



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB5107

Introduced 2/18/2020, by Rep. Maurice A. West, II

SYNOPSIS AS INTRODUCED:

725 ILCS 5/112A-20

from Ch. 38, par. 112A-20

Amends the Code of Criminal Procedure of 1963. Provides that the duration of a civil no contact order is permanent if a judgment of conviction for criminal sexual assault, aggravated criminal sexual assault, criminal sexual abuse, or aggravated criminal sexual abuse is entered.

LRB101 19235 RLC 68699 b

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 5. The Code of Criminal Procedure of 1963 is
5 amended by changing Section 112A-20 as follows:

6 (725 ILCS 5/112A-20) (from Ch. 38, par. 112A-20)

7 Sec. 112A-20. Duration and extension of final protective
8 orders.

9 (a) (Blank).

10 (b) A final protective order shall remain in effect as
11 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 domestic violence order of
20 protection, however, shall be terminated by a dismissal
21 that is accompanied by the issuance of a bond forfeiture
22 warrant;

23 (3) until 2 years after the expiration of any

1 supervision, conditional discharge, probation, periodic
2 imprisonment, parole, aftercare release, or mandatory
3 supervised release for domestic violence orders of
4 protection and civil no contact orders; or

5 (4) until 2 years after the date set by the court for
6 expiration of any sentence of imprisonment and subsequent
7 parole, aftercare release, or mandatory supervised release
8 for domestic violence orders of protection and civil no
9 contact orders; ~~and~~

10 (5) permanent for a stalking no contact order if a
11 judgment of conviction for stalking is entered; ~~and~~.

12 (6) permanent for a civil no contact order if a
13 judgment of conviction for criminal sexual assault,
14 aggravated criminal sexual assault, criminal sexual abuse,
15 or aggravated criminal sexual abuse is entered.

16 (c) Computation of time. The duration of a domestic
17 violence order of protection shall not be reduced by the
18 duration of any prior domestic violence order of protection.

19 (d) Law enforcement records. When a protective order
20 expires upon the occurrence of a specified event, rather than
21 upon a specified date as provided in subsection (b), no
22 expiration date shall be entered in Department of State Police
23 records. To remove the protective order from those records,
24 either the petitioner or the respondent shall request the clerk
25 of the court to file a certified copy of an order stating that
26 the specified event has occurred or that the protective order

1 has been vacated or modified with the sheriff, and the sheriff
2 shall direct that law enforcement records shall be promptly
3 corrected in accordance with the filed order.

4 (e) Extension of Orders. Any domestic violence order of
5 protection or civil no contact order that expires 2 years after
6 the expiration of the defendant's sentence under paragraph (2),
7 (3), or (4) of subsection (b) of Section 112A-20 of this
8 Article may be extended one or more times, as required. The
9 petitioner, petitioner's counsel, or the State's Attorney on
10 the petitioner's behalf shall file the motion for an extension
11 of the final protective order in the criminal case and serve
12 the motion in accordance with Supreme Court Rules 11 and 12.
13 The court shall transfer the motion to the appropriate court or
14 division for consideration under subsection (e) of Section 220
15 of the Illinois Domestic Violence Act of 1986, subsection (c)
16 of Section 216 of the Civil No Contact Order Act, or subsection
17 (c) of Section 105 of the Stalking No Contact Order as
18 appropriate.

19 (f) Termination date. Any final protective order which
20 would expire on a court holiday shall instead expire at the
21 close of the next court business day.

22 (g) Statement of purpose. The practice of dismissing or
23 suspending a criminal prosecution in exchange for issuing a
24 protective order undermines the purposes of this Article. This
25 Section shall not be construed as encouraging that practice.

26 (Source: P.A. 100-199, eff. 1-1-18; 100-597, eff. 6-29-18.)