



## 94TH GENERAL ASSEMBLY

### State of Illinois

2005 and 2006

HB0269

Introduced 1/18/2005, by Rep. Patricia Reid Lindner

#### SYNOPSIS AS INTRODUCED:

725 ILCS 5/112A-17.5 new  
725 ILCS 5/112A-28.5 new  
750 ILCS 60/217.5 new  
750 ILCS 60/302.5 new

Amends the Code of Criminal Procedure of 1963 and the Illinois Domestic Violence Act of 1986. Provides that when a person is charged with a criminal offense and released on bond and the victim of the offense is a family or household member and the condition of the bond denies or restricts contact with the victim, the clerk shall immediately, or on the next court day, enter the order on the record, file it and provide a file stamped copy of the order to defendant, if present, and to the victim, if present. Establishes information that must be included in such a court order. Provides that the law enforcement agency that received the order shall enter into the Law Enforcement Agencies Data System (LEADS), the National Crime Information Center (NCIC), and the National Law Enforcement Telecommunication System (NLETS) the no contact with family victim order information.

LRB094 04975 RLC 35190 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT in relation to 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 adding Sections 112A-17.5 and 112A-28.5 as follows:

6 (725 ILCS 5/112A-17.5 new)

7 Sec. 112A-17.5. Notice of orders.

8 (a) Entry and issuance. When a person is charged with a  
9 criminal offense and released on bond and the victim of the  
10 offense is a family or household member and the condition of  
11 the bond is that the defendant refrain from contact or  
12 communications with the victim for a minimum period of 72 hours  
13 following the defendant's release and refrain from entering or  
14 remaining at the victim's residence for a minimum period of 72  
15 hours following the defendant's release or any other conditions  
16 restricting contact with the victim as the court imposes, the  
17 clerk shall immediately, or on the next court day, enter the  
18 order on the record and file it in accordance with circuit  
19 court procedures and provide a file stamped copy of the order  
20 to defendant, if present, and to the victim, if present.

21 (b) No contact with family victim orders. The court order  
22 shall include the following information:

23 (1) The court case number.

24 (2) The issue date of the order.

25 (3) The expiration date of the order, not to exceed 2  
26 years.

27 (4) The defendant's name, sex, race, date of birth,  
28 height, weight, hair, and eye color.

29 (5) The conditions of bond, including specific remedy.

30 (6) The victim's name.

31 (7) The protected person's name.

32 (8) The protected person's address.

1       (c) Filing with sheriff. The clerk of the court that issued  
2 the order shall, on the same day that the order is issued, file  
3 a certified copy of that order with the sheriff.

4       (d) Service by sheriff. Unless the defendant was present in  
5 court when the order was issued, the sheriff, other law  
6 enforcement official, or special process server shall promptly  
7 serve that order upon the defendant and file proof of that  
8 service, in the manner provided for service of process.

9       (725 ILCS 5/112A-28.5 new)

10       Sec. 112A-28.5. Entry of orders into LEADS.

11       (a) The law enforcement agency of the unit of local  
12 government that received the order shall enter into the Law  
13 Enforcement Agencies Data System (LEADS), the National Crime  
14 Information Center (NCIC), and the National Law Enforcement  
15 Telecommunication System (NLETS) the no contact with family  
16 victim order information. The LEADS, NCIC, and NLETS files must  
17 include the name and address of each person who has been  
18 charged with a criminal offense in which the victim of the  
19 offense is a family or household member and who has been  
20 released on bond in which the condition of the bond is that the  
21 defendant refrain from contact or communication with the victim  
22 for a minimum period of 72 hours following the defendant's  
23 release and refrain from entering or remaining at the victim's  
24 residence for a minimum period of 72 hours following the  
25 defendant's release or any other conditions restricting  
26 contact with the victim as the court imposes.

27       (b) The law enforcement agency of the unit of local  
28 government that received the order shall enter the no contact  
29 with family victim order into LEADS, NCIC, and NLETS no more  
30 than 72 hours after receiving the order.

31       (c) Retention. The information must be retained in LEADS,  
32 NCIC, and NLETS in a history file for 90 days after the  
33 expiration date of the no contact with family victim order  
34 before the information may be removed from the LEADS, NCIC, and  
35 NLETS files.

1 Section 10. The Illinois Domestic Violence Act of 1986 is  
2 amended by adding Sections 217.5 and 302.5 as follows:

3 (750 ILCS 60/217.5 new)

4 Sec. 217.5. Notice of orders.

5 (a) Entry and issuance. When a person is charged with a  
6 criminal offense and released on bond and the victim of the  
7 offense is a family or household member and the condition of  
8 the bond is that the defendant refrain from contact or  
9 communications with the victim for a minimum period of 72 hours  
10 following the defendant's release and refrain from entering or  
11 remaining at the victim's residence for a minimum period of 72  
12 hours following the defendant's release or any other conditions  
13 restricting contact with the victim as the court imposes, the  
14 clerk shall immediately, or on the next court day, enter the  
15 order on the record and file it in accordance with circuit  
16 court procedures and provide a file stamped copy of the order  
17 to defendant, if present, and to the victim, if present.

18 (b) No contact with family victim orders. The court order  
19 shall include the following information:

20 (1) The court case number.

21 (2) The issue date of the order.

22 (3) The expiration date of the order, not to exceed 2  
23 years.

24 (4) The defendant's name, sex, race, date of birth,  
25 height, weight, hair, and eye color.

26 (5) The conditions of bond, including specific remedy.

27 (6) The victim's name.

28 (7) The protected person's name.

29 (8) The protected person's address.

30 (c) Filing with sheriff. The clerk of the court that issued  
31 the order shall, on the same day that the order is issued, file  
32 a certified copy of that order with the sheriff.

33 (d) Service by sheriff. Unless the defendant was present in  
34 court when the order was issued, the sheriff, other law

1 enforcement official, or special process server shall promptly  
2 serve that order upon the defendant and file proof of that  
3 service, in the manner provided for service of process.

4 (750 ILCS 60/302.5 new)

5 Sec. 302.5. Entry of orders into LEADS.

6 (a) The law enforcement agency of the unit of local  
7 government that received the order shall enter into the Law  
8 Enforcement Agencies Data System (LEADS), the National Crime  
9 Information Center (NCIC), and the National Law Enforcement  
10 Telecommunication System (NLETS) the no contact with family  
11 victim order information. The LEADS, NCIC, and NLETS files must  
12 include the name and address of each person who has been  
13 charged with a criminal offense in which the victim of the  
14 offense is a family or household member and who has been  
15 released on bond in which the condition of the bond is that the  
16 defendant refrain from contact or communication with the victim  
17 for a minimum period of 72 hours following the defendant's  
18 release and refrain from entering or remaining at the victim's  
19 residence for a minimum period of 72 hours following the  
20 defendant's release or any other conditions restricting  
21 contact with the victim as the court imposes.

22 (b) The law enforcement agency of the unit of local  
23 government that received the order shall enter the no contact  
24 with family victim order into LEADS, NCIC, and NLETS within 72  
25 hours after receiving the order.

26 (c) Retention. The information must be retained in LEADS,  
27 NCIC, and NLETS in a history file for 90 days after the  
28 expiration date of the no contact with family victim order  
29 before the information may be removed from the LEADS, NCIC, and  
30 NLETS files.