action, method, device, or means follows, monitors,
19 observes, surveils, threatens, or communicates to or
20 about, a person, engages in other contact, or interferes
21 with or damages a person's property or pet. A course of
22 conduct may include contact via electronic communications.
23 The incarceration of a person in a penal institution who
24 commits the course of conduct is not a bar to prosecution.

25 (2) "Emotional distress" means significant mental
26 suffering, anxiety or alarm.

1 (3) "Contact" includes any contact with the victim,
2 that is initiated or continued without the victim's
3 consent, or that is in disregard of the victim's expressed
4 desire that the contact be avoided or discontinued,
5 including, but not limited to, being in the physical
6 presence of the victim; appearing within the sight of the
7 victim; approaching or confronting the victim in a public
8 place or on private property; appearing at the workplace or
9 residence of the victim; entering onto or remaining on
10 property owned, leased, or occupied by the victim; or
11 placing an object on, or delivering an object to, property
12 owned, leased, or occupied by the victim.

13 (4) "Petitioner" means any named petitioner for the
14 stalking no contact order or any named victim of stalking
15 on whose behalf the petition is brought.

16 (5) "Reasonable person" means a person in the
17 petitioner's circumstances with the petitioner's knowledge
18 of the respondent and the respondent's prior acts.

19 (6) "Respondent" in a petition for a civil no contact
20 order means the defendant.

21 (7) "Stalking" means engaging in a course of conduct
22 directed at a specific person, and he or she knows or
23 should know that this course of conduct would cause a
24 reasonable person to fear for his or her safety or the
25 safety of a third person or suffer emotional distress.
26 "Stalking" does not include an exercise of the right to

1 free speech or assembly that is otherwise lawful or
2 picketing occurring at the workplace that is otherwise
3 lawful and arises out of a bona fide labor dispute,
4 including any controversy concerning wages, salaries,
5 hours, working conditions or benefits, including health
6 and welfare, sick leave, insurance, and pension or
7 retirement provisions, the making or maintaining of
8 collective bargaining agreements, and the terms to be
9 included in those agreements.

10 (8) "Stalking no contact order" means an order granted
11 under this Article, which includes a remedy authorized by
12 Section 112A-14.7 of this Code.

13 (Source: P.A. 96-1551, eff. 7-1-11; 97-1150, eff. 1-25-13.)

14 (725 ILCS 5/112A-4) (from Ch. 38, par. 112A-4)

15 Sec. 112A-4. Persons protected by this article.

16 (a) The following persons are protected by this Article in
17 cases involving domestic violence:

18 (1) ~~(i)~~ any person abused by a family or household
19 member;

20 (2) ~~(ii)~~ any minor child or dependent adult in the care
21 of such person; and

22 (3) ~~(iii)~~ any person residing or employed at a private
23 home or public shelter which is housing an abused family or
24 household member.

25 (a-5) The following persons are protected by this Article

1 in cases involving sexual offenses:

2 (1) any victim of non-consensual sexual conduct or
3 non-consensual sexual penetration on whose behalf the
4 petition is brought;

5 (2) any family or household member of the named victim;
6 and

7 (3) any employee of or volunteer at a rape crisis
8 center.

9 (a-10) The following persons are protected by this Article
10 in cases involving stalking offenses:

11 (1) any victim of stalking; and

12 (2) any family or household member of the named victim.

13 (b) (Blank). ~~A petition for an order of protection may be~~
14 ~~filed only by a person who has been abused by a family or~~
15 ~~household member or by any person on behalf of a minor child or~~
16 ~~an adult who has been abused by a family or household member~~
17 ~~and who, because of age, health, disability, or~~
18 ~~inaccessibility, cannot file the petition. However, any~~
19 ~~petition properly filed under this Article may seek protection~~
20 ~~for any additional persons protected by this Article.~~

21 (Source: P.A. 87-1186.)

22 (725 ILCS 5/112A-4.5 new)

23 Sec. 112A-4.5. Who may file petition.

24 (a) A petition for an order of protection may be filed:

25 (1) by a person who has been abused by a family or

1 household member; or

2 (2) by any person on behalf of a minor child or an
3 adult who has been abused by a family or household member
4 and who, because of age, health, disability, or
5 inaccessibility, cannot file the petition.

6 (b) A petition for a civil no contact order may be filed:

7 (1) by any person who is a victim of non-consensual
8 sexual conduct or non-consensual sexual penetration,
9 including a single incident of non-consensual sexual
10 conduct or non-consensual sexual penetration; or

11 (2) by a person on behalf of a minor child or an adult
12 who is a victim of non-consensual sexual conduct or
13 non-consensual sexual penetration but, because of age,
14 disability, health, or inaccessibility, cannot file the
15 petition.

16 (c) A petition for a stalking no contact order may be
17 filed:

18 (1) by any person who is a victim of stalking; or

19 (2) by a person on behalf of a minor child or an adult
20 who is a victim of stalking but, because of age,
21 disability, health, or inaccessibility, cannot file the
22 petition.

23 (d) The State's Attorney shall file a petition on behalf on
24 any person who may file a petition under subsections (a), (b)
25 or (c) of this Section if the person requests the State's
26 Attorney to file a petition on the person's behalf.

1 (e) Any petition properly filed under this Article may seek
2 protection for any additional persons protected by this
3 Article.

4 (725 ILCS 5/112A-5) (from Ch. 38, par. 112A-5)

5 Sec. 112A-5. Pleading; non-disclosure of address.

6 (a) A petition for a protective order ~~an order of~~
7 ~~protection~~ shall be in writing and verified or accompanied by
8 affidavit and shall allege that petitioner has been abused by
9 respondent, who is a family or household member. The petition
10 shall further set forth whether there is any other ~~pending~~
11 action between the petitioner and respondent ~~parties~~. ~~During~~
12 ~~the pendency of this proceeding, each party has a continuing~~
13 ~~duty to inform the court of any subsequent proceeding for an~~
14 ~~order of protection in this or any other state.~~

15 (b) The petitioner shall not be required to disclose the
16 petitioner's address. If the petition states that disclosure of
17 petitioner's address would risk abuse of petitioner or any
18 member of petitioner's family or household or reveal the
19 confidential address of a shelter for domestic violence
20 victims, that address may be omitted from all documents filed
21 with the court. ~~If disclosure is necessary to determine~~
22 ~~jurisdiction or consider any venue issue, it shall be made~~
23 ~~orally and in camera. If petitioner has not disclosed an~~
24 ~~address under this subsection, petitioner shall designate an~~
25 ~~alternative address at which respondent may serve notice of any~~

1 ~~motions.~~

2 (Source: P.A. 87-1186.)

3 (725 ILCS 5/112A-5.5 new)

4 Sec. 112A-5.5. Time for filing petition. A petition for a
5 protective order may be filed at any time before the charge is
6 dismissed, the defendant is acquitted, or the defendant
7 completes service of his or her sentence. The petition can be
8 considered at any court proceeding in the delinquency or
9 criminal case at which the defendant is present. The court may
10 schedule a separate court proceeding to consider the petition.

11 (725 ILCS 5/112A-11.5 new)

12 Sec. 112A-11.5. Issuance of protective order.

13 (a) The court shall grant the petition and enter a
14 protective order if the court finds prima facie evidence that a
15 crime involving domestic violence, a sexual offense or a crime
16 involving stalking has been committed. The following shall be
17 considered prima facie evidence of the crime:

18 (1) an information, complaint, indictment or
19 delinquency petition, charging a crime of domestic
20 violence, a sexual offense or stalking or charging an
21 attempt to commit a crime of domestic violence, a sexual
22 offense or stalking; or

23 (2) an adjudication of delinquency, a finding of guilt
24 based upon a plea, or a finding of guilt after a trial for

1 a crime of domestic battery, a sexual crime or stalking or
2 an attempt to commit a crime of domestic violence, a sexual
3 offense or stalking;

4 (3) any dispositional order issued under Section 5-710
5 of the Juvenile Court Act of 1987, the imposition of
6 supervision, conditional discharge, probation, periodic
7 imprisonment, parole, aftercare release or mandatory
8 supervised release for a crime of domestic violence, a
9 sexual offense or stalking or an attempt to commit a crime
10 of domestic violence, a sexual offense, or stalking, or
11 imprisonment in conjunction with a bond forfeiture
12 warrant; or

13 (4) the entry of a protective order in a separate civil
14 case brought by the petitioner against the respondent.

15 (b) The petitioner shall not be denied a protective order
16 because the petitioner or the respondent is a minor.

17 (c) The court, when determining whether or not to issue a
18 protective order, may not require physical injury on the person
19 of the victim.

20 (725 ILCS 5/112A-12) (from Ch. 38, par. 112A-12)

21 Sec. 112A-12. Transfer of issues not decided in cases
22 involving domestic violence Hearings.

23 (a) (Blank). ~~A petition for an order of protection shall be~~
24 ~~treated as an expedited proceeding, and no court shall transfer~~
25 ~~or otherwise decline to decide all or part of such petition,~~

1 ~~except as otherwise provided herein. Nothing in this Section~~
2 ~~shall prevent the court from reserving issues when jurisdiction~~
3 ~~or notice requirements are not met.~~

4 (b) A criminal court may decline to decide contested issues
5 of physical care, custody, visitation, or family support,
6 unless a decision on one or more of those contested issues is
7 necessary to avoid the risk of abuse, neglect, removal from the
8 state or concealment within the state of the child or of
9 separation of the child from the primary caretaker.

10 (c) The court shall transfer to the appropriate court or
11 division any issue it has declined to decide. Any court may
12 transfer any matter which must be tried by jury to a more
13 appropriate calendar or division.

14 (d) If the court transfers or otherwise declines to decide
15 any issue, judgment on that issue shall be expressly reserved
16 and ruling on other issues shall not be delayed or declined.

17 (Source: P.A. 87-1186.)

18 (725 ILCS 5/112A-14) (from Ch. 38, par. 112A-14)

19 Sec. 112A-14. Order of protection; remedies.

20 (a) (Blank). ~~Issuance of order. If the court finds that~~
21 ~~petitioner has been abused by a family or household member, as~~
22 ~~defined in this Article, an order of protection prohibiting~~
23 ~~such abuse shall issue; provided that petitioner must also~~
24 ~~satisfy the requirements of one of the following Sections, as~~
25 ~~appropriate: Section 112A 17 on emergency orders, Section~~

1 ~~112A-18 on interim orders, or Section 112A-19 on plenary~~
2 ~~orders. Petitioner shall not be denied an order of protection~~
3 ~~because petitioner or respondent is a minor. The court, when~~
4 ~~determining whether or not to issue an order of protection,~~
5 ~~shall not require physical manifestations of abuse on the~~
6 ~~person of the victim. Modification and extension of prior~~
7 ~~orders of protection shall be in accordance with this Article.~~

8 (b) The court may order any of the remedies listed in this
9 subsection. ~~Remedies and standards. The remedies to be included~~
10 ~~in an order of protection shall be determined in accordance~~
11 ~~with this Section and one of the following Sections, as~~
12 ~~appropriate: Section 112A-17 on emergency orders, Section~~
13 ~~112A-18 on interim orders, and Section 112A-19 on plenary~~
14 ~~orders.~~ The remedies listed in this subsection shall be in
15 addition to other civil or criminal remedies available to
16 petitioner.

17 (1) Prohibition of abuse. Prohibit respondent's
18 harassment, interference with personal liberty,
19 intimidation of a dependent, physical abuse or willful
20 deprivation, as defined in this Article, if such abuse has
21 occurred or otherwise appears likely to occur if not
22 prohibited.

23 (2) Grant of exclusive possession of residence.
24 Prohibit respondent from entering or remaining in any
25 residence, household, or premises of the petitioner,
26 including one owned or leased by respondent, if petitioner

1 has a right to occupancy thereof. The grant of exclusive
2 possession of the residence, household, or premises shall
3 not affect title to real property, nor shall the court be
4 limited by the standard set forth in Section 701 of the
5 Illinois Marriage and Dissolution of Marriage Act.

6 (A) Right to occupancy. A party has a right to
7 occupancy of a residence or household if it is solely
8 or jointly owned or leased by that party, that party's
9 spouse, a person with a legal duty to support that
10 party or a minor child in that party's care, or by any
11 person or entity other than the opposing party that
12 authorizes that party's occupancy (e.g., a domestic
13 violence shelter). Standards set forth in subparagraph
14 (B) shall not preclude equitable relief.

15 (B) Presumption of hardships. If petitioner and
16 respondent each has the right to occupancy of a
17 residence or household, the court shall balance (i) the
18 hardships to respondent and any minor child or
19 dependent adult in respondent's care resulting from
20 entry of this remedy with (ii) the hardships to
21 petitioner and any minor child or dependent adult in
22 petitioner's care resulting from continued exposure to
23 the risk of abuse (should petitioner remain at the
24 residence or household) or from loss of possession of
25 the residence or household (should petitioner leave to
26 avoid the risk of abuse). When determining the balance

1 of hardships, the court shall also take into account
2 the accessibility of the residence or household.
3 Hardships need not be balanced if respondent does not
4 have a right to occupancy.

5 The balance of hardships is presumed to favor
6 possession by petitioner unless the presumption is
7 rebutted by a preponderance of the evidence, showing
8 that the hardships to respondent substantially
9 outweigh the hardships to petitioner and any minor
10 child or dependent adult in petitioner's care. The
11 court, on the request of petitioner or on its own
12 motion, may order respondent to provide suitable,
13 accessible, alternate housing for petitioner instead
14 of excluding respondent from a mutual residence or
15 household.

16 (3) Stay away order and additional prohibitions. Order
17 respondent to stay away from petitioner or any other person
18 protected by the order of protection, or prohibit
19 respondent from entering or remaining present at
20 petitioner's school, place of employment, or other
21 specified places at times when petitioner is present, or
22 both, if reasonable, given the balance of hardships.
23 Hardships need not be balanced for the court to enter a
24 stay away order or prohibit entry if respondent has no
25 right to enter the premises.

26 (A) If an order of protection grants petitioner

1 exclusive possession of the residence, or prohibits
2 respondent from entering the residence, or orders
3 respondent to stay away from petitioner or other
4 protected persons, then the court may allow respondent
5 access to the residence to remove items of clothing and
6 personal adornment used exclusively by respondent,
7 medications, and other items as the court directs. The
8 right to access shall be exercised on only one occasion
9 as the court directs and in the presence of an
10 agreed-upon adult third party or law enforcement
11 officer.

12 (B) When the petitioner and the respondent attend
13 the same public, private, or non-public elementary,
14 middle, or high school, the court when issuing an order
15 of protection and providing relief shall consider the
16 severity of the act, any continuing physical danger or
17 emotional distress to the petitioner, the educational
18 rights guaranteed to the petitioner and respondent
19 under federal and State law, the availability of a
20 transfer of the respondent to another school, a change
21 of placement or a change of program of the respondent,
22 the expense, difficulty, and educational disruption
23 that would be caused by a transfer of the respondent to
24 another school, and any other relevant facts of the
25 case. The court may order that the respondent not
26 attend the public, private, or non-public elementary,

1 middle, or high school attended by the petitioner,
2 order that the respondent accept a change of placement
3 or change of program, as determined by the school
4 district or private or non-public school, or place
5 restrictions on the respondent's movements within the
6 school attended by the petitioner. The respondent
7 bears the burden of proving by a preponderance of the
8 evidence that a transfer, change of placement, or
9 change of program of the respondent is not available.
10 The respondent also bears the burden of production with
11 respect to the expense, difficulty, and educational
12 disruption that would be caused by a transfer of the
13 respondent to another school. A transfer, change of
14 placement, or change of program is not unavailable to
15 the respondent solely on the ground that the respondent
16 does not agree with the school district's or private or
17 non-public school's transfer, change of placement, or
18 change of program or solely on the ground that the
19 respondent fails or refuses to consent or otherwise
20 does not take an action required to effectuate a
21 transfer, change of placement, or change of program.
22 When a court orders a respondent to stay away from the
23 public, private, or non-public school attended by the
24 petitioner and the respondent requests a transfer to
25 another attendance center within the respondent's
26 school district or private or non-public school, the

1 school district or private or non-public school shall
2 have sole discretion to determine the attendance
3 center to which the respondent is transferred. If the
4 court order results in a transfer of the minor
5 respondent to another attendance center, a change in
6 the respondent's placement, or a change of the
7 respondent's program, the parents, guardian, or legal
8 custodian of the respondent is responsible for
9 transportation and other costs associated with the
10 transfer or change.

11 (C) The court may order the parents, guardian, or
12 legal custodian of a minor respondent to take certain
13 actions or to refrain from taking certain actions to
14 ensure that the respondent complies with the order. If
15 the court orders a transfer of the respondent to
16 another school, the parents, guardian, or legal
17 custodian of the respondent is responsible for
18 transportation and other costs associated with the
19 change of school by the respondent.

20 (4) Counseling. Require or recommend the respondent to
21 undergo counseling for a specified duration with a social
22 worker, psychologist, clinical psychologist, psychiatrist,
23 family service agency, alcohol or substance abuse program,
24 mental health center guidance counselor, agency providing
25 services to elders, program designed for domestic violence
26 abusers or any other guidance service the court deems

1 appropriate. The court may order the respondent in any
2 intimate partner relationship to report to an Illinois
3 Department of Human Services protocol approved partner
4 abuse intervention program for an assessment and to follow
5 all recommended treatment.

6 (5) Physical care and possession of the minor child. In
7 order to protect the minor child from abuse, neglect, or
8 unwarranted separation from the person who has been the
9 minor child's primary caretaker, or to otherwise protect
10 the well-being of the minor child, the court may do either
11 or both of the following: (i) grant petitioner physical
12 care or possession of the minor child, or both, or (ii)
13 order respondent to return a minor child to, or not remove
14 a minor child from, the physical care of a parent or person
15 in loco parentis.

16 If the ~~a court finds, after a hearing, that~~ respondent
17 is charged with ~~has committed~~ abuse (as defined in Section
18 112A-3) of a minor child, there shall be a rebuttable
19 presumption that awarding physical care to respondent
20 would not be in the minor child's best interest.

21 (6) Temporary legal custody. Award temporary legal
22 custody to petitioner in accordance with this Section, the
23 Illinois Marriage and Dissolution of Marriage Act, the
24 Illinois Parentage Act of 2015, and this State's Uniform
25 Child-Custody Jurisdiction and Enforcement Act.

26 If the ~~a court finds, after a hearing, that~~ respondent

1 is charged with ~~has committed~~ abuse (as defined in Section
2 112A-3) of a minor child, there shall be a rebuttable
3 presumption that awarding temporary legal custody to
4 respondent would not be in the child's best interest.

5 (7) Visitation. Determine the visitation rights, if
6 any, of respondent in any case in which the court awards
7 physical care or temporary legal custody of a minor child
8 to petitioner. The court shall restrict or deny
9 respondent's visitation with a minor child if the court
10 finds that respondent has done or is likely to do any of
11 the following: (i) abuse or endanger the minor child during
12 visitation; (ii) use the visitation as an opportunity to
13 abuse or harass petitioner or petitioner's family or
14 household members; (iii) improperly conceal or detain the
15 minor child; or (iv) otherwise act in a manner that is not
16 in the best interests of the minor child. The court shall
17 not be limited by the standards set forth in Section 607.1
18 of the Illinois Marriage and Dissolution of Marriage Act.
19 If the court grants visitation, the order shall specify
20 dates and times for the visitation to take place or other
21 specific parameters or conditions that are appropriate. No
22 order for visitation shall refer merely to the term
23 "reasonable visitation".

24 Petitioner may deny respondent access to the minor
25 child if, when respondent arrives for visitation,
26 respondent is under the influence of drugs or alcohol and

1 constitutes a threat to the safety and well-being of
2 petitioner or petitioner's minor children or is behaving in
3 a violent or abusive manner.

4 If necessary to protect any member of petitioner's
5 family or household from future abuse, respondent shall be
6 prohibited from coming to petitioner's residence to meet
7 the minor child for visitation, and the parties shall
8 submit to the court their recommendations for reasonable
9 alternative arrangements for visitation. A person may be
10 approved to supervise visitation only after filing an
11 affidavit accepting that responsibility and acknowledging
12 accountability to the court.

13 (8) Removal or concealment of minor child. Prohibit
14 respondent from removing a minor child from the State or
15 concealing the child within the State.

16 (9) Order to appear. Order the respondent to appear in
17 court, alone or with a minor child, to prevent abuse,
18 neglect, removal or concealment of the child, to return the
19 child to the custody or care of the petitioner or to permit
20 any court-ordered interview or examination of the child or
21 the respondent.

22 (10) Possession of personal property. Grant petitioner
23 exclusive possession of personal property and, if
24 respondent has possession or control, direct respondent to
25 promptly make it available to petitioner, if:

26 (i) petitioner, but not respondent, owns the

1 property; or

2 (ii) the parties own the property jointly; sharing
3 it would risk abuse of petitioner by respondent or is
4 impracticable; and the balance of hardships favors
5 temporary possession by petitioner.

6 If petitioner's sole claim to ownership of the property
7 is that it is marital property, the court may award
8 petitioner temporary possession thereof under the
9 standards of subparagraph (ii) of this paragraph only if a
10 proper proceeding has been filed under the Illinois
11 Marriage and Dissolution of Marriage Act, as now or
12 hereafter amended.

13 No order under this provision shall affect title to
14 property.

15 (11) Protection of property. Forbid the respondent
16 from taking, transferring, encumbering, concealing,
17 damaging or otherwise disposing of any real or personal
18 property, except as explicitly authorized by the court, if:

19 (i) petitioner, but not respondent, owns the
20 property; or

21 (ii) the parties own the property jointly, and the
22 balance of hardships favors granting this remedy.

23 If petitioner's sole claim to ownership of the property
24 is that it is marital property, the court may grant
25 petitioner relief under subparagraph (ii) of this
26 paragraph only if a proper proceeding has been filed under

1 the Illinois Marriage and Dissolution of Marriage Act, as
2 now or hereafter amended.

3 The court may further prohibit respondent from
4 improperly using the financial or other resources of an
5 aged member of the family or household for the profit or
6 advantage of respondent or of any other person.

7 (11.5) Protection of animals. Grant the petitioner the
8 exclusive care, custody, or control of any animal owned,
9 possessed, leased, kept, or held by either the petitioner
10 or the respondent or a minor child residing in the
11 residence or household of either the petitioner or the
12 respondent and order the respondent to stay away from the
13 animal and forbid the respondent from taking,
14 transferring, encumbering, concealing, harming, or
15 otherwise disposing of the animal.

16 (12) Order for payment of support. Order respondent to
17 pay temporary support for the petitioner or any child in
18 the petitioner's care or custody, when the respondent has a
19 legal obligation to support that person, in accordance with
20 the Illinois Marriage and Dissolution of Marriage Act,
21 which shall govern, among other matters, the amount of
22 support, payment through the clerk and withholding of
23 income to secure payment. An order for child support may be
24 granted to a petitioner with lawful physical care or
25 custody of a child, or an order or agreement for physical
26 care or custody, prior to entry of an order for legal

1 custody. Such a support order shall expire upon entry of a
2 valid order granting legal custody to another, unless
3 otherwise provided in the custody order.

4 (13) Order for payment of losses. Order respondent to
5 pay petitioner for losses suffered as a direct result of
6 the abuse. Such losses shall include, but not be limited
7 to, medical expenses, lost earnings or other support,
8 repair or replacement of property damaged or taken,
9 reasonable attorney's fees, court costs and moving or other
10 travel expenses, including additional reasonable expenses
11 for temporary shelter and restaurant meals.

12 (i) Losses affecting family needs. If a party is
13 entitled to seek maintenance, child support or
14 property distribution from the other party under the
15 Illinois Marriage and Dissolution of Marriage Act, as
16 now or hereafter amended, the court may order
17 respondent to reimburse petitioner's actual losses, to
18 the extent that such reimbursement would be
19 "appropriate temporary relief", as authorized by
20 subsection (a) (3) of Section 501 of that Act.

21 (ii) Recovery of expenses. In the case of an
22 improper concealment or removal of a minor child, the
23 court may order respondent to pay the reasonable
24 expenses incurred or to be incurred in the search for
25 and recovery of the minor child, including but not
26 limited to legal fees, court costs, private

1 investigator fees, and travel costs.

2 (14) Prohibition of entry. Prohibit the respondent
3 from entering or remaining in the residence or household
4 while the respondent is under the influence of alcohol or
5 drugs and constitutes a threat to the safety and well-being
6 of the petitioner or the petitioner's children.

7 (14.5) Prohibition of firearm possession.

8 (A) A person who is subject to an existing order of
9 protection, ~~interim order of protection, emergency~~
10 ~~order of protection, or plenary order of protection,~~
11 issued under this Code may not lawfully possess weapons
12 under Section 8.2 of the Firearm Owners Identification
13 Card Act.

14 (B) Any firearms in the possession of the
15 respondent, except as provided in subparagraph (C) of
16 this paragraph (14.5), shall be ordered by the court to
17 be turned over to a person with a valid Firearm Owner's
18 Identification Card for safekeeping. The court shall
19 issue an order that the respondent's Firearm Owner's
20 Identification Card be turned over to the local law
21 enforcement agency, which in turn shall immediately
22 mail the card to the Department of State Police Firearm
23 Owner's Identification Card Office for safekeeping.
24 The period of safekeeping shall be for the duration of
25 the order of protection. The firearm or firearms and
26 Firearm Owner's Identification Card, if unexpired,

1 shall at the respondent's request be returned to the
2 respondent at expiration of the order of protection.

3 (C) If the respondent is a peace officer as defined
4 in Section 2-13 of the Criminal Code of 2012, the court
5 shall order that any firearms used by the respondent in
6 the performance of his or her duties as a peace officer
7 be surrendered to the chief law enforcement executive
8 of the agency in which the respondent is employed, who
9 shall retain the firearms for safekeeping for the
10 duration of the order of protection.

11 (D) Upon expiration of the period of safekeeping,
12 if the firearms or Firearm Owner's Identification Card
13 cannot be returned to respondent because respondent
14 cannot be located, fails to respond to requests to
15 retrieve the firearms, or is not lawfully eligible to
16 possess a firearm, upon petition from the local law
17 enforcement agency, the court may order the local law
18 enforcement agency to destroy the firearms, use the
19 firearms for training purposes, or for any other
20 application as deemed appropriate by the local law
21 enforcement agency; or that the firearms be turned over
22 to a third party who is lawfully eligible to possess
23 firearms, and who does not reside with respondent.

24 (15) Prohibition of access to records. If an order of
25 protection prohibits respondent from having contact with
26 the minor child, or if petitioner's address is omitted

1 under subsection (b) of Section 112A-5, or if necessary to
2 prevent abuse or wrongful removal or concealment of a minor
3 child, the order shall deny respondent access to, and
4 prohibit respondent from inspecting, obtaining, or
5 attempting to inspect or obtain, school or any other
6 records of the minor child who is in the care of
7 petitioner.

8 (16) Order for payment of shelter services. Order
9 respondent to reimburse a shelter providing temporary
10 housing and counseling services to the petitioner for the
11 cost of the services, as certified by the shelter and
12 deemed reasonable by the court.

13 (17) Order for injunctive relief. Enter injunctive
14 relief necessary or appropriate to prevent further abuse of
15 a family or household member or to effectuate one of the
16 granted remedies, if supported by the balance of hardships.
17 If the harm to be prevented by the injunction is abuse or
18 any other harm that one of the remedies listed in
19 paragraphs (1) through (16) of this subsection is designed
20 to prevent, no further evidence is necessary to establish
21 that the harm is an irreparable injury.

22 (c) Relevant factors; findings.

23 (1) In determining whether to grant a specific remedy,
24 other than payment of support, the court shall consider
25 relevant factors, including but not limited to the
26 following:

1 (i) the nature, frequency, severity, pattern and
2 consequences of the respondent's past abuse of the
3 petitioner or any family or household member,
4 including the concealment of his or her location in
5 order to evade service of process or notice, and the
6 likelihood of danger of future abuse to petitioner or
7 any member of petitioner's or respondent's family or
8 household; and

9 (ii) the danger that any minor child will be abused
10 or neglected or improperly removed from the
11 jurisdiction, improperly concealed within the State or
12 improperly separated from the child's primary
13 caretaker.

14 (2) In comparing relative hardships resulting to the
15 parties from loss of possession of the family home, the
16 court shall consider relevant factors, including but not
17 limited to the following:

18 (i) availability, accessibility, cost, safety,
19 adequacy, location and other characteristics of
20 alternate housing for each party and any minor child or
21 dependent adult in the party's care;

22 (ii) the effect on the party's employment; and

23 (iii) the effect on the relationship of the party,
24 and any minor child or dependent adult in the party's
25 care, to family, school, church and community.

26 (3) Subject to the exceptions set forth in paragraph

1 (4) of this subsection, the court shall make its findings
2 in an official record or in writing, and shall at a minimum
3 set forth the following:

4 (i) That the court has considered the applicable
5 relevant factors described in paragraphs (1) and (2) of
6 this subsection.

7 (ii) Whether the conduct or actions of respondent,
8 unless prohibited, will likely cause irreparable harm
9 or continued abuse.

10 (iii) Whether it is necessary to grant the
11 requested relief in order to protect petitioner or
12 other alleged abused persons.

13 (4) (Blank). ~~For purposes of issuing an ex parte~~
14 ~~emergency order of protection, the court, as an alternative~~
15 ~~to or as a supplement to making the findings described in~~
16 ~~paragraphs (c) (3) (i) through (c) (3) (iii) of this~~
17 ~~subsection, may use the following procedure:~~

18 ~~When a verified petition for an emergency order of~~
19 ~~protection in accordance with the requirements of Sections~~
20 ~~112A-5 and 112A-17 is presented to the court, the court~~
21 ~~shall examine petitioner on oath or affirmation. An~~
22 ~~emergency order of protection shall be issued by the court~~
23 ~~if it appears from the contents of the petition and the~~
24 ~~examination of petitioner that the averments are~~
25 ~~sufficient to indicate abuse by respondent and to support~~
26 ~~the granting of relief under the issuance of the emergency~~

1 ~~order of protection.~~

2 (5) Never married parties. No rights or
3 responsibilities for a minor child born outside of marriage
4 attach to a putative father until a father and child
5 relationship has been established under the Illinois
6 Parentage Act of 1984 or under the Illinois Parentage Act
7 of 2015 on and after the effective date of that Act. Absent
8 such an adjudication, no putative father shall be granted
9 temporary custody of the minor child, visitation with the
10 minor child, or physical care and possession of the minor
11 child, nor shall an order of payment for support of the
12 minor child be entered.

13 (d) Balance of hardships; findings. If the court finds that
14 the balance of hardships does not support the granting of a
15 remedy governed by paragraph (2), (3), (10), (11), or (16) of
16 subsection (b) of this Section, which may require such
17 balancing, the court's findings shall so indicate and shall
18 include a finding as to whether granting the remedy will result
19 in hardship to respondent that would substantially outweigh the
20 hardship to petitioner from denial of the remedy. The findings
21 shall be an official record or in writing.

22 (e) Denial of remedies. Denial of any remedy shall not be
23 based, in whole or in part, on evidence that:

24 (1) Respondent has cause for any use of force, unless
25 that cause satisfies the standards for justifiable use of
26 force provided by Article 7 of the Criminal Code of 2012;

1 (2) Respondent was voluntarily intoxicated;

2 (3) Petitioner acted in self-defense or defense of
3 another, provided that, if petitioner utilized force, such
4 force was justifiable under Article 7 of the Criminal Code
5 of 2012;

6 (4) Petitioner did not act in self-defense or defense
7 of another;

8 (5) Petitioner left the residence or household to avoid
9 further abuse by respondent;

10 (6) Petitioner did not leave the residence or household
11 to avoid further abuse by respondent;

12 (7) Conduct by any family or household member excused
13 the abuse by respondent, unless that same conduct would
14 have excused such abuse if the parties had not been family
15 or household members.

16 (Source: P.A. 98-63, eff. 7-9-13; 99-85, eff. 1-1-16.)

17 (725 ILCS 5/112A-14.5 new)

18 Sec. 112A-14.5. Civil no contact order; remedies.

19 (a) The court may order any of the remedies listed in this
20 Section. The remedies listed in this Section shall be in
21 addition to other civil or criminal remedies available to
22 petitioner:

23 (1) prohibit the respondent from knowingly coming
24 within, or knowingly remaining within, a specified
25 distance from the petitioner;

1 (2) restrain the respondent from having any contact,
2 including nonphysical contact, with the petitioner
3 directly, indirectly, or through third parties, regardless
4 of whether those third parties know of the order;

5 (3) prohibit the respondent from knowingly coming
6 within, or knowingly remaining within, a specified
7 distance from the petitioner's residence, school, day care
8 or other specified location;

9 (4) order the respondent to stay away from any property
10 or animal owned, possessed, leased, kept, or held by the
11 petitioner and forbid the respondent from taking,
12 transferring, encumbering, concealing, harming, or
13 otherwise disposing of the property or animal; and

14 (5) order any other injunctive relief as necessary or
15 appropriate for the protection of the petitioner.

16 (b) When the petitioner and the respondent attend the same
17 public or private elementary, middle, or high school, the court
18 when issuing a civil no contact order and providing relief
19 shall consider the severity of the act, any continuing physical
20 danger or emotional distress to the petitioner, the educational
21 rights guaranteed to the petitioner and respondent under
22 federal and State law, the availability of a transfer of the
23 respondent to another school, a change of placement or a change
24 of program of the respondent, the expense, difficulty, and
25 educational disruption that would be caused by a transfer of
26 the respondent to another school, and any other relevant facts

1 of the case. The court may order that the respondent not attend
2 the public, private, or non-public elementary, middle, or high
3 school attended by the petitioner, order that the respondent
4 accept a change of placement or program, as determined by the
5 school district or private or non-public school, or place
6 restrictions on the respondent's movements within the school
7 attended by the petitioner. The respondent bears the burden of
8 proving by a preponderance of the evidence that a transfer,
9 change of placement, or change of program of the respondent is
10 not available. The respondent also bears the burden of
11 production with respect to the expense, difficulty, and
12 educational disruption that would be caused by a transfer of
13 the respondent to another school. A transfer, change of
14 placement, or change of program is not unavailable to the
15 respondent solely on the ground that the respondent does not
16 agree with the school district's or private or non-public
17 school's transfer, change of placement, or change of program or
18 solely on the ground that the respondent fails or refuses to
19 consent to or otherwise does not take an action required to
20 effectuate a transfer, change of placement, or change of
21 program. When a court orders a respondent to stay away from the
22 public, private, or non-public school attended by the
23 petitioner and the respondent requests a transfer to another
24 attendance center within the respondent's school district or
25 private or non-public school, the school district or private or
26 non-public school shall have sole discretion to determine the

1 attendance center to which the respondent is transferred. If
2 the court order results in a transfer of the minor respondent
3 to another attendance center, a change in the respondent's
4 placement, or a change of the respondent's program, the
5 parents, guardian, or legal custodian of the respondent is
6 responsible for transportation and other costs associated with
7 the transfer or change.

8 (c) The court may order the parents, guardian, or legal
9 custodian of a minor respondent to take certain actions or to
10 refrain from taking certain actions to ensure that the
11 respondent complies with the order. If the court orders a
12 transfer of the respondent to another school, the parents or
13 legal guardians of the respondent are responsible for
14 transportation and other costs associated with the change of
15 school by the respondent.

16 (d) Denial of a remedy may not be based, in whole or in
17 part, on evidence that:

18 (1) the respondent has cause for any use of force,
19 unless that cause satisfies the standards for justifiable
20 use of force provided by Article 7 of the Criminal Code of
21 2012;

22 (2) the respondent was voluntarily intoxicated;

23 (3) the petitioner acted in self-defense or defense of
24 another, provided that, if the petitioner utilized force,
25 such force was justifiable under Article 7 of the Criminal
26 Code of 2012;

1 (4) the petitioner did not act in self-defense or
2 defense of another;

3 (5) the petitioner left the residence or household to
4 avoid further non-consensual sexual conduct or
5 non-consensual sexual penetration by the respondent; or

6 (6) the petitioner did not leave the residence or
7 household to avoid further non-consensual sexual conduct
8 or non-consensual sexual penetration by the respondent.

9 (e) Monetary damages are not recoverable as a remedy.

10 (725 ILCS 5/112A-14.7 new)

11 Sec. 112A-14.7. Stalking no contact order; remedies.

12 (a) The court may order any of the remedies listed in this
13 Section. The remedies listed in this Section shall be in
14 addition to other civil or criminal remedies available to
15 petitioner. A stalking no contact order shall order one or more
16 of the following:

17 (1) prohibit the respondent from threatening to commit
18 or committing stalking;

19 (2) order the respondent not to have any contact with
20 the petitioner or a third person specifically named by the
21 court;

22 (3) prohibit the respondent from knowingly coming
23 within, or knowingly remaining within a specified distance
24 of the petitioner or the petitioner's residence, school,
25 daycare, or place of employment, or any specified place

1 frequented by the petitioner; however, the court may order
2 the respondent to stay away from the respondent's own
3 residence, school, or place of employment only if the
4 respondent has been provided actual notice of the
5 opportunity to appear and be heard on the petition;

6 (4) prohibit the respondent from possessing a Firearm
7 Owners Identification Card, or possessing or buying
8 firearms; and

9 (5) order other injunctive relief the court determines
10 to be necessary to protect the petitioner or third party
11 specifically named by the court.

12 (b) When the petitioner and the respondent attend the same
13 public, private, or non-public elementary, middle, or high
14 school, the court when issuing a stalking no contact order and
15 providing relief shall consider the severity of the act, any
16 continuing physical danger or emotional distress to the
17 petitioner, the educational rights guaranteed to the
18 petitioner and respondent under federal and State law, the
19 availability of a transfer of the respondent to another school,
20 a change of placement or a change of program of the respondent,
21 the expense, difficulty, and educational disruption that would
22 be caused by a transfer of the respondent to another school,
23 and any other relevant facts of the case. The court may order
24 that the respondent not attend the public, private, or
25 non-public elementary, middle, or high school attended by the
26 petitioner, order that the respondent accept a change of

1 placement or program, as determined by the school district or
2 private or non-public school, or place restrictions on the
3 respondent's movements within the school attended by the
4 petitioner. The respondent bears the burden of proving by a
5 preponderance of the evidence that a transfer, change of
6 placement, or change of program of the respondent is not
7 available. The respondent also bears the burden of production
8 with respect to the expense, difficulty, and educational
9 disruption that would be caused by a transfer of the respondent
10 to another school. A transfer, change of placement, or change
11 of program is not unavailable to the respondent solely on the
12 ground that the respondent does not agree with the school
13 district's or private or non-public school's transfer, change
14 of placement, or change of program or solely on the ground that
15 the respondent fails or refuses to consent to or otherwise does
16 not take an action required to effectuate a transfer, change of
17 placement, or change of program. When a court orders a
18 respondent to stay away from the public, private, or non-public
19 school attended by the petitioner and the respondent requests a
20 transfer to another attendance center within the respondent's
21 school district or private or non-public school, the school
22 district or private or non-public school shall have sole
23 discretion to determine the attendance center to which the
24 respondent is transferred. If the court order results in a
25 transfer of the minor respondent to another attendance center,
26 a change in the respondent's placement, or a change of the

1 respondent's program, the parents, guardian, or legal
2 custodian of the respondent is responsible for transportation
3 and other costs associated with the transfer or change.

4 (c) The court may order the parents, guardian, or legal
5 custodian of a minor respondent to take certain actions or to
6 refrain from taking certain actions to ensure that the
7 respondent complies with the order. If the court orders a
8 transfer of the respondent to another school, the parents,
9 guardian, or legal custodian of the respondent are responsible
10 for transportation and other costs associated with the change
11 of school by the respondent.

12 (d) The court shall not hold a school district or private
13 or non-public school or any of its employees in civil or
14 criminal contempt unless the school district or private or
15 non-public school has been allowed to intervene.

16 (e) The court may hold the parents, guardian, or legal
17 custodian of a minor respondent in civil or criminal contempt
18 for a violation of any provision of any order entered under
19 this Article for conduct of the minor respondent in violation
20 of this Article if the parents, guardian, or legal custodian
21 directed, encouraged, or assisted the respondent minor in the
22 conduct.

23 (f) Monetary damages are not recoverable as a remedy.

24 (g) If the stalking no contact order prohibits the
25 respondent from possessing a Firearm Owner's Identification
26 Card, or possessing or buying firearms; the court shall

1 confiscate the respondent's Firearm Owner's Identification
2 Card and immediately return the card to the Department of State
3 Police Firearm Owner's Identification Card Office.

4 (725 ILCS 5/112A-15) (from Ch. 38, par. 112A-15)

5 Sec. 112A-15. Mutual orders of protection; correlative
6 separate orders. Mutual orders of protection are prohibited.
7 Correlative separate orders of protection undermine the
8 purposes of this Article and are prohibited. ~~If separate orders~~
9 ~~of protection in a criminal or delinquency case are sought,~~
10 ~~there must be compliance with Section 112A-2.~~ Nothing in this
11 Section prohibits a victim party from seeking a civil order of
12 protection.

13 ~~If correlative separate orders of protection result after~~
14 ~~being sought in separate criminal or delinquency actions in~~
15 ~~accordance with Section 112A-2, that fact shall not be a~~
16 ~~sufficient basis to deny any remedy to either petitioner or to~~
17 ~~prove that the parties are equally at fault or equally~~
18 ~~endangered.~~

19 (Source: P.A. 87-1186.)

20 (725 ILCS 5/112A-20) (from Ch. 38, par. 112A-20)

21 Sec. 112A-20. Duration and extension of protective orders.

22 (a) (Blank). ~~Duration of emergency and interim orders.~~
23 ~~Unless re-opened or extended or voided by entry of an order of~~
24 ~~greater duration:~~

1 ~~(1) Emergency orders issued under Section 112A-17~~
2 ~~shall be effective for not less than 14 nor more than 21~~
3 ~~days;~~

4 ~~(2) Interim orders shall be effective for up to 30~~
5 ~~days.~~

6 (b) A protective order ~~Duration of plenary orders. Except~~
7 ~~as otherwise provided in this Section, a plenary order of~~
8 ~~protection shall be valid for a fixed period of time not to~~
9 ~~exceed 2 years. A plenary order of protection entered in~~
10 ~~conjunction with a criminal prosecution shall remain in effect~~
11 as follows:

12 (1) if entered during pre-trial release, until
13 disposition, withdrawal, or dismissal of the underlying
14 charge; if, however, the case is continued as an
15 independent cause of action, the order's duration may be
16 for a fixed period of time not to exceed 2 years;

17 (2) if in effect in conjunction with a bond forfeiture
18 warrant, until final disposition or an additional period of
19 time not exceeding 2 years; no order of protection,
20 however, shall be terminated by a dismissal that is
21 accompanied by the issuance of a bond forfeiture warrant;

22 (3) until 2 years after the expiration of any
23 supervision, conditional discharge, probation, periodic
24 imprisonment, parole, aftercare release, or mandatory
25 supervised release for orders of protection and civil no
26 contact orders ~~and for an additional period of time~~

1 ~~thereafter not exceeding 2 years; or~~

2 (4) until 2 years after the date set by the court for
3 expiration of any sentence of imprisonment and subsequent
4 parole, aftercare release, or mandatory supervised release
5 for orders of protection and civil no contact orders; and
6 ~~and for an additional period of time thereafter not~~
7 ~~exceeding 2 years.~~

8 (5) permanent for a stalking no contact order if a
9 judgment of conviction for stalking is entered.

10 (c) Computation of time. The duration of an order of
11 protection shall not be reduced by the duration of any prior
12 order of protection.

13 (d) Law enforcement records. When a protective ~~a plenary~~
14 ~~order of protection~~ expires upon the occurrence of a specified
15 event, rather than upon a specified date as provided in
16 subsection (b), no expiration date shall be entered in
17 Department of State Police records. To remove the protective
18 ~~plenary~~ order from those records, either the petitioner or the
19 respondent party shall request the clerk of the court to file a
20 certified copy of an order stating that the specified event has
21 occurred or that the protective ~~plenary~~ order has been vacated
22 or modified with the sheriff, and the sheriff shall direct that
23 law enforcement records shall be promptly corrected in
24 accordance with the filed order.

25 (e) Extension of Orders. Any ~~emergency, interim or plenary~~
26 order of protection or civil no contact order that expires 2

1 years after the expiration of the defendant's sentence under
2 paragraph (2), (3), or (4) of subsection (b) of Section 112A-20
3 of this Article may be extended one or more times, as required,
4 ~~provided that the requirements of Section 112A-17, 112A-18 or~~
5 ~~112A-19, as appropriate, are satisfied. The petitioner or the~~
6 ~~State's Attorney on the petitioner's behalf shall file the~~
7 ~~motion for an extension of the protective order in the criminal~~
8 ~~case and serve the motion in accordance with Supreme Court~~
9 ~~Rules 11 and 12. The court shall transfer the motion to the~~
10 ~~appropriate court or division for consideration under~~
11 ~~subsection (e) of Section 220 of the Illinois Domestic Violence~~
12 ~~Act of 1986 or subsection (c) of Section 216 of the Civil No~~
13 ~~Contact Order Act, as appropriate. If the motion for extension~~
14 ~~is uncontested and petitioner seeks no modification of the~~
15 ~~order, the order may be extended on the basis of petitioner's~~
16 ~~motion or affidavit stating that there has been no material~~
17 ~~change in relevant circumstances since entry of the order and~~
18 ~~stating the reason for the requested extension. An extension of~~
19 ~~a plenary order of protection may be granted, upon good cause~~
20 ~~shown, to remain in effect until the order of protection is~~
21 ~~vacated or modified. Extensions may be granted only in open~~
22 ~~court and not under the provisions of Section 112A-17(c), which~~
23 ~~applies only when the court is unavailable at the close of~~
24 ~~business or on a court holiday.~~

25 (f) Termination date. Any order of protection which would
26 expire on a court holiday shall instead expire at the close of

1 the next court business day.

2 (g) Statement of purpose. The practice of dismissing or
3 suspending a criminal prosecution in exchange for issuing an
4 order of protection undermines the purposes of this Article.
5 This Section shall not be construed as encouraging that
6 practice.

7 (Source: P.A. 98-558, eff. 1-1-14.)

8 (725 ILCS 5/112A-21) (from Ch. 38, par. 112A-21)

9 Sec. 112A-21. Contents of orders.

10 (a) Any order of protection shall describe, in reasonable
11 detail and not by reference to any other document, the
12 following:

13 (1) Each remedy granted by the court, in reasonable
14 detail and not by reference to any other document, so that
15 respondent may clearly understand what he or she must do or
16 refrain from doing. Pre-printed form orders of protection
17 shall include the definitions of the types of abuse, as
18 provided in Section 112A-3. Remedies set forth in
19 pre-printed form orders shall be numbered consistently
20 with and corresponding to the numerical sequence of
21 remedies listed in Section 112A-14 (at least as of the date
22 the form orders are printed).

23 (2) The reason for denial of petitioner's request for
24 any remedy listed in Section 112A-14.

25 (b) An order of protection shall further state the

1 following:

2 (1) The name of each petitioner that the court finds is
3 a victim of a charged offense ~~was abused by respondent~~, and
4 that respondent is a member of the family or household of
5 each such petitioner, and the name of each other person
6 protected by the order and that such person is protected by
7 this Act.

8 (2) For any remedy requested by petitioner on which the
9 court has declined to rule, that that remedy is reserved.

10 (3) The date and time the order of protection was
11 issued, ~~whether it is an emergency, interim or plenary~~
12 ~~order and the duration of the order.~~

13 (4) (Blank). ~~The date, time and place for any scheduled~~
14 ~~hearing for extension of that order of protection or for~~
15 ~~another order of greater duration or scope.~~

16 (5) (Blank). ~~For each remedy in an emergency order of~~
17 ~~protection, the reason for entering that remedy without~~
18 ~~prior notice to respondent or greater notice than was~~
19 ~~actually given.~~

20 (6) (Blank). ~~For emergency and interim orders of~~
21 ~~protection, that respondent may petition the court, in~~
22 ~~accordance with Section 112A-24, to re-open that order if~~
23 ~~he or she did not receive actual prior notice of the~~
24 ~~hearing, in accordance with Section 112A-11, and alleges~~
25 ~~that he or she had a meritorious defense to the order or~~
26 ~~that the order or any of its remedies was not authorized by~~

1 ~~this Article.~~

2 (c) Any order of protection shall include the following
3 notice, printed in conspicuous type:

4 "Any knowing violation of an order of protection
5 forbidding physical abuse, harassment, intimidation,
6 interference with personal liberty, willful deprivation,
7 or entering or remaining present at specified places when
8 the protected person is present, or granting exclusive
9 possession of the residence or household, or granting a
10 stay away order is a Class A misdemeanor. Grant of
11 exclusive possession of the residence or household shall
12 constitute notice forbidding trespass to land. Any knowing
13 violation of an order awarding legal custody or physical
14 care of a child or prohibiting removal or concealment of a
15 child may be a Class 4 felony. Any willful violation of any
16 order is contempt of court. Any violation may result in
17 fine or imprisonment."

18 (d) (Blank). ~~An emergency order of protection shall state,~~
19 ~~"This Order of Protection is enforceable, even without~~
20 ~~registration, in all 50 states, the District of Columbia,~~
21 ~~tribal lands, and the U.S. territories pursuant to the Violence~~
22 ~~Against Women Act (18 U.S.C. 2265). Violating this Order of~~
23 ~~Protection may subject the respondent to federal charges and~~
24 ~~punishment (18 U.S.C. 2261-2262)."~~

25 (e) An ~~interim or plenary~~ order of protection shall state,
26 "This Order of Protection is enforceable, even without

1 registration, in all 50 states, the District of Columbia,
2 tribal lands, and the U.S. territories pursuant to the Violence
3 Against Women Act (18 U.S.C. 2265). Violating this Order of
4 Protection may subject the respondent to federal charges and
5 punishment (18 U.S.C. 2261-2262). The respondent may be subject
6 to federal criminal penalties for possessing, transporting,
7 shipping, or receiving any firearm or ammunition under the Gun
8 Control Act (18 U.S.C. 922(g)(8) and (9))."

9 (Source: P.A. 93-944, eff. 1-1-05.)

10 (725 ILCS 5/112A-21.5 new)

11 Sec. 112A-21.5. Contents of civil no contact orders.

12 (a) Any civil no contact order shall describe each remedy
13 granted by the court, in reasonable detail and not by reference
14 to any other document, so that the respondent may clearly
15 understand what he or she must do or refrain from doing.

16 (b) A civil no contact order shall further state the
17 following:

18 (1) The name of each petitioner that the court finds is
19 a victim of a charged offense and the name of each other
20 person protected by the civil no contact order.

21 (2) The date and time the civil no contact order was
22 issued.

23 (c) A civil no contact order shall include the following
24 notice, printed in conspicuous type:

25 "Any knowing violation of a civil no contact order is a

1 Class A misdemeanor. Any second or subsequent violation is
2 a Class 4 felony."

3 "This Civil No Contact Order is enforceable, even
4 without registration, in all 50 states, the District of
5 Columbia, tribal lands, and the U.S. territories under the
6 Violence Against Women Act (18 U.S.C. 2265)."

7 (725 ILCS 5/112A-21.7 new)

8 Sec. 112A-21.7. Contents of stalking no contact orders.

9 (a) Any stalking no contact order shall describe each
10 remedy granted by the court, in reasonable detail and not by
11 reference to any other document, so that the respondent may
12 clearly understand what he or she must do or refrain from
13 doing.

14 (b) A stalking no contact order shall further state the
15 following:

16 (1) The name of each petitioner that the court finds
17 was the victim of stalking by the respondent.

18 (2) The date and time the stalking no contact order was
19 issued.

20 (c) A stalking no contact order shall include the following
21 notice, printed in conspicuous type:

22 "An initial knowing violation of a stalking no contact
23 order is a Class A misdemeanor. Any second or subsequent
24 knowing violation is a Class 4 felony."

25 "This Stalking No Contact Order is enforceable, even

1 without registration, in all 50 states, the District of
2 Columbia, tribal lands, and the U.S. territories under the
3 Violence Against Women Act (18 U.S.C. 2265)."

4 (725 ILCS 5/112A-22) (from Ch. 38, par. 112A-22)

5 Sec. 112A-22. Notice of orders.

6 (a) Entry and issuance. Upon issuance of any order of
7 protection, the clerk shall immediately, ~~or on the next court~~
8 ~~day if an emergency order is issued in accordance with~~
9 ~~subsection (c) of Section 112A-17,~~ (i) enter the order on the
10 record and file it in accordance with the circuit court
11 procedures and (ii) provide a file stamped copy of the order to
12 respondent, ~~if present,~~ and to petitioner, if present, and to
13 the State's Attorney. If the victim is not present the State's
14 Attorney shall (i) as soon as practicable notify the petitioner
15 the order has been entered and (ii) provide a file stamped copy
16 of the order to the petitioner within 3 days.

17 (b) Filing with sheriff. The clerk of the issuing judge
18 shall, ~~or the petitioner may,~~ on the same day that a protective
19 order ~~an order of protection~~ is issued, file a copy of that
20 order with the sheriff or other law enforcement officials
21 charged with maintaining Department of State Police records. ~~or~~
22 ~~charged with serving the order upon respondent. If the order~~
23 ~~was issued in accordance with subsection (c) of Section~~
24 ~~112A-17, the clerk shall on the next court day, file a~~
25 ~~certified copy of the order with the Sheriff or other law~~

1 ~~enforcement officials charged with maintaining Department of~~
2 ~~State Police records. If the respondent, at the time of the~~
3 ~~issuance of the order, is committed to the custody of the~~
4 ~~Illinois Department of Corrections or Illinois Department of~~
5 ~~Juvenile Justice or is on parole, aftercare release, or~~
6 ~~mandatory supervised release, the sheriff or other law~~
7 ~~enforcement officials charged with maintaining Department of~~
8 ~~State Police records shall notify the Department of Corrections~~
9 ~~or Department of Juvenile Justice within 48 hours of receipt of~~
10 ~~a copy of the order of protection from the clerk of the issuing~~
11 ~~judge or the petitioner. Such notice shall include the name of~~
12 ~~the respondent, the respondent's IDOC inmate number or IDJJ~~
13 ~~youth identification number, the respondent's date of birth,~~
14 ~~and the LEADS Record Index Number.~~

15 (c) (Blank). ~~Service by sheriff. Unless respondent was~~
16 ~~present in court when the order was issued, the sheriff, other~~
17 ~~law enforcement official or special process server shall~~
18 ~~promptly serve that order upon respondent and file proof of~~
19 ~~such service, in the manner provided for service of process in~~
20 ~~civil proceedings. Instead of serving the order upon the~~
21 ~~respondent, however, the sheriff, other law enforcement~~
22 ~~official, special process server, or other persons defined in~~
23 ~~Section 112A-22.10 may serve the respondent with a short form~~
24 ~~notification as provided in Section 112A-22.10. If process has~~
25 ~~not yet been served upon the respondent, it shall be served~~
26 ~~with the order or short form notification if such service is~~

1 ~~made by the sheriff, other law enforcement official, or special~~
2 ~~process server.~~

3 (c-5) (Blank). ~~If the person against whom the order of~~
4 ~~protection is issued is arrested and the written order is~~
5 ~~issued in accordance with subsection (c) of Section 112A-17 and~~
6 ~~received by the custodial law enforcement agency before the~~
7 ~~respondent or arrestee is released from custody, the custodial~~
8 ~~law enforcement agent shall promptly serve the order upon the~~
9 ~~respondent or arrestee before the respondent or arrestee is~~
10 ~~released from custody. In no event shall detention of the~~
11 ~~respondent or arrestee be extended for hearing on the petition~~
12 ~~for order of protection or receipt of the order issued under~~
13 ~~Section 112A-17 of this Code.~~

14 (d) (Blank). ~~Extensions, modifications and revocations.~~
15 ~~Any order extending, modifying or revoking any order of~~
16 ~~protection shall be promptly recorded, issued and served as~~
17 ~~provided in this Section.~~

18 (e) Notice to health care facilities and health care
19 practitioners. Upon the request of the petitioner, the clerk of
20 the circuit court shall send a certified copy of the protective
21 ~~order of protection~~ to any specified health care facility or
22 health care practitioner requested by the petitioner at the
23 mailing address provided by the petitioner.

24 (f) Disclosure by health care facilities and health care
25 practitioners. After receiving a certified copy of a protective
26 order ~~an order of protection~~ that prohibits a respondent's

1 access to records, no health care facility or health care
2 practitioner shall allow a respondent access to the records of
3 any child who is a protected person under the protective order
4 ~~of protection~~, or release information in those records to the
5 respondent, unless the order has expired or the respondent
6 shows a certified copy of the court order vacating the
7 corresponding protective order ~~of protection~~ that was sent to
8 the health care facility or practitioner. Nothing in this
9 Section shall be construed to require health care facilities or
10 health care practitioners to alter procedures related to
11 billing and payment. The health care facility or health care
12 practitioner may file the copy of the protective order ~~of~~
13 ~~protection~~ in the records of a child who is a protected person
14 under the protective order ~~of protection~~, or may employ any
15 other method to identify the records to which a respondent is
16 prohibited access. No health care facility or health care
17 practitioner shall be civilly or professionally liable for
18 reliance on a copy of a protective order ~~an order of~~
19 ~~protection~~, except for willful and wanton misconduct.

20 (g) Notice to schools. Upon the request of the petitioner,
21 within 24 hours of the issuance of a protective order ~~an order~~
22 ~~of protection~~, the clerk of the issuing judge shall send a
23 certified copy of the protective order ~~of protection~~ to the
24 day-care facility, pre-school or pre-kindergarten, or private
25 school or the principal office of the public school district or
26 any college or university in which any child who is a protected

1 person under the protective order ~~of protection~~ or any child of
2 the petitioner is enrolled as requested by the petitioner at
3 the mailing address provided by the petitioner. If the child
4 transfers enrollment to another day-care facility, pre-school,
5 pre-kindergarten, private school, public school, college, or
6 university, the petitioner may, within 24 hours of the
7 transfer, send to the clerk written notice of the transfer,
8 including the name and address of the institution to which the
9 child is transferring. Within 24 hours of receipt of notice
10 from the petitioner that a child is transferring to another
11 day-care facility, pre-school, pre-kindergarten, private
12 school, public school, college, or university, the clerk shall
13 send a certified copy of the order to the institution to which
14 the child is transferring.

15 (h) Disclosure by schools. After receiving a certified copy
16 of a protective order ~~an order of protection~~ that prohibits a
17 respondent's access to records, neither a day-care facility,
18 pre-school, pre-kindergarten, public or private school,
19 college, or university nor its employees shall allow a
20 respondent access to a protected child's records or release
21 information in those records to the respondent. The school
22 shall file the copy of the protective order ~~of protection~~ in
23 the records of a child who is a protected person under the
24 order ~~of protection~~. When a child who is a protected person
25 under the protective order ~~of protection~~ transfers to another
26 day-care facility, pre-school, pre-kindergarten, public or

1 private school, college, or university, the institution from
2 which the child is transferring may, at the request of the
3 petitioner, provide, within 24 hours of the transfer, written
4 notice of the protective order ~~of protection~~, along with a
5 certified copy of the order, to the institution to which the
6 child is transferring.

7 (Source: P.A. 97-50, eff. 6-28-11; 97-904, eff. 1-1-13; 98-558,
8 eff. 1-1-14.)

9 (725 ILCS 5/112A-22.3 new)

10 Sec. 112A-22.3. Withdrawal or dismissal of charges or
11 petition.

12 (a) Voluntary dismissal or withdrawal of any delinquency
13 petition or criminal prosecution or a finding of not guilty
14 shall not require dismissal or vacation of the protective
15 order; instead, at the request of the petitioner, in the
16 discretion of the State's Attorney, or on the court's motion,
17 it may be treated as an independent action and, if necessary
18 and appropriate, transferred to a different court or division.
19 Dismissal of any delinquency petition or criminal prosecution
20 shall not affect the validity of any previously issued
21 protective order.

22 (b) Withdrawal or dismissal of any petition for a
23 protective order shall operate as a dismissal without
24 prejudice.

1 (725 ILCS 5/112A-23) (from Ch. 38, par. 112A-23)

2 Sec. 112A-23. Enforcement of protective orders ~~of~~
3 ~~protection.~~

4 (a) When violation is crime. A violation of any order of
5 protection, whether issued in a civil, quasi-criminal
6 proceeding, shall be enforced by a criminal court when:

7 (1) The respondent commits the crime of violation of an
8 order of protection pursuant to Section 12-3.4 or 12-30 of
9 the Criminal Code of 1961 or the Criminal Code of 2012, by
10 having knowingly violated:

11 (i) remedies described in paragraphs (1), (2),
12 (3), (14), or (14.5) of subsection (b) of Section
13 112A-14,

14 (ii) a remedy, which is substantially similar to
15 the remedies authorized under paragraphs (1), (2),
16 (3), (14) or (14.5) of subsection (b) of Section 214 of
17 the Illinois Domestic Violence Act of 1986, in a valid
18 order of protection, which is authorized under the laws
19 of another state, tribe or United States territory,

20 (iii) or any other remedy when the act constitutes
21 a crime against the protected parties as defined by the
22 Criminal Code of 1961 or the Criminal Code of 2012.

23 Prosecution for a violation of an order of protection
24 shall not bar concurrent prosecution for any other crime,
25 including any crime that may have been committed at the
26 time of the violation of the order of protection; or

1 (2) The respondent commits the crime of child abduction
2 pursuant to Section 10-5 of the Criminal Code of 1961 or
3 the Criminal Code of 2012, by having knowingly violated:

4 (i) remedies described in paragraphs (5), (6) or
5 (8) of subsection (b) of Section 112A-14, or

6 (ii) a remedy, which is substantially similar to
7 the remedies authorized under paragraphs (1), (5),
8 (6), or (8) of subsection (b) of Section 214 of the
9 Illinois Domestic Violence Act of 1986, in a valid
10 order of protection, which is authorized under the laws
11 of another state, tribe or United States territory.

12 (3) The respondent commits the crime of violation of a
13 civil no contact order when the respondent violates Section
14 12-3.8 of the Criminal Code of 2012. Prosecution for a
15 violation of a civil no contact order shall not bar
16 concurrent prosecution for any other crime, including any
17 crime that may have been committed at the time of the
18 violation of the civil no contact order.

19 (4) The respondent commits the crime of violation of a
20 stalking no contact order when the respondent violates
21 Section 12-3.9 of the Criminal Code of 2012. Prosecution
22 for a violation of a stalking no contact order shall not
23 bar concurrent prosecution for any other crime, including
24 any crime that may have been committed at the time of the
25 violation of the stalking no contact order.

26 (b) When violation is contempt of court. A violation of any

1 valid protective order ~~of protection~~, whether issued in a civil
2 or criminal proceeding, may be enforced through civil or
3 criminal contempt procedures, as appropriate, by any court with
4 jurisdiction, regardless where the act or acts which violated
5 the protective order ~~of protection~~ were committed, to the
6 extent consistent with the venue provisions of this Article.
7 Nothing in this Article shall preclude any Illinois court from
8 enforcing any valid protective order ~~of protection~~ issued in
9 another state. Illinois courts may enforce protective orders ~~of~~
10 ~~protection~~ through both criminal prosecution and contempt
11 proceedings, unless the action which is second in time is
12 barred by collateral estoppel or the constitutional
13 prohibition against double jeopardy.

14 (1) In a contempt proceeding where the petition for a
15 rule to show cause sets forth facts evidencing an immediate
16 danger that the respondent will flee the jurisdiction,
17 conceal a child, or inflict physical abuse on the
18 petitioner or minor children or on dependent adults in
19 petitioner's care, the court may order the attachment of
20 the respondent without prior service of the rule to show
21 cause or the petition for a rule to show cause. Bond shall
22 be set unless specifically denied in writing.

23 (2) A petition for a rule to show cause for violation
24 of a protective order ~~an order of protection~~ shall be
25 treated as an expedited proceeding.

26 (c) Violation of custody, allocation of parental

1 responsibility, or support orders. A violation of remedies
2 described in paragraphs (5), (6), (8), or (9) of subsection (b)
3 of Section 112A-14 may be enforced by any remedy provided by
4 Section 607.5 of the Illinois Marriage and Dissolution of
5 Marriage Act. The court may enforce any order for support
6 issued under paragraph (12) of subsection (b) of Section
7 112A-14 in the manner provided for under Parts V and VII of the
8 Illinois Marriage and Dissolution of Marriage Act.

9 (d) Actual knowledge. A protective order ~~An order of~~
10 ~~protection~~ may be enforced pursuant to this Section if the
11 respondent violates the order after respondent has actual
12 knowledge of its contents as shown through one of the following
13 means:

14 (1) (Blank). ~~By service, delivery, or notice under~~
15 ~~Section 112A-10.~~

16 (2) (Blank). ~~By notice under Section 112A-11.~~

17 (3) By service of an order of protection under Section
18 112A-22.

19 (4) By other means demonstrating actual knowledge of
20 the contents of the order.

21 (e) The enforcement of an order of protection in civil or
22 criminal court shall not be affected by either of the
23 following:

24 (1) The existence of a separate, correlative order
25 entered under Section 112A-15.

26 (2) Any finding or order entered in a conjoined

1 criminal proceeding.

2 (f) Circumstances. The court, when determining whether or
3 not a violation of a protective order ~~an order of protection~~
4 has occurred, shall not require physical manifestations of
5 abuse on the person of the victim.

6 (g) Penalties.

7 (1) Except as provided in paragraph (3) of this
8 subsection, where the court finds the commission of a crime
9 or contempt of court under subsections (a) or (b) of this
10 Section, the penalty shall be the penalty that generally
11 applies in such criminal or contempt proceedings, and may
12 include one or more of the following: incarceration,
13 payment of restitution, a fine, payment of attorneys' fees
14 and costs, or community service.

15 (2) The court shall hear and take into account evidence
16 of any factors in aggravation or mitigation before deciding
17 an appropriate penalty under paragraph (1) of this
18 subsection.

19 (3) To the extent permitted by law, the court is
20 encouraged to:

21 (i) increase the penalty for the knowing violation
22 of any protective order ~~of protection~~ over any penalty
23 previously imposed by any court for respondent's
24 violation of any protective order ~~of protection~~ or
25 penal statute involving petitioner as victim and
26 respondent as defendant;

1 (ii) impose a minimum penalty of 24 hours
2 imprisonment for respondent's first violation of any
3 protective order ~~of protection~~; and

4 (iii) impose a minimum penalty of 48 hours
5 imprisonment for respondent's second or subsequent
6 violation of a protective order ~~an order of protection~~
7 unless the court explicitly finds that an increased penalty
8 or that period of imprisonment would be manifestly unjust.

9 (4) In addition to any other penalties imposed for a
10 violation of a protective order ~~an order of protection~~, a
11 criminal court may consider evidence of any violations of a
12 protective order ~~an order of protection~~:

13 (i) to increase, revoke or modify the bail bond on
14 an underlying criminal charge pursuant to Section
15 110-6;

16 (ii) to revoke or modify an order of probation,
17 conditional discharge or supervision, pursuant to
18 Section 5-6-4 of the Unified Code of Corrections;

19 (iii) to revoke or modify a sentence of periodic
20 imprisonment, pursuant to Section 5-7-2 of the Unified
21 Code of Corrections.

22 (Source: P.A. 99-90, eff. 1-1-16.)

23 (725 ILCS 5/112A-24) (from Ch. 38, par. 112A-24)
24 Sec. 112A-24. Modification, ~~and~~ re-opening, and extension
25 of orders.

1 (a) Except as otherwise provided in this Section, upon
2 motion by petitioner or the State's Attorney on behalf of the
3 petitioner, the court may modify a protective ~~an emergency,~~
4 ~~interim, or plenary order of protection:~~

5 (1) If respondent has abused petitioner since the
6 hearing for that order, by adding or altering one or more
7 remedies, as authorized by Section 112A-14, 112A-14.5, or
8 112A-14.7 of this Article; and

9 (2) Otherwise, by adding any remedy authorized by
10 Section 112A-14, 112A-14.5, or 112A-14.7 which was:

11 (i) reserved in that protective order ~~of~~
12 ~~protection~~;

13 (ii) not requested for inclusion in that
14 protective order ~~of protection~~; or

15 (iii) denied on procedural grounds, but not on the
16 merits.

17 (a-5) A petitioner or the State's Attorney on the
18 petitioner's behalf may file a motion to vacate or modify a
19 permanent stalking no contact order 2 years or more after the
20 expiration of the defendant's sentence. The motion shall be
21 served in accordance with Supreme Court Rules 11 and 12.

22 (b) Upon motion by the petitioner, State's Attorney, or
23 respondent, the court may modify any prior order of
24 protection's remedy for custody, visitation or payment of
25 support in accordance with the relevant provisions of the
26 Illinois Marriage and Dissolution of Marriage Act.

1 (c) After 30 days following the entry of a protective
2 ~~plenary order of protection~~, a court may modify that order only
3 when changes in the applicable law or facts since that plenary
4 order was entered warrant a modification of its terms.

5 (d) (Blank). ~~Upon 2 days notice to petitioner, in~~
6 ~~accordance with Section 112A-11, or such shorter notice as the~~
7 ~~court may prescribe, a respondent subject to an emergency or~~
8 ~~interim order of protection issued under this Article may~~
9 ~~appear and petition the court to re-hear the original or~~
10 ~~amended petition. Any petition to re-hear shall be verified and~~
11 ~~shall allege the following:~~

12 ~~(1) that respondent did not receive prior notice of the~~
13 ~~initial hearing in which the emergency or interim order was~~
14 ~~entered, in accordance with Sections 112A-11 and 112A-17;~~
15 ~~and~~

16 ~~(2) that respondent had a meritorious defense to the~~
17 ~~order or any of its remedies or that the order or any of~~
18 ~~its remedies was not authorized under this Article.~~

19 (e) (Blank). ~~If the emergency or interim order granted~~
20 ~~petitioner exclusive possession of the residence and the~~
21 ~~petition of respondent seeks to re-open or vacate that grant,~~
22 ~~the court shall set a date for hearing within 14 days on all~~
23 ~~issues relating to exclusive possession. Under no~~
24 ~~circumstances shall a court continue a hearing concerning~~
25 ~~exclusive possession beyond the 14th day except by agreement of~~
26 ~~the parties. Other issues raised by the pleadings may be~~

1 ~~consolidated for the hearing if neither party nor the court~~
2 ~~objects.~~

3 (f) (Blank). ~~This Section does not limit the means,~~
4 ~~otherwise available by law, for vacating or modifying orders of~~
5 ~~protection.~~

6 (Source: P.A. 87-1186.)

7 (725 ILCS 5/112A-25) (from Ch. 38, par. 112A-25)

8 Sec. 112A-25. Immunity from Prosecution. Any individual or
9 organization acting in good faith to report the abuse of any
10 person 60 years of age or older or to do any of the following in
11 complying with the provisions of this Article shall not be
12 subject to criminal prosecution or civil liability as a result
13 of such action: providing any information to the appropriate
14 law enforcement agency, providing that the giving of any
15 information does not violate any privilege of confidentiality
16 under law; assisting in any investigation; assisting in the
17 preparation of any materials for distribution under this
18 Article; or by providing services ordered under a protective
19 order ~~an order of protection.~~

20 (Source: P.A. 84-1305 incorporating 84-1232; 84-1438.)

21 (725 ILCS 5/112A-26) (from Ch. 38, par. 112A-26)

22 Sec. 112A-26. Arrest without warrant.

23 (a) Any law enforcement officer may make an arrest without
24 warrant if the officer has probable cause to believe that the

1 person has committed or is committing any crime, including but
2 not limited to violation of an order of protection, under
3 Section 12-3.4 or 12-30 of the Criminal Code of 1961 or the
4 Criminal Code of 2012, violation of a civil no contact order,
5 under Section 11-1.75 of the Criminal Code of 2012, or
6 violation of a stalking no contact order, under Section 12-7.5A
7 of the Criminal Code of 2012, even if the crime was not
8 committed in the presence of the officer.

9 (b) The law enforcement officer may verify the existence of
10 a protective ~~an order of protection~~ by telephone or radio
11 communication with his or her law enforcement agency or by
12 referring to the copy of the order provided by petitioner or
13 respondent.

14 (Source: P.A. 96-1551, eff. 7-1-11; 97-1150, eff. 1-25-13.)

15 (725 ILCS 5/112A-28) (from Ch. 38, par. 112A-28)

16 Sec. 112A-28. Data maintenance by law enforcement
17 agencies.

18 (a) All sheriffs shall furnish to the Department of State
19 Police, daily, in the form and detail the Department requires,
20 copies of any recorded protective orders ~~of protection~~ issued
21 by the court, and any foreign orders of protection filed by the
22 clerk of the court, and transmitted to the sheriff by the clerk
23 of the court ~~pursuant to subsection (b) of Section 112A-22 of~~
24 ~~this Act.~~ Each protective order ~~of protection~~ shall be entered
25 in the Law Enforcement Agencies Data System on the same day it

1 is issued by the court. ~~If an emergency order of protection was~~
2 ~~issued in accordance with subsection (c) of Section 112A-17,~~
3 ~~the order shall be entered in the Law Enforcement Agencies Data~~
4 ~~System as soon as possible after receipt from the clerk.~~

5 (b) The Department of State Police shall maintain a
6 complete and systematic record and index of all valid and
7 recorded protective orders ~~of protection~~ issued or filed under
8 ~~pursuant to~~ this Act. The data shall be used to inform all
9 dispatchers and law enforcement officers at the scene of an
10 alleged incident of abuse or violation of a protective order ~~an~~
11 ~~order of protection~~ of any recorded prior incident of abuse
12 involving the abused party and the effective dates and terms of
13 any recorded protective order ~~of protection~~.

14 (c) The data, records and transmittals required under this
15 Section shall pertain to:

16 (1) any valid emergency, interim or plenary order of
17 protection, civil no contact or stalking no contact order
18 ~~whether~~ issued in a civil proceeding; and

19 (2) ~~or~~ any valid protective order issued in a criminal
20 proceeding or authorized under the laws of another state,
21 tribe, or United States territory.

22 (Source: P.A. 95-331, eff. 8-21-07.)

23 (725 ILCS 5/112A-30) (from Ch. 38, par. 112A-30)

24 Sec. 112A-30. Assistance by law enforcement officers.

25 (a) Whenever a law enforcement officer has reason to

1 believe that a person has been abused by a family or household
2 member, the officer shall immediately use all reasonable means
3 to prevent further abuse, including:

4 (1) Arresting the abusing party, where appropriate;

5 (2) If there is probable cause to believe that
6 particular weapons were used to commit the incident of
7 abuse, subject to constitutional limitations, seizing and
8 taking inventory of the weapons;

9 (3) Accompanying the victim of abuse to his or her
10 place of residence for a reasonable period of time to
11 remove necessary personal belongings and possessions;

12 (4) Offering the victim of abuse immediate and adequate
13 information (written in a language appropriate for the
14 victim or in Braille or communicated in appropriate sign
15 language), which shall include a summary of the procedures
16 and relief available to victims of abuse under this Article
17 ~~subsection (c) of Section 112A-17~~ and the officer's name
18 and badge number;

19 (5) Providing the victim with one referral to an
20 accessible service agency;

21 (6) Advising the victim of abuse about seeking medical
22 attention and preserving evidence (specifically including
23 photographs of injury or damage and damaged clothing or
24 other property); and

25 (7) Providing or arranging accessible transportation
26 for the victim of abuse (and, at the victim's request, any

1 minors or dependents in the victim's care) to a medical
2 facility for treatment of injuries or to a nearby place of
3 shelter or safety; or, after the close of court business
4 hours, providing or arranging for transportation for the
5 victim (and, at the victim's request, any minors or
6 dependents in the victim's care) to the nearest available
7 circuit judge or associate judge so the victim may file a
8 petition for an emergency order of protection under Section
9 217 of the Illinois Domestic Violence Act of 1986
10 ~~subsection (c) of Section 112A-17~~. When a victim of abuse
11 chooses to leave the scene of the offense, it shall be
12 presumed that it is in the best interests of any minors or
13 dependents in the victim's care to remain with the victim
14 or a person designated by the victim, rather than to remain
15 with the abusing party.

16 (b) Whenever a law enforcement officer does not exercise
17 arrest powers or otherwise initiate criminal proceedings, the
18 officer shall:

19 (1) Make a police report of the investigation of any
20 bona fide allegation of an incident of abuse and the
21 disposition of the investigation, in accordance with
22 subsection (a) of Section 112A-29;

23 (2) Inform the victim of abuse of the victim's right to
24 request that a criminal proceeding be initiated where
25 appropriate, including specific times and places for
26 meeting with the State's Attorney's office, a warrant

1 officer, or other official in accordance with local
2 procedure; and

3 (3) Advise the victim of the importance of seeking
4 medical attention and preserving evidence (specifically
5 including photographs of injury or damage and damaged
6 clothing or other property).

7 (c) Except as provided by Section 24-6 of the Criminal Code
8 of 2012 or under a court order, any weapon seized under
9 subsection (a)(2) shall be returned forthwith to the person
10 from whom it was seized when it is no longer needed for
11 evidentiary purposes.

12 (Source: P.A. 97-1150, eff. 1-25-13.)

13 (725 ILCS 5/112A-1 rep.)

14 (725 ILCS 5/112A-2 rep.)

15 (725 ILCS 5/112A-6 rep.)

16 (725 ILCS 5/112A-7 rep.)

17 (725 ILCS 5/112A-10 rep.)

18 (725 ILCS 5/112A-11 rep.)

19 (725 ILCS 5/112A-13 rep.)

20 (725 ILCS 5/112A-17 rep.)

21 (725 ILCS 5/112A-18 rep.)

22 (725 ILCS 5/112A-19 rep.)

23 (725 ILCS 5/112A-22.5 rep.)

24 (725 ILCS 5/112A-22.10 rep.)

25 Section 10. The Code of Criminal Procedure of 1963 is

1 amended by repealing Sections 112A-1, 112A-2, 112A-6, 112A-7,
2 112A-10, 112A-11, 112A-13, 112A-17, 112A-18, 112A-19,
3 112A-22.5, and 112A-22.10.

4 Section 15. The Rights of Crime Victims and Witnesses Act
5 is amended by changing Section 4.5 as follows:

6 (725 ILCS 120/4.5)

7 Sec. 4.5. Procedures to implement the rights of crime
8 victims. To afford crime victims their rights, law enforcement,
9 prosecutors, judges and corrections will provide information,
10 as appropriate of the following procedures:

11 (a) At the request of the crime victim, law enforcement
12 authorities investigating the case shall provide notice of the
13 status of the investigation, except where the State's Attorney
14 determines that disclosure of such information would
15 unreasonably interfere with the investigation, until such time
16 as the alleged assailant is apprehended or the investigation is
17 closed.

18 (a-5) When law enforcement authorities re-open a closed
19 case to resume investigating, they shall provide notice of the
20 re-opening of the case, except where the State's Attorney
21 determines that disclosure of such information would
22 unreasonably interfere with the investigation.

23 (b) The office of the State's Attorney:

24 (1) shall provide notice of the filing of an

1 information, the return of an indictment, or the filing of
2 a petition to adjudicate a minor as a delinquent for a
3 violent crime;

4 (2) shall provide timely notice of the date, time, and
5 place of court proceedings; of any change in the date,
6 time, and place of court proceedings; and of any
7 cancellation of court proceedings. Notice shall be
8 provided in sufficient time, wherever possible, for the
9 victim to make arrangements to attend or to prevent an
10 unnecessary appearance at court proceedings;

11 (3) or victim advocate personnel shall provide
12 information of social services and financial assistance
13 available for victims of crime, including information of
14 how to apply for these services and assistance;

15 (3.5) or victim advocate personnel shall provide
16 information about available victim services, including
17 referrals to programs, counselors, and agencies that
18 assist a victim to deal with trauma, loss, and grief;

19 (4) shall assist in having any stolen or other personal
20 property held by law enforcement authorities for
21 evidentiary or other purposes returned as expeditiously as
22 possible, pursuant to the procedures set out in Section
23 115-9 of the Code of Criminal Procedure of 1963;

24 (5) or victim advocate personnel shall provide
25 appropriate employer intercession services to ensure that
26 employers of victims will cooperate with the criminal

1 justice system in order to minimize an employee's loss of
2 pay and other benefits resulting from court appearances;

3 (6) shall provide, whenever possible, a secure waiting
4 area during court proceedings that does not require victims
5 to be in close proximity to defendants or juveniles accused
6 of a violent crime, and their families and friends;

7 (7) shall provide notice to the crime victim of the
8 right to have a translator present at all court proceedings
9 and, in compliance with the federal Americans with
10 Disabilities Act of 1990, the right to communications
11 access through a sign language interpreter or by other
12 means;

13 (8) (blank);

14 (8.5) shall inform the victim of the right to be
15 present at all court proceedings, unless the victim is to
16 testify and the court determines that the victim's
17 testimony would be materially affected if the victim hears
18 other testimony at trial;

19 (9) shall inform the victim of the right to have
20 present at all court proceedings, subject to the rules of
21 evidence and confidentiality, an advocate and other
22 support person of the victim's choice;

23 (9.3) shall inform the victim of the right to retain an
24 attorney, at the victim's own expense, who, upon written
25 notice filed with the clerk of the court and State's
26 Attorney, is to receive copies of all notices, motions and

1 court orders filed thereafter in the case, in the same
2 manner as if the victim were a named party in the case;

3 (9.5) shall inform the victim of (A) the victim's right
4 under Section 6 of this Act to make a victim impact
5 statement at the sentencing hearing; (B) the right of the
6 victim's spouse, guardian, parent, grandparent and other
7 immediate family and household members under Section 6 of
8 this Act to present an impact statement at sentencing; and
9 (C) if a presentence report is to be prepared, the right of
10 the victim's spouse, guardian, parent, grandparent and
11 other immediate family and household members to submit
12 information to the preparer of the presentence report about
13 the effect the offense has had on the victim and the
14 person;

15 (10) at the sentencing shall make a good faith attempt
16 to explain the minimum amount of time during which the
17 defendant may actually be physically imprisoned. The
18 Office of the State's Attorney shall further notify the
19 crime victim of the right to request from the Prisoner
20 Review Board or Department of Juvenile Justice information
21 concerning the release of the defendant;

22 (11) shall request restitution at sentencing and as
23 part of a plea agreement if the victim requests
24 restitution;

25 (12) shall, upon the court entering a verdict of not
26 guilty by reason of insanity, inform the victim of the

1 notification services available from the Department of
2 Human Services, including the statewide telephone number,
3 under subparagraph (d) (2) of this Section;

4 (13) shall provide notice within a reasonable time
5 after receipt of notice from the custodian, of the release
6 of the defendant on bail or personal recognizance or the
7 release from detention of a minor who has been detained;

8 (14) shall explain in nontechnical language the
9 details of any plea or verdict of a defendant, or any
10 adjudication of a juvenile as a delinquent;

11 (15) shall make all reasonable efforts to consult with
12 the crime victim before the Office of the State's Attorney
13 makes an offer of a plea bargain to the defendant or enters
14 into negotiations with the defendant concerning a possible
15 plea agreement, and shall consider the written victim
16 impact statement, if prepared prior to entering into a plea
17 agreement. The right to consult with the prosecutor does
18 not include the right to veto a plea agreement or to insist
19 the case go to trial. If the State's Attorney has not
20 consulted with the victim prior to making an offer or
21 entering into plea negotiations with the defendant, the
22 Office of the State's Attorney shall notify the victim of
23 the offer or the negotiations within 2 business days and
24 confer with the victim;

25 (16) shall provide notice of the ultimate disposition
26 of the cases arising from an indictment or an information,

1 or a petition to have a juvenile adjudicated as a
2 delinquent for a violent crime;

3 (17) shall provide notice of any appeal taken by the
4 defendant and information on how to contact the appropriate
5 agency handling the appeal, and how to request notice of
6 any hearing, oral argument, or decision of an appellate
7 court;

8 (18) shall provide timely notice of any request for
9 post-conviction review filed by the defendant under
10 Article 122 of the Code of Criminal Procedure of 1963, and
11 of the date, time and place of any hearing concerning the
12 petition. Whenever possible, notice of the hearing shall be
13 given within 48 hours of the court's scheduling of the
14 hearing; and

15 (19) shall forward a copy of any statement presented
16 under Section 6 to the Prisoner Review Board or Department
17 of Juvenile Justice to be considered in making a
18 determination under Section 3-2.5-85 or subsection (b) of
19 Section 3-3-8 of the Unified Code of Corrections.

20 (c) The court shall ensure that the rights of the victim
21 are afforded.

22 (c-5) The following procedures shall be followed to afford
23 victims the rights guaranteed by Article I, Section 8.1 of the
24 Illinois Constitution:

25 (1) Written notice. A victim may complete a written
26 notice of intent to assert rights on a form prepared by the

1 Office of the Attorney General and provided to the victim
2 by the State's Attorney. The victim may at any time provide
3 a revised written notice to the State's Attorney. The
4 State's Attorney shall file the written notice with the
5 court. At the beginning of any court proceeding in which
6 the right of a victim may be at issue, the court and
7 prosecutor shall review the written notice to determine
8 whether the victim has asserted the right that may be at
9 issue.

10 (2) Victim's retained attorney. A victim's attorney
11 shall file an entry of appearance limited to assertion of
12 the victim's rights. Upon the filing of the entry of
13 appearance and service on the State's Attorney and the
14 defendant, the attorney is to receive copies of all
15 notices, motions and court orders filed thereafter in the
16 case.

17 (3) Standing. The victim has standing to assert the
18 rights enumerated in subsection (a) of Article I, Section
19 8.1 of the Illinois Constitution and the statutory rights
20 under Section 4 of this Act in any court exercising
21 jurisdiction over the criminal case. The prosecuting
22 attorney, a victim, or the victim's retained attorney may
23 assert the victim's rights. The defendant in the criminal
24 case has no standing to assert a right of the victim in any
25 court proceeding, including on appeal.

26 (4) Assertion of and enforcement of rights.

1 (A) The prosecuting attorney shall assert a
2 victim's right or request enforcement of a right by
3 filing a motion or by orally asserting the right or
4 requesting enforcement in open court in the criminal
5 case outside the presence of the jury. The prosecuting
6 attorney shall consult with the victim and the victim's
7 attorney regarding the assertion or enforcement of a
8 right. If the prosecuting attorney decides not to
9 assert or enforce a victim's right, the prosecuting
10 attorney shall notify the victim or the victim's
11 attorney in sufficient time to allow the victim or the
12 victim's attorney to assert the right or to seek
13 enforcement of a right.

14 (B) If the prosecuting attorney elects not to
15 assert a victim's right or to seek enforcement of a
16 right, the victim or the victim's attorney may assert
17 the victim's right or request enforcement of a right by
18 filing a motion or by orally asserting the right or
19 requesting enforcement in open court in the criminal
20 case outside the presence of the jury.

21 (C) If the prosecuting attorney asserts a victim's
22 right or seeks enforcement of a right, and the court
23 denies the assertion of the right or denies the request
24 for enforcement of a right, the victim or victim's
25 attorney may file a motion to assert the victim's right
26 or to request enforcement of the right within 10 days

1 of the court's ruling. The motion need not demonstrate
2 the grounds for a motion for reconsideration. The court
3 shall rule on the merits of the motion.

4 (D) The court shall take up and decide any motion
5 or request asserting or seeking enforcement of a
6 victim's right without delay, unless a specific time
7 period is specified by law or court rule. The reasons
8 for any decision denying the motion or request shall be
9 clearly stated on the record.

10 (5) Violation of rights and remedies.

11 (A) If the court determines that a victim's right
12 has been violated, the court shall determine the
13 appropriate remedy for the violation of the victim's
14 right by hearing from the victim and the parties,
15 considering all factors relevant to the issue, and then
16 awarding appropriate relief to the victim.

17 (B) The appropriate remedy shall include only
18 actions necessary to provide the victim the right to
19 which the victim was entitled and may include reopening
20 previously held proceedings; however, in no event
21 shall the court vacate a conviction. Any remedy shall
22 be tailored to provide the victim an appropriate remedy
23 without violating any constitutional right of the
24 defendant. In no event shall the appropriate remedy be
25 a new trial, damages, or costs.

26 (6) Right to be heard. Whenever a victim has the right

1 to be heard, the court shall allow the victim to exercise
2 the right in any reasonable manner the victim chooses.

3 (7) Right to attend trial. A party must file a written
4 motion to exclude a victim from trial at least 60 days
5 prior to the date set for trial. The motion must state with
6 specificity the reason exclusion is necessary to protect a
7 constitutional right of the party, and must contain an
8 offer of proof. The court shall rule on the motion within
9 30 days. If the motion is granted, the court shall set
10 forth on the record the facts that support its finding that
11 the victim's testimony will be materially affected if the
12 victim hears other testimony at trial.

13 (8) Right to have advocate present. A party who intends
14 to call an advocate as a witness must seek permission of
15 the court before the subpoena is issued. The party must
16 file a written motion and offer of proof regarding the
17 anticipated testimony of the advocate in sufficient time to
18 allow the court to rule and the victim to seek appellate
19 review. The court shall rule on the motion without delay.

20 (9) Right to notice and hearing before disclosure of
21 confidential or privileged information or records. A
22 defendant who seeks to subpoena records of or concerning
23 the victim that are confidential or privileged by law must
24 seek permission of the court before the subpoena is issued.
25 The defendant must file a written motion and an offer of
26 proof regarding the relevance, admissibility and

1 materiality of the records. If the court finds by a
2 preponderance of the evidence that: (A) the records are not
3 protected by an absolute privilege and (B) the records
4 contain relevant, admissible, and material evidence that
5 is not available through other witnesses or evidence, the
6 court shall issue a subpoena requiring a sealed copy of the
7 records be delivered to the court to be reviewed in camera.
8 If, after conducting an in camera review of the records,
9 the court determines that due process requires disclosure
10 of any portion of the records, the court shall provide
11 copies of what it intends to disclose to the prosecuting
12 attorney and the victim. The prosecuting attorney and the
13 victim shall have 30 days to seek appellate review before
14 the records are disclosed to the defendant. The disclosure
15 of copies of any portion of the records to the prosecuting
16 attorney does not make the records subject to discovery.

17 (10) Right to notice of court proceedings. If the
18 victim is not present at a court proceeding in which a
19 right of the victim is at issue, the court shall ask the
20 prosecuting attorney whether the victim was notified of the
21 time, place, and purpose of the court proceeding and that
22 the victim had a right to be heard at the court proceeding.
23 If the court determines that timely notice was not given or
24 that the victim was not adequately informed of the nature
25 of the court proceeding, the court shall not rule on any
26 substantive issues, accept a plea, or impose a sentence and

1 shall continue the hearing for the time necessary to notify
2 the victim of the time, place and nature of the court
3 proceeding. The time between court proceedings shall not be
4 attributable to the State under Section 103-5 of the Code
5 of Criminal Procedure of 1963.

6 (11) Right to timely disposition of the case. A victim
7 has the right to timely disposition of the case so as to
8 minimize the stress, cost, and inconvenience resulting
9 from the victim's involvement in the case. Before ruling on
10 a motion to continue trial or other court proceeding, the
11 court shall inquire into the circumstances for the request
12 for the delay and, if the victim has provided written
13 notice of the assertion of the right to a timely
14 disposition, and whether the victim objects to the delay.
15 If the victim objects, the prosecutor shall inform the
16 court of the victim's objections. If the prosecutor has not
17 conferred with the victim about the continuance, the
18 prosecutor shall inform the court of the attempts to
19 confer. If the court finds the attempts of the prosecutor
20 to confer with the victim were inadequate to protect the
21 victim's right to be heard, the court shall give the
22 prosecutor at least 3 but not more than 5 business days to
23 confer with the victim. In ruling on a motion to continue,
24 the court shall consider the reasons for the requested
25 continuance, the number and length of continuances that
26 have been granted, the victim's objections and procedures

1 to avoid further delays. If a continuance is granted over
2 the victim's objection, the court shall specify on the
3 record the reasons for the continuance and the procedures
4 that have been or will be taken to avoid further delays.

5 (12) Right to Restitution.

6 (A) If the victim has asserted the right to
7 restitution and the amount of restitution is known at
8 the time of sentencing, the court shall enter the
9 judgment of restitution at the time of sentencing.

10 (B) If the victim has asserted the right to
11 restitution and the amount of restitution is not known
12 at the time of sentencing, the prosecutor shall, within
13 5 days after sentencing, notify the victim what
14 information and documentation related to restitution
15 is needed and that the information and documentation
16 must be provided to the prosecutor within 45 days after
17 sentencing. Failure to timely provide information and
18 documentation related to restitution shall be deemed a
19 waiver of the right to restitution. The prosecutor
20 shall file and serve within 60 days after sentencing a
21 proposed judgment for restitution and a notice that
22 includes information concerning the identity of any
23 victims or other persons seeking restitution, whether
24 any victim or other person expressly declines
25 restitution, the nature and amount of any damages
26 together with any supporting documentation, a

1 restitution amount recommendation, and the names of
2 any co-defendants and their case numbers. Within 30
3 days after receipt of the proposed judgment for
4 restitution, the defendant shall file any objection to
5 the proposed judgment, a statement of grounds for the
6 objection, and a financial statement. If the defendant
7 does not file an objection, the court may enter the
8 judgment for restitution without further proceedings.
9 If the defendant files an objection and either party
10 requests a hearing, the court shall schedule a hearing.

11 (13) Access to presentence reports.

12 (A) The victim may request a copy of the
13 presentence report prepared under the Unified Code of
14 Corrections from the State's Attorney. The State's
15 Attorney shall redact the following information before
16 providing a copy of the report:

17 (i) the defendant's mental history and
18 condition;

19 (ii) any evaluation prepared under subsection
20 (b) or (b-5) of Section 5-3-2; and

21 (iii) the name, address, phone number, and
22 other personal information about any other victim.

23 (B) The State's Attorney or the defendant may
24 request the court redact other information in the
25 report that may endanger the safety of any person.

26 (C) The State's Attorney may orally disclose to the

1 victim any of the information that has been redacted if
2 there is a reasonable likelihood that the information
3 will be stated in court at the sentencing.

4 (D) The State's Attorney must advise the victim
5 that the victim must maintain the confidentiality of
6 the report and other information. Any dissemination of
7 the report or information that was not stated at a
8 court proceeding constitutes indirect criminal
9 contempt of court.

10 (14) Appellate relief. If the trial court denies the
11 relief requested, the victim, the victim's attorney or the
12 prosecuting attorney may file an appeal within 30 days of
13 the trial court's ruling. The trial or appellate court may
14 stay the court proceedings if the court finds that a stay
15 would not violate a constitutional right of the defendant.
16 If the appellate court denies the relief sought, the
17 reasons for the denial shall be clearly stated in a written
18 opinion. In any appeal in a criminal case, the State may
19 assert as error the court's denial of any crime victim's
20 right in the proceeding to which the appeal relates.

21 (15) Limitation on appellate relief. In no case shall
22 an appellate court provide a new trial to remedy the
23 violation of a victim's right.

24 (16) The right to be reasonably protected from the
25 accused throughout the criminal justice process and the
26 right to have the safety of the victim and the victim's

1 family considered in denying or fixing the amount of bail,
2 determining whether to release the defendant, and setting
3 conditions of release after arrest and conviction. A victim
4 of domestic violence, a sexual offense, or stalking may
5 request the entry of a protective order under Article 112A
6 of the Code of Criminal Procedure of 1963.

7 (d) (1) The Prisoner Review Board shall inform a victim or
8 any other concerned citizen, upon written request, of the
9 prisoner's release on parole, mandatory supervised release,
10 electronic detention, work release, international transfer or
11 exchange, or by the custodian, other than the Department of
12 Juvenile Justice, of the discharge of any individual who was
13 adjudicated a delinquent for a crime from State custody and by
14 the sheriff of the appropriate county of any such person's
15 final discharge from county custody. The Prisoner Review Board,
16 upon written request, shall provide to a victim or any other
17 concerned citizen a recent photograph of any person convicted
18 of a felony, upon his or her release from custody. The Prisoner
19 Review Board, upon written request, shall inform a victim or
20 any other concerned citizen when feasible at least 7 days prior
21 to the prisoner's release on furlough of the times and dates of
22 such furlough. Upon written request by the victim or any other
23 concerned citizen, the State's Attorney shall notify the person
24 once of the times and dates of release of a prisoner sentenced
25 to periodic imprisonment. Notification shall be based on the
26 most recent information as to victim's or other concerned

1 citizen's residence or other location available to the
2 notifying authority.

3 (2) When the defendant has been committed to the Department
4 of Human Services pursuant to Section 5-2-4 or any other
5 provision of the Unified Code of Corrections, the victim may
6 request to be notified by the releasing authority of the
7 approval by the court of an on-grounds pass, a supervised
8 off-grounds pass, an unsupervised off-grounds pass, or
9 conditional release; the release on an off-grounds pass; the
10 return from an off-grounds pass; transfer to another facility;
11 conditional release; escape; death; or final discharge from
12 State custody. The Department of Human Services shall establish
13 and maintain a statewide telephone number to be used by victims
14 to make notification requests under these provisions and shall
15 publicize this telephone number on its website and to the
16 State's Attorney of each county.

17 (3) In the event of an escape from State custody, the
18 Department of Corrections or the Department of Juvenile Justice
19 immediately shall notify the Prisoner Review Board of the
20 escape and the Prisoner Review Board shall notify the victim.
21 The notification shall be based upon the most recent
22 information as to the victim's residence or other location
23 available to the Board. When no such information is available,
24 the Board shall make all reasonable efforts to obtain the
25 information and make the notification. When the escapee is
26 apprehended, the Department of Corrections or the Department of

1 Juvenile Justice immediately shall notify the Prisoner Review
2 Board and the Board shall notify the victim.

3 (4) The victim of the crime for which the prisoner has been
4 sentenced shall receive reasonable written notice not less than
5 30 days prior to the parole hearing or target aftercare release
6 date and may submit, in writing, on film, videotape or other
7 electronic means or in the form of a recording prior to the
8 parole hearing or target aftercare release date or in person at
9 the parole hearing or aftercare release protest hearing or if a
10 victim of a violent crime, by calling the toll-free number
11 established in subsection (f) of this Section, information for
12 consideration by the Prisoner Review Board or Department of
13 Juvenile Justice. The victim shall be notified within 7 days
14 after the prisoner has been granted parole or aftercare release
15 and shall be informed of the right to inspect the registry of
16 parole decisions, established under subsection (g) of Section
17 3-3-5 of the Unified Code of Corrections. The provisions of
18 this paragraph (4) are subject to the Open Parole Hearings Act.

19 (5) If a statement is presented under Section 6, the
20 Prisoner Review Board or Department of Juvenile Justice shall
21 inform the victim of any order of discharge pursuant to Section
22 3-2.5-85 or 3-3-8 of the Unified Code of Corrections.

23 (6) At the written or oral request of the victim of the
24 crime for which the prisoner was sentenced or the State's
25 Attorney of the county where the person seeking parole or
26 aftercare release was prosecuted, the Prisoner Review Board or

1 Department of Juvenile Justice shall notify the victim and the
2 State's Attorney of the county where the person seeking parole
3 or aftercare release was prosecuted of the death of the
4 prisoner if the prisoner died while on parole or aftercare
5 release or mandatory supervised release.

6 (7) When a defendant who has been committed to the
7 Department of Corrections, the Department of Juvenile Justice,
8 or the Department of Human Services is released or discharged
9 and subsequently committed to the Department of Human Services
10 as a sexually violent person and the victim had requested to be
11 notified by the releasing authority of the defendant's
12 discharge, conditional release, death, or escape from State
13 custody, the releasing authority shall provide to the
14 Department of Human Services such information that would allow
15 the Department of Human Services to contact the victim.

16 (8) When a defendant has been convicted of a sex offense as
17 defined in Section 2 of the Sex Offender Registration Act and
18 has been sentenced to the Department of Corrections or the
19 Department of Juvenile Justice, the Prisoner Review Board or
20 the Department of Juvenile Justice shall notify the victim of
21 the sex offense of the prisoner's eligibility for release on
22 parole, aftercare release, mandatory supervised release,
23 electronic detention, work release, international transfer or
24 exchange, or by the custodian of the discharge of any
25 individual who was adjudicated a delinquent for a sex offense
26 from State custody and by the sheriff of the appropriate county

1 of any such person's final discharge from county custody. The
2 notification shall be made to the victim at least 30 days,
3 whenever possible, before release of the sex offender.

4 (e) The officials named in this Section may satisfy some or
5 all of their obligations to provide notices and other
6 information through participation in a statewide victim and
7 witness notification system established by the Attorney
8 General under Section 8.5 of this Act.

9 (f) To permit a crime victim of a violent crime to provide
10 information to the Prisoner Review Board or the Department of
11 Juvenile Justice for consideration by the Board or Department
12 at a parole hearing or before an aftercare release decision of
13 a person who committed the crime against the victim in
14 accordance with clause (d)(4) of this Section or at a
15 proceeding to determine the conditions of mandatory supervised
16 release of a person sentenced to a determinate sentence or at a
17 hearing on revocation of mandatory supervised release of a
18 person sentenced to a determinate sentence, the Board shall
19 establish a toll-free number that may be accessed by the victim
20 of a violent crime to present that information to the Board.

21 (Source: P.A. 98-372, eff. 1-1-14; 98-558, eff. 1-1-14; 98-756,
22 eff. 7-16-14; 99-413, eff. 8-20-15; 99-628, eff. 1-1-17.)

23 Section 20. The Stalking No Contact Order Act is amended by
24 changing Sections 20 and 105 as follows:

1 (740 ILCS 21/20)

2 Sec. 20. Commencement of action; filing fees.

3 (a) An action for a stalking no contact order is commenced:

4 (1) independently, by filing a petition for a stalking
5 no contact order in any civil court, unless specific courts
6 are designated by local rule or order; or

7 (2) in conjunction with a delinquency petition or a
8 criminal prosecution as provided in Article 112A of the
9 Code of Criminal Procedure of 1963, ~~by filing a petition~~
10 ~~for a stalking no contact order under the same case number~~
11 ~~as the delinquency petition or criminal prosecution, to be~~
12 ~~granted during pre-trial release of a defendant, with any~~
13 ~~dispositional order issued under Section 5-710 of the~~
14 ~~Juvenile Court Act of 1987 or as a condition of release,~~
15 ~~supervision, conditional discharge, probation, periodic~~
16 ~~imprisonment, parole, aftercare release, or mandatory~~
17 ~~supervised release, or in conjunction with imprisonment or~~
18 ~~a bond forfeiture warrant, provided that (i) the violation~~
19 ~~is alleged in an information, complaint, indictment, or~~
20 ~~delinquency petition on file and the alleged victim is a~~
21 ~~person protected by this Act, and (ii) the petition, which~~
22 ~~is filed by the State's Attorney, names a victim of the~~
23 ~~alleged crime as a petitioner.~~

24 (b) Withdrawal or dismissal of any petition for a stalking
25 no contact order prior to adjudication where the petitioner is
26 represented by the State shall operate as a dismissal without

1 prejudice. No action for a stalking no contact order shall be
2 dismissed because the respondent is being prosecuted for a
3 crime against the petitioner. For any action commenced under
4 item (2) of subsection (a) of this Section, dismissal of the
5 conjoined case (or a finding of not guilty) shall not require
6 dismissal of the action for a stalking no contact order;
7 instead, it may be treated as an independent action and, if
8 necessary and appropriate, transferred to a different court or
9 division.

10 (c) No fee shall be charged by the clerk of the court for
11 filing petitions or modifying or certifying orders. No fee
12 shall be charged by the sheriff for service by the sheriff of a
13 petition, rule, motion, or order in an action commenced under
14 this Section.

15 (d) The court shall provide, through the office of the
16 clerk of the court, simplified forms for filing of a petition
17 under this Section by any person not represented by counsel.

18 (Source: P.A. 98-558, eff. 1-1-14.)

19 (740 ILCS 21/105)

20 Sec. 105. Duration and extension of orders.

21 (a) Unless re-opened or extended or voided by entry of an
22 order of greater duration, an emergency order shall be
23 effective for not less than 14 nor more than 21 days.

24 (b) Except as otherwise provided in this Section, a plenary
25 stalking no contact order shall be effective for a fixed period

1 of time, not to exceed 2 years. A ~~plenary~~ stalking no contact
2 order entered in conjunction with a criminal prosecution or
3 delinquency petition shall remain in effect as provided in
4 Section 112A-20 of the Code of Criminal Procedure of 1963.
5 ~~follows:~~

6 ~~(1) if entered during pre trial release, until~~
7 ~~disposition, withdrawal, or dismissal of the underlying~~
8 ~~charge; if however, the case is continued as an independent~~
9 ~~cause of action, the order's duration may be for a fixed~~
10 ~~period of time not to exceed 2 years;~~

11 ~~(2) if in effect in conjunction with a bond forfeiture~~
12 ~~warrant, until final disposition or an additional period of~~
13 ~~time not exceeding 2 years; no stalking no contact order,~~
14 ~~however, shall be terminated by a dismissal that is~~
15 ~~accompanied by the issuance of a bond forfeiture warrant;~~

16 ~~(3) permanent if a judgment of conviction for stalking~~
17 ~~is entered.~~

18 (c) Any emergency or plenary order may be extended one or
19 more times, as required, provided that the requirements of
20 Section 95 or 100, as appropriate, are satisfied. If the motion
21 for extension is uncontested and the petitioner seeks no
22 modification of the order, the order may be extended on the
23 basis of the petitioner's motion or affidavit stating that
24 there has been no material change in relevant circumstances
25 since entry of the order and stating the reason for the
26 requested extension. Extensions may be granted only in open

1 court and not under the provisions of subsection (c) of Section
2 95, which applies only when the court is unavailable at the
3 close of business or on a court holiday.

4 (d) Any stalking no contact order which would expire on a
5 court holiday shall instead expire at the close of the next
6 court business day.

7 (e) The practice of dismissing or suspending a criminal
8 prosecution in exchange for the issuance of a stalking no
9 contact order undermines the purposes of this Act. This Section
10 shall not be construed as encouraging that practice.

11 (Source: P.A. 96-246, eff. 1-1-10.)

12 Section 25. The Civil No Contact Order Act is amended by
13 changing Sections 202 and 216 as follows:

14 (740 ILCS 22/202)

15 Sec. 202. Commencement of action; filing fees.

16 (a) An action for a civil no contact order is commenced:

17 (1) independently, by filing a petition for a civil no
18 contact order in any civil court, unless specific courts
19 are designated by local rule or order; or

20 (2) in conjunction with a delinquency petition or a
21 criminal prosecution as provided in Article 112A of the
22 Code of Criminal Procedure of 1963, ~~by filing a petition~~
23 ~~for a civil no contact order under the same case number as~~
24 ~~the delinquency petition or criminal prosecution, to be~~

1 ~~granted during pre-trial release of a defendant, with any~~
2 ~~dispositional order issued under Section 5-710 of the~~
3 ~~Juvenile Court Act of 1987 or as a condition of release,~~
4 ~~supervision, conditional discharge, probation, periodic~~
5 ~~imprisonment, parole, aftercare release, or mandatory~~
6 ~~supervised release, or in conjunction with imprisonment or~~
7 ~~a bond forfeiture warrant, provided that (i) the violation~~
8 ~~is alleged in an information, complaint, indictment, or~~
9 ~~delinquency petition on file and the alleged victim is a~~
10 ~~person protected by this Act, and (ii) the petition, which~~
11 ~~is filed by the State's Attorney, names a victim of the~~
12 ~~alleged crime as a petitioner.~~

13 (b) Withdrawal or dismissal of any petition for a civil no
14 contact order prior to adjudication where the petitioner is
15 represented by the State shall operate as a dismissal without
16 prejudice. No action for a civil no contact order shall be
17 dismissed because the respondent is being prosecuted for a
18 crime against the petitioner. For any action commenced under
19 item (2) of subsection (a) of this Section, dismissal of the
20 conjoined case (or a finding of not guilty) shall not require
21 dismissal of the action for a civil no contact order; instead,
22 it may be treated as an independent action and, if necessary
23 and appropriate, transferred to a different court or division.

24 (c) No fee shall be charged by the clerk of the court for
25 filing petitions or modifying or certifying orders. No fee
26 shall be charged by the sheriff for service by the sheriff of a

1 petition, rule, motion, or order in an action commenced under
2 this Section.

3 (d) The court shall provide, through the office of the
4 clerk of the court, simplified forms for filing of a petition
5 under this Section by any person not represented by counsel.

6 (Source: P.A. 98-558, eff. 1-1-14.)

7 (740 ILCS 22/216)

8 Sec. 216. Duration and extension of orders.

9 (a) Unless re-opened or extended or voided by entry of an
10 order of greater duration, an emergency order shall be
11 effective for not less than 14 nor more than 21 days.

12 (b) Except as otherwise provided in this Section, a plenary
13 civil no contact order shall be effective for a fixed period of
14 time, not to exceed 2 years. A ~~plenary~~ civil no contact order
15 entered in conjunction with a criminal prosecution or
16 delinquency petition shall remain in effect as provided in
17 Section 112A-20 of the Code of Criminal Procedure of 1963.
18 ~~follows:~~

19 ~~(1) if entered during pre-trial release, until~~
20 ~~disposition, withdrawal, or dismissal of the underlying~~
21 ~~charge; if however, the case is continued as an independent~~
22 ~~cause of action, the order's duration may be for a fixed~~
23 ~~period of time not to exceed 2 years;~~

24 ~~(2) if in effect in conjunction with a bond forfeiture~~
25 ~~warrant, until final disposition or an additional period of~~

1 ~~time not exceeding 2 years; no civil no contact order,~~
2 ~~however, shall be terminated by a dismissal that is~~
3 ~~accompanied by the issuance of a bond forfeiture warrant;~~

4 ~~(3) until expiration of any supervision, conditional~~
5 ~~discharge, probation, periodic imprisonment, parole,~~
6 ~~aftercare release, or mandatory supervised release and for~~
7 ~~an additional period of time thereafter not exceeding 2~~
8 ~~years; or~~

9 ~~(4) until the date set by the court for expiration of~~
10 ~~any sentence of imprisonment and subsequent parole,~~
11 ~~aftercare release, or mandatory supervised release and for~~
12 ~~an additional period of time thereafter not exceeding 2~~
13 ~~years.~~

14 (c) Any emergency or plenary order may be extended one or
15 more times, as required, provided that the requirements of
16 Section 214 or 215, as appropriate, are satisfied. If the
17 motion for extension is uncontested and the petitioner seeks no
18 modification of the order, the order may be extended on the
19 basis of the petitioner's motion or affidavit stating that
20 there has been no material change in relevant circumstances
21 since entry of the order and stating the reason for the
22 requested extension. Extensions may be granted only in open
23 court and not under the provisions of subsection (c) of Section
24 214, which applies only when the court is unavailable at the
25 close of business or on a court holiday.

26 (d) Any civil no contact order which would expire on a

1 court holiday shall instead expire at the close of the next
2 court business day.

3 (d-5) An extension of a plenary civil no contact order may
4 be granted, upon good cause shown, to remain in effect until
5 the civil no contact order is vacated or modified.

6 (e) The practice of dismissing or suspending a criminal
7 prosecution in exchange for the issuance of a civil no contact
8 order undermines the purposes of this Act. This Section shall
9 not be construed as encouraging that practice.

10 (Source: P.A. 98-558, eff. 1-1-14.)

11 Section 30. The Illinois Domestic Violence Act of 1986 is
12 amended by changing Sections 202 and 220 as follows:

13 (750 ILCS 60/202) (from Ch. 40, par. 2312-2)

14 Sec. 202. Commencement of action; filing fees; dismissal.

15 (a) How to commence action. Actions for orders of
16 protection are commenced:

17 (1) Independently: By filing a petition for an order of
18 protection in any civil court, unless specific courts are
19 designated by local rule or order.

20 (2) In conjunction with another civil proceeding: By
21 filing a petition for an order of protection under the same
22 case number as another civil proceeding involving the
23 parties, including but not limited to: (i) any proceeding
24 under the Illinois Marriage and Dissolution of Marriage

1 Act, Illinois Parentage Act of 2015, Nonsupport of Spouse
2 and Children Act, Revised Uniform Reciprocal Enforcement
3 of Support Act or an action for nonsupport brought under
4 Article X ~~10~~ of the Illinois Public Aid Code, provided that
5 a petitioner and the respondent are a party to or the
6 subject of that proceeding or (ii) a guardianship
7 proceeding under the Probate Act of 1975, or a proceeding
8 for involuntary commitment under the Mental Health and
9 Developmental Disabilities Code, or any proceeding, other
10 than a delinquency petition, under the Juvenile Court Act
11 of 1987, provided that a petitioner or the respondent is a
12 party to or the subject of such proceeding.

13 (3) In conjunction with a delinquency petition or a
14 criminal prosecution as provided in Section 112A-20 of the
15 Code of Criminal Procedure of 1963. ~~By filing a petition~~
16 ~~for an order of protection, under the same case number as~~
17 ~~the delinquency petition or criminal prosecution, to be~~
18 ~~granted during pre trial release of a defendant, with any~~
19 ~~dispositional order issued under Section 5-710 of the~~
20 ~~Juvenile Court Act of 1987 or as a condition of release,~~
21 ~~supervision, conditional discharge, probation, periodic~~
22 ~~imprisonment, parole, aftercare release, or mandatory~~
23 ~~supervised release, or in conjunction with imprisonment or~~
24 ~~a bond forfeiture warrant; provided that:~~

25 ~~(i) the violation is alleged in an information,~~
26 ~~complaint, indictment or delinquency petition on file,~~

1 ~~and the alleged offender and victim are family or~~
2 ~~household members or persons protected by this Act; and~~
3 ~~(ii) the petition, which is filed by the State's~~
4 ~~Attorney, names a victim of the alleged crime as a~~
5 ~~petitioner.~~

6 (b) Filing, certification, and service fees. No fee shall
7 be charged by the clerk for filing, amending, vacating,
8 certifying, or photocopying petitions or orders; or for issuing
9 alias summons; or for any related filing service. No fee shall
10 be charged by the sheriff for service by the sheriff of a
11 petition, rule, motion, or order in an action commenced under
12 this Section.

13 (c) Dismissal and consolidation. Withdrawal or dismissal
14 of any petition for an order of protection prior to
15 adjudication where the petitioner is represented by the State
16 shall operate as a dismissal without prejudice. No action for
17 an order of protection shall be dismissed because the
18 respondent is being prosecuted for a crime against the
19 petitioner. An independent action may be consolidated with
20 another civil proceeding, as provided by paragraph (2) of
21 subsection (a) of this Section. For any action commenced under
22 paragraph (2) or (3) of subsection (a) of this Section,
23 dismissal of the conjoined case (or a finding of not guilty)
24 shall not require dismissal of the action for the order of
25 protection; instead, it may be treated as an independent action
26 and, if necessary and appropriate, transferred to a different

1 court or division. Dismissal of any conjoined case shall not
2 affect the validity of any previously issued order of
3 protection, and thereafter subsections (b)(1) and (b)(2) of
4 Section 220 shall be inapplicable to such order.

5 (d) Pro se petitions. The court shall provide, through the
6 office of the clerk of the court, simplified forms and clerical
7 assistance to help with the writing and filing of a petition
8 under this Section by any person not represented by counsel. In
9 addition, that assistance may be provided by the state's
10 attorney.

11 (e) As provided in this subsection, the administrative
12 director of the Administrative Office of the Illinois Courts,
13 with the approval of the administrative board of the courts,
14 may adopt rules to establish and implement a pilot program to
15 allow the electronic filing of petitions for temporary orders
16 of protection and the issuance of such orders by audio-visual
17 means to accommodate litigants for whom attendance in court to
18 file for and obtain emergency relief would constitute an undue
19 hardship or would constitute a risk of harm to the litigant.

20 (1) As used in this subsection:

21 (A) "Electronic means" means any method of
22 transmission of information between computers or other
23 machines designed for the purpose of sending or
24 receiving electronic transmission and that allows for
25 the recipient of information to reproduce the
26 information received in a tangible medium of

1 expression.

2 (B) "Independent audio-visual system" means an
3 electronic system for the transmission and receiving
4 of audio and visual signals, including those with the
5 means to preclude the unauthorized reception and
6 decoding of the signals by commercially available
7 television receivers, channel converters, or other
8 available receiving devices.

9 (C) "Electronic appearance" means an appearance in
10 which one or more of the parties are not present in the
11 court, but in which, by means of an independent
12 audio-visual system, all of the participants are
13 simultaneously able to see and hear reproductions of
14 the voices and images of the judge, counsel, parties,
15 witnesses, and any other participants.

16 (2) Any pilot program under this subsection (e) shall
17 be developed by the administrative director or his or her
18 delegate in consultation with at least one local
19 organization providing assistance to domestic violence
20 victims. The program plan shall include but not be limited
21 to:

22 (A) identification of agencies equipped with or
23 that have access to an independent audio-visual system
24 and electronic means for filing documents; and

25 (B) identification of one or more organizations
26 who are trained and available to assist petitioners in

1 preparing and filing petitions for temporary orders of
2 protection and in their electronic appearances before
3 the court to obtain such orders; and

4 (C) identification of the existing resources
5 available in local family courts for the
6 implementation and oversight of the pilot program; and

7 (D) procedures for filing petitions and documents
8 by electronic means, swearing in the petitioners and
9 witnesses, preparation of a transcript of testimony
10 and evidence presented, and a prompt transmission of
11 any orders issued to the parties; and

12 (E) a timeline for implementation and a plan for
13 informing the public about the availability of the
14 program; and

15 (F) a description of the data to be collected in
16 order to evaluate and make recommendations for
17 improvements to the pilot program.

18 (3) In conjunction with an electronic appearance, any
19 petitioner for an ex parte temporary order of protection
20 may, using the assistance of a trained advocate if
21 necessary, commence the proceedings by filing a petition by
22 electronic means.

23 (A) A petitioner who is seeking an ex parte
24 temporary order of protection using an electronic
25 appearance must file a petition in advance of the
26 appearance and may do so electronically.

1 (B) The petitioner must show that traveling to or
2 appearing in court would constitute an undue hardship
3 or create a risk of harm to the petitioner. In granting
4 or denying any relief sought by the petitioner, the
5 court shall state the names of all participants and
6 whether it is granting or denying an appearance by
7 electronic means and the basis for such a
8 determination. A party is not required to file a
9 petition or other document by electronic means or to
10 testify by means of an electronic appearance.

11 (C) Nothing in this subsection (e) affects or
12 changes any existing laws governing the service of
13 process, including requirements for personal service
14 or the sealing and confidentiality of court records in
15 court proceedings or access to court records by the
16 parties to the proceedings.

17 (4) Appearances.

18 (A) All electronic appearances by a petitioner
19 seeking an ex parte temporary order of protection under
20 this subsection (e) are strictly voluntary and the
21 court shall obtain the consent of the petitioner on the
22 record at the commencement of each appearance.

23 (B) Electronic appearances under this subsection
24 (e) shall be recorded and preserved for transcription.
25 Documentary evidence, if any, referred to by a party or
26 witness or the court may be transmitted and submitted

1 and introduced by electronic means.

2 (Source: P.A. 98-558, eff. 1-1-14; 99-85, eff. 1-1-16; 99-718,
3 eff. 1-1-17; revised 10-25-16.)

4 (750 ILCS 60/220) (from Ch. 40, par. 2312-20)

5 Sec. 220. Duration and extension of orders.

6 (a) Duration of emergency and interim orders. Unless
7 re-opened or extended or voided by entry of an order of greater
8 duration:

9 (1) Emergency orders issued under Section 217 shall be
10 effective for not less than 14 nor more than 21 days;

11 (2) Interim orders shall be effective for up to 30
12 days.

13 (b) Duration of plenary orders. ~~Except as otherwise~~
14 ~~provided in this Section, a~~

15 (0.05) A plenary order of protection entered under this
16 Act shall be valid for a fixed period of time, not to
17 exceed two years.

18 (1) A plenary order of protection entered in
19 conjunction with another civil proceeding shall remain in
20 effect as follows:

21 (i) if entered as preliminary relief in that other
22 proceeding, until entry of final judgment in that other
23 proceeding;

24 (ii) if incorporated into the final judgment in
25 that other proceeding, until the order of protection is

1 vacated or modified; or

2 (iii) if incorporated in an order for involuntary
3 commitment, until termination of both the involuntary
4 commitment and any voluntary commitment, or for a fixed
5 period of time not exceeding 2 years.

6 (2) Duration of an A-plenary order of protection
7 entered in conjunction with a criminal prosecution or
8 delinquency petition shall remain in effect as provided in
9 Section 112A-20 of the Code of Criminal Procedure of 1963.
10 ~~follows:~~

11 ~~(i) if entered during pre-trial release, until~~
12 ~~disposition, withdrawal, or dismissal of the~~
13 ~~underlying charge; if, however, the case is continued~~
14 ~~as an independent cause of action, the order's duration~~
15 ~~may be for a fixed period of time not to exceed 2~~
16 ~~years;~~

17 ~~(ii) if in effect in conjunction with a bond~~
18 ~~forfeiture warrant, until final disposition or an~~
19 ~~additional period of time not exceeding 2 years; no~~
20 ~~order of protection, however, shall be terminated by a~~
21 ~~dismissal that is accompanied by the issuance of a bond~~
22 ~~forfeiture warrant;~~

23 ~~(iii) until expiration of any supervision,~~
24 ~~conditional discharge, probation, periodic~~
25 ~~imprisonment, parole, aftercare release, or mandatory~~
26 ~~supervised release and for an additional period of time~~

1 ~~thereafter not exceeding 2 years; or~~
2 ~~(iv) until the date set by the court for expiration~~
3 ~~of any sentence of imprisonment and subsequent parole,~~
4 ~~aftercare release, or mandatory supervised release and~~
5 ~~for an additional period of time thereafter not~~
6 ~~exceeding 2 years.~~

7 (c) Computation of time. The duration of an order of
8 protection shall not be reduced by the duration of any prior
9 order of protection.

10 (d) Law enforcement records. When a plenary order of
11 protection expires upon the occurrence of a specified event,
12 rather than upon a specified date as provided in subsection
13 (b), no expiration date shall be entered in Department of State
14 Police records. To remove the plenary order from those records,
15 either party shall request the clerk of the court to file a
16 certified copy of an order stating that the specified event has
17 occurred or that the plenary order has been vacated or modified
18 with the Sheriff, and the Sheriff shall direct that law
19 enforcement records shall be promptly corrected in accordance
20 with the filed order.

21 (e) Extension of orders. Any emergency, interim or plenary
22 order may be extended one or more times, as required, provided
23 that the requirements of Section 217, 218 or 219, as
24 appropriate, are satisfied. If the motion for extension is
25 uncontested and petitioner seeks no modification of the order,
26 the order may be extended on the basis of petitioner's motion

1 or affidavit stating that there has been no material change in
2 relevant circumstances since entry of the order and stating the
3 reason for the requested extension. An extension of a plenary
4 order of protection may be granted, upon good cause shown, to
5 remain in effect until the order of protection is vacated or
6 modified. Extensions may be granted only in open court and not
7 under the provisions of subsection (c) of Section 217, which
8 applies only when the court is unavailable at the close of
9 business or on a court holiday.

10 (f) Termination date. Any order of protection which would
11 expire on a court holiday shall instead expire at the close of
12 the next court business day.

13 (g) Statement of purpose. The practice of dismissing or
14 suspending a criminal prosecution in exchange for the issuance
15 of an order of protection undermines the purposes of this Act.
16 This Section shall not be construed as encouraging that
17 practice.

18 (Source: P.A. 98-558, eff. 1-1-14.)