

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 Criminal Code of 1961 is amended by changing
5 Section 12-30 as follows:

6 (720 ILCS 5/12-30) (from Ch. 38, par. 12-30)

7 Sec. 12-30. Violation of an order of protection.

8 (a) A person commits violation of an order of protection
9 if:

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

13 (i) a remedy in a valid order of protection
14 authorized under paragraphs (1), (2), (3), (14), or
15 (14.5) of subsection (b) of Section 214 of the Illinois
16 Domestic Violence Act of 1986,

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

23 (iii) any other remedy when the act constitutes a

1 crime against the protected parties as the term
2 protected parties is defined in Section 112A-4 of the
3 Code of Criminal Procedure of 1963; and

4 (2) Such violation occurs after the offender has been
5 served notice of the contents of the order, pursuant to the
6 Illinois Domestic Violence Act of 1986 or any substantially
7 similar statute of another state, tribe or United States
8 territory, or otherwise has acquired actual knowledge of
9 the contents of the order.

10 An order of protection issued by a state, tribal or
11 territorial court related to domestic or family violence shall
12 be deemed valid if the issuing court had jurisdiction over the
13 parties and matter under the law of the state, tribe or
14 territory. There shall be a presumption of validity where an
15 order is certified and appears authentic on its face.

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 order of
19 protection.

20 (b) For purposes of this Section, an "order of protection"
21 may have been issued in a criminal or civil proceeding.

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

25 (d) Violation of an order of protection under subsection
26 (a) of this Section is a Class A misdemeanor. Violation of an

1 order of protection under subsection (a) of this Section is a
2 Class 4 felony if the defendant has any prior conviction under
3 this Code for domestic battery (Section 12-3.2) or violation of
4 an order of protection (Section 12-30), or any prior conviction
5 under the law of another jurisdiction for an offense which is
6 substantially similar. Violation of an order of protection is a
7 Class 4 felony if the defendant has any prior conviction under
8 this Code for first degree murder (Section 9-1), attempt to
9 commit first degree murder (Section 8-4), aggravated domestic
10 battery (Section 12-3.3), aggravated battery (Section 12-4),
11 heinous battery (Section 12-4.1), aggravated battery with a
12 firearm (Section 12-4.2), aggravated battery of a child
13 (Section 12-4.3), aggravated battery of an unborn child
14 (Section 12-4.4), aggravated battery of a senior citizen
15 (Section 12-4.6), stalking (Section 12-7.3), aggravated
16 stalking (Section 12-7.4), criminal sexual assault (Section
17 12-13), aggravated criminal sexual assault (12-14), kidnapping
18 (Section 10-1), aggravated kidnapping (Section 10-2),
19 predatory criminal sexual assault of a child (Section 12-14.1),
20 aggravated criminal sexual abuse (Section 12-16), unlawful
21 restraint (Section 10-3), aggravated unlawful restraint
22 (Section 10-3.1), aggravated arson (Section 20-1.1), or
23 aggravated discharge of a firearm (Section 24-1.2), or any
24 prior conviction under the law of another jurisdiction for any
25 offense that is substantially similar to the offenses listed in
26 this Section, when any of these offenses have been committed

1 against a family or household member as defined in Section
2 112A-3 of the Code of Criminal Procedure of 1963. The court
3 shall impose a minimum penalty of 24 hours imprisonment for
4 defendant's second or subsequent violation of any order of
5 protection; unless the court explicitly finds that an increased
6 penalty or such period of imprisonment would be manifestly
7 unjust. In addition to any other penalties, the court may order
8 the defendant to pay a fine as authorized under Section 5-9-1
9 of the Unified Code of Corrections or to make restitution to
10 the victim under Section 5-5-6 of the Unified Code of
11 Corrections. In addition to any other penalties, including
12 those imposed by Section 5-9-1.5 of the Unified Code of
13 Corrections, the court shall impose an additional fine of \$20
14 as authorized by Section 5-9-1.11 of the Unified Code of
15 Corrections upon any person convicted of or placed on
16 supervision for a violation of this Section. The additional
17 fine shall be imposed for each violation of this Section.

18 (e) The limitations placed on law enforcement liability by
19 Section 305 of the Illinois Domestic Violence Act of 1986 apply
20 to actions taken under this Section.

21 (Source: P.A. 91-112, eff. 10-1-99; 91-357, eff. 7-29-99;
22 92-827, eff. 8-22-02.)

23 Section 99. Effective date. This Act takes effect upon
24 becoming law.