



1 victim should be able to seek a simple civil remedy requiring  
2 only that the offender stay away from the victim.

3 Section 103. Definitions. As used in this Act:

4 "Abuse" means physical abuse, harassment, intimidation of  
5 a dependent, or interference with personal liberty.

6 "Civil no contact order" means an emergency order or  
7 plenary order granted under this Act, which includes a remedy  
8 authorized by Section 213 of this Act.

9 "Non-consensual" means a lack of freely given agreement.

10 "Petitioner" means any named petitioner for the no  
11 contact order or any named victim of non-consensual sexual  
12 conduct or non-consensual sexual penetration on whose behalf  
13 the petition is brought.

14 "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, anus,  
17 or breast of the petitioner or the respondent, or any part of  
18 the body of a child under 13 years of age, or any transfer or  
19 transmission of semen by the respondent upon any part of the  
20 clothed or unclothed body of the petitioner, for the purpose  
21 of sexual gratification or arousal of the petitioner or the  
22 respondent.

23 "Sexual penetration" means any contact, however slight,  
24 between the sex organ or anus of one person by an object, the  
25 sex organ, mouth or anus of another person, or any intrusion,  
26 however slight, of any part of the body of one person or of  
27 any animal or object into the sex organ or anus of another  
28 person, including but not limited to cunnilingus, fellatio or  
29 anal penetration. Evidence of emission of semen is not  
30 required to prove sexual penetration.

31 ARTICLE II

32 CIVIL NO CONTACT ORDERS

1 Section 201. Persons protected by this Act. A petition  
2 for a civil no contact order may be filed:

3 (1) by any person who is a victim of non-consensual  
4 sexual conduct or non-consensual sexual penetration,  
5 including a single incident of non-consensual sexual  
6 conduct or non-consensual sexual penetration; or

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

12 Section 202. Commencement of action; filing fees.

13 (a) An action for a civil no contact order is commenced  
14 by filing a petition for a civil no contact order in any  
15 civil court, unless specific courts are designated by local  
16 rule or order.

17 (b) No fee shall be charged by the clerk of the court  
18 for filing petitions or certifying orders. No fee shall be  
19 charged by the sheriff for service by the sheriff of a  
20 petition, rule, motion, or order in an action commenced under  
21 this Section.

22 (c) The court shall provide, through the office of the  
23 clerk of the court, simplified forms and clerical assistance  
24 to help with the writing and filing of a petition under this  
25 Section by any person not represented by counsel.

26 Section 203. Pleading; non-disclosure of address.

27 (a) A petition for a civil no contact order shall be in  
28 writing and verified or accompanied by affidavit and shall  
29 allege that the petitioner has been the victim of  
30 non-consensual sexual conduct or non-consensual sexual  
31 penetration by the respondent.

32 (b) If the petition states that disclosure of the

1 petitioner's address would risk abuse of the petitioner or  
2 any member of the petitioner's family or household, that  
3 address may be omitted from all documents filed with the  
4 court. If the petitioner has not disclosed an address under  
5 this subsection, the petitioner shall designate an  
6 alternative address at which the respondent may serve notice  
7 of any motions.

8 Section 204. Application of rules of civil procedure;  
9 rape crisis advocates.

10 (a) Any proceeding to obtain, modify, reopen or appeal a  
11 civil no contact order shall be governed by the rules of  
12 civil procedure of this State. The standard of proof in such  
13 a proceeding is proof by a preponderance of the evidence. The  
14 Code of Civil Procedure and Supreme Court and local court  
15 rules applicable to civil proceedings shall apply, except as  
16 otherwise provided by this Act.

17 (b) In circuit courts, rape crisis advocates shall be  
18 allowed to accompany the victim and confer with the victim,  
19 unless otherwise directed by the court. Court administrators  
20 shall allow rape crisis advocates to assist victims of  
21 non-consensual sexual conduct or non-consensual sexual  
22 penetration in the preparation of petitions for civil no  
23 contact orders. Rape crisis advocates are not engaged in the  
24 unauthorized practice of law when providing assistance of the  
25 types specified in this subsection (b).

26 Section 205. Subject matter jurisdiction. Each of the  
27 circuit courts has the power to issue civil no contact  
28 orders.

29 Section 206. Jurisdiction over persons. The courts of  
30 this State have jurisdiction to bind (1) State residents and  
31 (2) non-residents having minimum contacts with this State, to

1 the extent permitted by the long-arm statute, Section 2-209  
2 of the Code of Civil Procedure.

3 Section 207. Venue. A petition for a civil no contact  
4 order may be filed in any county where (1) the petitioner  
5 resides, (2) the respondent resides, or (3) the alleged  
6 non-consensual sexual conduct or non-consensual sexual  
7 penetration occurred.

8 Section 208. Process.

9 (a) Any action for a civil no contact order requires  
10 that a separate summons be issued and served. The summons  
11 shall be in the form prescribed by Supreme Court Rule 101(d),  
12 except that it shall require the respondent to answer or  
13 appear within 7 days. Attachments to the summons or notice  
14 shall include the petition for civil no contact order and  
15 supporting affidavits, if any, and any emergency civil no  
16 contact order that has been issued.

17 (b) The summons shall be served by the sheriff or other  
18 law enforcement officer at the earliest time and shall take  
19 precedence over other summonses except those of a similar  
20 emergency nature. Special process servers may be appointed at  
21 any time, and their designation shall not affect the  
22 responsibilities and authority of the sheriff or other  
23 official process servers.

24 (c) Service of process on a member of the respondent's  
25 household or by publication shall be adequate if: (1) the  
26 petitioner has made all reasonable efforts to accomplish  
27 actual service of process personally upon the respondent, but  
28 the respondent cannot be found to effect such service; and  
29 (2) the petitioner files an affidavit or presents sworn  
30 testimony as to those efforts.

31 (d) A plenary civil no contact order may be entered by  
32 default for the remedy sought in the petition, if the

1 respondent has been served or given notice in accordance with  
2 subsection (a) and if the respondent then fails to appear as  
3 directed or fails to appear on any subsequent appearance or  
4 hearing date agreed to by the parties or set by the court.

5 Section 209. Service of notice of hearings. Except as  
6 provided in Section 208, notice of hearings on petitions or  
7 motions shall be served in accordance with Supreme Court  
8 Rules 11 and 12, unless notice is excused by Section 214 of  
9 this Act or by the Code of Civil Procedure, Supreme Court  
10 Rules, or local rules.

11 Section 210. Hearings. A petition for a civil no contact  
12 order shall be treated as an expedited proceeding, and no  
13 court may transfer or otherwise decline to decide all or part  
14 of such petition. Nothing in this Section shall prevent the  
15 court from reserving issues if jurisdiction or notice  
16 requirements are not met.

17 Section 211. Continuances.

18 (a) Petitions for emergency remedies shall be granted or  
19 denied in accordance with the standards of Section 214,  
20 regardless of the respondent's appearance or presence in  
21 court.

22 (b) Any action for a civil no contact order is an  
23 expedited proceeding. Continuances shall be granted only for  
24 good cause shown and kept to the minimum reasonable duration,  
25 taking into account the reasons for the continuance.

26 Section 212. Hearsay exception.

27 (a) In proceedings for a no contact order and  
28 prosecutions for violating a no-contact order, the prior  
29 sexual activity or the reputation of the petitioner is  
30 inadmissible except:

1           (1) as evidence concerning the past sexual conduct  
2 of the petitioner with the respondent when this evidence  
3 is offered by the respondent upon the issue of whether  
4 the petitioner consented to the sexual conduct with  
5 respect to which the offense is alleged; or

6           (2) when constitutionally required to be admitted.

7           (b) No evidence admissible under this Section may be  
8 introduced unless ruled admissible by the trial judge after  
9 an offer of proof has been made at a hearing held in camera  
10 to determine whether the respondent has evidence to impeach  
11 the witness in the event that prior sexual activity with the  
12 respondent is denied. The offer of proof shall include  
13 reasonably specific information as to the date, time, and  
14 place of the past sexual conduct between the petitioner and  
15 the respondent. Unless the court finds that reasonably  
16 specific information as to date, time, or place, or some  
17 combination thereof, has been offered as to prior sexual  
18 activity with the respondent, counsel for the respondent  
19 shall be ordered to refrain from inquiring into prior sexual  
20 activity between the petitioner and the respondent. The court  
21 may not admit evidence under this Section unless it  
22 determines at the hearing that the evidence is relevant and  
23 the probative value of the evidence outweighs the danger of  
24 unfair prejudice. The evidence shall be admissible at trial  
25 to the extent an order made by the court specifies the  
26 evidence that may be admitted and areas with respect to which  
27 the petitioner may be examined or cross examined.

28           Section 213. Civil no contact order; remedy.

29           (a) If the court finds that the petitioner has been a  
30 victim of non-consensual sexual conduct or non-consensual  
31 sexual penetration, a civil no contact order shall issue;  
32 provided that the petitioner must also satisfy the  
33 requirements of Section 214 on emergency orders or Section

1 215 on plenary orders. The petitioner shall not be denied a  
2 civil no contact order because the petitioner or the  
3 respondent is a minor. The court, when determining whether or  
4 not to issue a civil no contact order, may not require  
5 physical injury on the person of the victim. Modification and  
6 extension of prior civil no contact orders shall be in  
7 accordance with this Act.

8 (b) A civil no contact order shall order the respondent  
9 to stay away from the petitioner or any other person  
10 protected by the civil no contact order, or prohibit the  
11 respondent from entering or remaining present at the  
12 petitioner's school, place of employment, or other specified  
13 places at times when the petitioner is present, or both, if  
14 reasonable, given the balance of hardships. Hardships need  
15 not be balanced for the court to enter a stay away order or  
16 prohibit entry if the respondent has no right to enter the  
17 premises.

18 (c) Denial of a remedy may not be based, in whole or in  
19 part, on evidence that:

20 (1) the respondent has cause for any use of force,  
21 unless that cause satisfies the standards for justifiable  
22 use of force provided by Article VII of the Criminal Code  
23 of 1961;

24 (2) the respondent was voluntarily intoxicated;

25 (3) the petitioner acted in self-defense or defense  
26 of another, provided that, if the petitioner utilized  
27 force, such force was justifiable under Article VII of  
28 the Criminal Code of 1961;

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

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

34 (6) the petitioner did not leave the residence or

1 household to avoid further non-consensual sexual conduct  
2 or non-consensual sexual penetration by the respondent.

3 (d) Monetary damages are not recoverable as a remedy.

4 Section 214. Emergency civil no contact order.

5 (a) An emergency civil no contact order shall issue if  
6 the petitioner satisfies the requirements of this subsection

7 (a). The petitioner shall establish that:

8 (1) the court has jurisdiction under Section 208;

9 (2) the requirements of Section 213 are satisfied;

10 and

11 (3) there is good cause to grant the remedy,  
12 regardless of prior service of process or of notice upon  
13 the respondent, because the harm which that remedy is  
14 intended to prevent would be likely to occur if the  
15 respondent were given any prior notice, or greater notice  
16 than was actually given, of the petitioner's efforts to  
17 obtain judicial relief.

18 (b) If the respondent appears in court for this hearing  
19 for an emergency order, he or she may elect to file a general  
20 appearance and testify. Any resulting order may be an  
21 emergency order, governed by this Section. Notwithstanding  
22 the requirements of this Section, if all requirements of  
23 Section 215 have been met, the court may issue a plenary  
24 order.

25 (c) Emergency orders; court holidays and evenings.

26 (1) When the court is unavailable at the close of  
27 business, the petitioner may file a petition for a 21-day  
28 emergency order before any available circuit judge or  
29 associate judge who may grant relief under this Act. If  
30 the judge finds that there is an immediate and present  
31 danger of abuse against the petitioner and that the  
32 petitioner has satisfied the prerequisites set forth in  
33 subsection (a), that judge may issue an emergency civil

1 no contact order.

2 (2) The chief judge of the circuit court may  
3 designate for each county in the circuit at least one  
4 judge to be reasonably available to issue orally, by  
5 telephone, by facsimile, or otherwise, an emergency civil  
6 no contact order at all times, whether or not the court  
7 is in session.

8 (3) Any order issued under this Section and any  
9 documentation in support of the order shall be certified  
10 on the next court day to the appropriate court. The clerk  
11 of that court shall immediately assign a case number,  
12 file the petition, order, and other documents with the  
13 court, and enter the order of record and file it with the  
14 sheriff for service, in accordance with Section 222.  
15 Filing the petition shall commence proceedings for  
16 further relief under Section 202. Failure to comply with  
17 the requirements of this paragraph (3) does not affect  
18 the validity of the order.

19 Section 215. Plenary civil no contact order. A plenary  
20 civil no contact order shall issue if the petitioner has  
21 served notice of the hearing for that order on the  
22 respondent, in accordance with Section 209, and satisfies the  
23 requirements of this Section. The petitioner must establish  
24 that:

- 25 (1) the court has jurisdiction under Section 206;
- 26 (2) the requirements of Section 213 are satisfied;
- 27 (3) a general appearance was made or filed by or  
28 for the respondent or process was served on the  
29 respondent in the manner required by Section 208; and
- 30 (4) the respondent has answered or is in default.

31 Section 216. Duration and extension of orders.

32 (a) Unless re-opened or extended or voided by entry of

1 an order of greater duration, an emergency order shall be  
2 effective for not less than 14 nor more than 21 days.

3 (b) Except as otherwise provided in this Section, a  
4 plenary civil no contact order shall be effective for a fixed  
5 period of time, not to exceed 2 years. A plenary civil no  
6 contact order entered in conjunction with another civil  
7 proceeding shall remain in effect as follows:

8 (1) if entered as preliminary relief in that other  
9 proceeding, until entry of final judgment in that other  
10 proceeding;

11 (2) if incorporated into the final judgment in that  
12 other proceeding, until the civil no contact order is  
13 vacated or modified; or

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

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

30 (c) Any civil no contact order which would expire on a  
31 court holiday shall instead expire at the close of the next  
32 court business day.

33 (d) The practice of dismissing or suspending a criminal  
34 prosecution in exchange for the issuance of a civil no

1 contact order undermines the purposes of this Act. This  
2 Section shall not be construed as encouraging that practice.

3 Section 217. Contents of orders.

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

9 (b) A civil no contact order shall further state the  
10 following:

11 (1) The name of each petitioner that the court  
12 finds was the victim of non-consensual sexual conduct or  
13 non-consensual sexual penetration by the respondent and  
14 the name of each other person protected by the order and  
15 that the person is protected by this Act.

16 (2) The date and time the civil no contact order  
17 was issued, whether it is an emergency or plenary order,  
18 and the duration of the order.

19 (3) The date, time, and place for any scheduled  
20 hearing for extension of that civil no contact order or  
21 for another order of greater duration or scope.

22 (4) For each remedy in an emergency civil no  
23 contact order, the reason for entering that remedy  
24 without prior notice to the respondent or greater notice  
25 than was actually given.

26 (c) A civil no contact order shall include the following  
27 notice, printed in conspicuous type: "Any knowing violation  
28 of a civil no contact order is a Class A misdemeanor. Any  
29 second or subsequent violation is a Class 4 felony."

30 Section 218. Notice of orders.

31 (a) Upon issuance of any civil no contact order, the  
32 clerk shall immediately, or on the next court day if an

1 emergency order is issued in accordance with subsection (c)  
2 of Section 214:

3 (1) enter the order on the record and file it in  
4 accordance with the circuit court procedures; and

5 (2) provide a file stamped copy of the order to the  
6 respondent, if present, and to the petitioner.

7 (b) The clerk of the issuing judge shall, or the  
8 petitioner may, on the same day that a civil no contact order  
9 is issued, file a certified copy of that order with the  
10 sheriff or other law enforcement officials charged with  
11 maintaining Department of State Police records or charged  
12 with serving the order upon the respondent. If the order was  
13 issued in accordance with subsection (c) of Section 214, the  
14 clerk shall, on the next court day, file a certified copy of  
15 the order with the Sheriff or other law enforcement officials  
16 charged with maintaining Department of State Police records.

17 (c) Unless the respondent was present in court when the  
18 order was issued, the sheriff, other law enforcement  
19 official, or special process server shall promptly serve that  
20 order upon the respondent and file proof of such service in  
21 the manner provided for service of process in civil  
22 proceedings. If process has not yet been served upon the  
23 respondent, it shall be served with the order or short form  
24 notification. A single fee may be charged for service of an  
25 order obtained in civil court, or for service of such an  
26 order together with process, unless waived or deferred under  
27 Section 208.

28 (d) If the person against whom the civil no contact  
29 order is issued is arrested and the written order is issued  
30 in accordance with subsection (c) of Section 214 and received  
31 by the custodial law enforcement agency before the respondent  
32 or arrestee is released from custody, the custodial law  
33 enforcement agent shall promptly serve the order upon the  
34 respondent or arrestee before the respondent or arrestee is

1 released from custody. In no event shall detention of the  
2 respondent or arrestee be extended for hearing on the  
3 petition for civil no contact order or receipt of the order  
4 issued under Section 214 of this Act.

5 (e) Any order extending, modifying, or revoking any  
6 civil no contact order shall be promptly recorded, issued,  
7 and served as provided in this Section.

8 (f) Upon the request of the petitioner, within 24 hours  
9 of the issuance of a civil no contact order, the clerk of the  
10 issuing judge shall send written notice of the order along  
11 with a certified copy of the order to any school, college, or  
12 university at which the petitioner is enrolled.

13 Section 219. Violation. A knowing violation of a civil no  
14 contact order is a Class A misdemeanor. A second or  
15 subsequent violation is a Class 4 felony.

16 ARTICLE III

17 LAW ENFORCEMENT RESPONSIBILITIES

18 Section 301. Arrest without warrant.

19 (a) Any law enforcement officer may make an arrest  
20 without warrant if the officer has probable cause to believe  
21 that the person has committed or is committing a violation of  
22 a civil no contact order.

23 (b) The law enforcement officer may verify the existence  
24 of a civil no contact order by telephone or radio  
25 communication with his or her law enforcement agency or by  
26 referring to the copy of the order provided by the petitioner  
27 or the respondent.

28 Section 302. Data maintenance by law enforcement  
29 agencies.

30 (a) All sheriffs shall furnish to the Department of

1 State Police, on the same day as received, in the form and  
2 detail the Department requires, copies of any recorded  
3 emergency or plenary civil no contact orders issued by the  
4 court and transmitted to the sheriff by the clerk of the  
5 court in accordance with subsection (b) of Section 218 of  
6 this Act. Each civil no contact order shall be entered in the  
7 Law Enforcement Agencies Data System on the same day it is  
8 issued by the court. If an emergency civil no contact order  
9 was issued in accordance with subsection (c) of Section 214,  
10 the order shall be entered in the Law Enforcement Agencies  
11 Data System as soon as possible after receipt from the clerk  
12 of the court.

13 (b) The Department of State Police shall maintain a  
14 complete and systematic record and index of all valid and  
15 recorded civil no contact orders issued under this Act. The  
16 data shall be used to inform all dispatchers and law  
17 enforcement officers at the scene of an alleged incident of  
18 non-consensual sexual conduct or non-consensual sexual  
19 penetration or violation of a civil no contact order of any  
20 recorded prior incident of non-consensual sexual conduct or  
21 non-consensual sexual penetration involving the victim and  
22 the effective dates and terms of any recorded civil no  
23 contact order.".