

1 AN ACT concerning State government.

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

4 Section 5. The State Finance Act is amended by changing
5 Section 6b-4 as follows:

6 (30 ILCS 105/6b-4) (from Ch. 127, par. 142b4)

7 Sec. 6b-4. On the second Monday of every month, the
8 Director of Public Health shall certify to the State
9 Comptroller and the State Treasurer the amount generated by
10 the issuance of commemorative birth certificates under
11 subsection (14) of Section 25 of the Vital Records Act in
12 excess of the costs incurred in issuing the documents. Within
13 15 days of receipt of the certification required by this
14 Section, the State Comptroller and the State Treasurer shall
15 transfer from the General Revenue Fund, one-half of the amount
16 certified as being received from the issuance of commemorative
17 birth certificates to the Child Abuse Prevention Fund and
18 one-half of the amount to the Domestic Violence Shelter and
19 Service Fund.

20 The State Treasurer shall deposit into the Domestic
21 Violence Shelter and Service Fund each assessment received
22 under the Criminal and Traffic Assessment Act.

23 In addition to any other amounts deposited into the

1 Domestic Violence Shelter and Service Fund, the State
2 Treasurer shall deposit into the Fund all moneys donated to
3 the State by private individuals or entities to support
4 domestic violence prevention and intervention comprehensive
5 services. Subject to appropriation, the Department of Human
6 Services shall use moneys in the Fund to make grants to support
7 victims of domestic violence, including victims of domestic
8 violence who were members of the United States Armed Forces
9 when the domestic violence occurred and who have been
10 discharged from the United States Armed Forces. Military
11 personnel who are victims of domestic violence may qualify for
12 comprehensive services, including transportation assistance to
13 participate in legal proceedings, medical appointments, and
14 other necessary appointments or services. County Veterans
15 Assistance Commissions and organizations described in Section
16 501(c)(19) of the Internal Revenue Code of 1986 may be
17 eligible to receive grants to support veterans who are victims
18 of domestic violence, as outlined in the Grant Accountability
19 and Transparency Act and Department grantmaking policies.

20 The State Treasurer shall deposit into the Sexual Assault
21 Services Fund and the Domestic Violence Shelter and Service
22 Fund each of those fines received from circuit clerks under
23 Section 5-9-1.7 of the Unified Code of Corrections in
24 accordance with the provisions of that Section.

25 (Source: P.A. 100-987, eff. 7-1-19.)

1 Section 10. The Code of Criminal Procedure of 1963 is
2 amended by changing Sections 112A-6.1 and 112A-23 as follows:

3 (725 ILCS 5/112A-6.1)

4 Sec. 112A-6.1. Application of rules of civil procedure;
5 criminal law.

6 (a) Any proceeding to obtain, modify, re-open, or appeal a
7 protective order and service of pleadings and notices shall be
8 governed by the rules of civil procedure of this State. The
9 Code of Civil Procedure and Supreme Court and local court
10 rules applicable to civil proceedings shall apply, except as
11 otherwise provided by law. Civil law on venue, discovery, and
12 penalties for untrue statements shall not apply to protective
13 order proceedings heard under this Article.

14 (b) Criminal law on discovery, venue, and penalties for
15 untrue statements apply to protective order proceedings under
16 this Article.

17 (c) Court proceedings related to the entry of a protective
18 order and the determination of remedies shall not be used to
19 obtain discovery that would not otherwise be available in a
20 criminal prosecution or juvenile delinquency case.

21 (d) The Supreme Court of Illinois may adopt rules that
22 promote the use of attorneys serving on a pro bono basis to
23 represent victims under this Article.

24 (Source: P.A. 100-597, eff. 6-29-18.)

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

2 Sec. 112A-23. Enforcement of protective orders.

3 (a) When violation is crime. A violation of any protective
4 order, whether issued in a civil, quasi-criminal proceeding or
5 by a military judge or by a military commander of the United
6 States Armed Forces, shall be enforced by a criminal court
7 when:

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

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

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

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

25 Prosecution for a violation of a domestic violence
26 order of protection shall not bar concurrent prosecution

1 for any other crime, including any crime that may have
2 been committed at the time of the violation of the
3 domestic violence order of protection; or

4 (2) The respondent commits the crime of child
5 abduction pursuant to Section 10-5 of the Criminal Code of
6 1961 or the Criminal Code of 2012, by having knowingly
7 violated:

8 (i) remedies described in paragraph (5), (6), or
9 (8) of subsection (b) of Section 112A-14 of this Code,
10 or

11 (ii) a remedy, which is substantially similar to
12 the remedies authorized under paragraph (1), (5), (6),
13 or (8) of subsection (b) of Section 214 of the Illinois
14 Domestic Violence Act of 1986, in a valid domestic
15 violence order of protection, which is authorized
16 under the laws of another state, tribe, or United
17 States territory.

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

25 (4) The respondent commits the crime of violation of a
26 stalking no contact order when the respondent violates

1 Section 12-3.9 of the Criminal Code of 2012. Prosecution
2 for a violation of a stalking no contact order shall not
3 bar concurrent prosecution for any other crime, including
4 any crime that may have been committed at the time of the
5 violation of the stalking no contact order.

6 (b) When violation is contempt of court. A violation of
7 any valid protective order, whether issued in a civil or
8 criminal proceeding or by a military judge or by a military
9 commander of the United States Armed Forces, may be enforced
10 through civil or criminal contempt procedures, as appropriate,
11 by any court with jurisdiction, regardless where the act or
12 acts which violated the protective order were committed, to
13 the extent consistent with the venue provisions of this
14 Article. Nothing in this Article shall preclude any Illinois
15 court from enforcing any valid protective order issued in
16 another state. Illinois courts may enforce protective orders
17 through both criminal prosecution and contempt proceedings,
18 unless the action which is second in time is barred by
19 collateral estoppel or the constitutional prohibition against
20 double jeopardy.

21 (1) In a contempt proceeding where the petition for a
22 rule to show cause sets forth facts evidencing an
23 immediate danger that the respondent will flee the
24 jurisdiction, conceal a child, or inflict physical abuse
25 on the petitioner or minor children or on dependent adults
26 in petitioner's care, the court may order the attachment

1 of the respondent without prior service of the rule to
2 show cause or the petition for a rule to show cause. Bond
3 shall be set unless specifically denied in writing.

4 (2) A petition for a rule to show cause for violation
5 of a protective order shall be treated as an expedited
6 proceeding.

7 (c) Violation of custody, allocation of parental
8 responsibility, or support orders. A violation of remedies
9 described in paragraph (5), (6), (8), or (9) of subsection (b)
10 of Section 112A-14 of this Code may be enforced by any remedy
11 provided by Section 607.5 of the Illinois Marriage and
12 Dissolution of Marriage Act. The court may enforce any order
13 for support issued under paragraph (12) of subsection (b) of
14 Section 112A-14 of this Code in the manner provided for under
15 Parts V and VII of the Illinois Marriage and Dissolution of
16 Marriage Act.

17 (d) Actual knowledge. A protective order may be enforced
18 pursuant to this Section if the respondent violates the order
19 after the respondent has actual knowledge of its contents as
20 shown through one of the following means:

21 (1) (Blank).

22 (2) (Blank).

23 (3) By service of a protective order under subsection
24 (f) of Section 112A-17.5 or Section 112A-22 of this Code.

25 (4) By other means demonstrating actual knowledge of
26 the contents of the order.

1 (e) The enforcement of a protective order in civil or
2 criminal court shall not be affected by either of the
3 following:

4 (1) The existence of a separate, correlative order
5 entered under Section 112A-15 of this Code.

6 (2) Any finding or order entered in a conjoined
7 criminal proceeding.

8 (e-5) If a civil no contact order entered under subsection
9 (6) of Section 112A-20 of the Code of Criminal Procedure of
10 1963 conflicts with an order issued pursuant to the Juvenile
11 Court Act of 1987 or the Illinois Marriage and Dissolution of
12 Marriage Act, the conflicting order issued under subsection
13 (6) of Section 112A-20 of the Code of Criminal Procedure of
14 1963 shall be void.

15 (f) Circumstances. The court, when determining whether or
16 not a violation of a protective order has occurred, shall not
17 require physical manifestations of abuse on the person of the
18 victim.

19 (g) Penalties.

20 (1) Except as provided in paragraph (3) of this
21 subsection (g), where the court finds the commission of a
22 crime or contempt of court under subsection (a) or (b) of
23 this Section, the penalty shall be the penalty that
24 generally applies in such criminal or contempt
25 proceedings, and may include one or more of the following:
26 incarceration, payment of restitution, a fine, payment of

1 attorneys' fees and costs, or community service.

2 (2) The court shall hear and take into account
3 evidence of any factors in aggravation or mitigation
4 before deciding an appropriate penalty under paragraph (1)
5 of this subsection (g).

6 (3) To the extent permitted by law, the court is
7 encouraged to:

8 (i) increase the penalty for the knowing violation
9 of any protective order over any penalty previously
10 imposed by any court for respondent's violation of any
11 protective order or penal statute involving petitioner
12 as victim and respondent as defendant;

13 (ii) impose a minimum penalty of 24 hours
14 imprisonment for respondent's first violation of any
15 protective order; and

16 (iii) impose a minimum penalty of 48 hours
17 imprisonment for respondent's second or subsequent
18 violation of a protective order

19 unless the court explicitly finds that an increased
20 penalty or that period of imprisonment would be manifestly
21 unjust.

22 (4) In addition to any other penalties imposed for a
23 violation of a protective order, a criminal court may
24 consider evidence of any violations of a protective order:

25 (i) to modify the conditions of pretrial release
26 on an underlying criminal charge pursuant to Section

1 110-6 of this Code;

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

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

8 (Source: P.A. 102-184, eff. 1-1-22; 102-558, eff. 8-20-21;
9 102-813, eff. 5-13-22; 102-890, eff. 5-19-22; 103-407, eff.
10 7-28-23.)

11 Section 15. The Illinois Domestic Violence Act of 1986 is
12 amended by changing Sections 205 and 222.5 as follows:

13 (750 ILCS 60/205) (from Ch. 40, par. 2312-5)

14 Sec. 205. Application of rules of civil procedure;
15 Domestic abuse advocates.

16 (a) Any proceeding to obtain, modify, reopen or appeal an
17 order of protection, whether commenced alone or in conjunction
18 with a civil or criminal proceeding, shall be governed by the
19 rules of civil procedure of this State. The standard of proof
20 in such a proceeding is proof by a preponderance of the
21 evidence, whether the proceeding is heard in criminal or civil
22 court. The Code of Civil Procedure and Supreme Court and local
23 court rules applicable to civil proceedings, as now or
24 hereafter amended, shall apply, except as otherwise provided

1 by this law.

2 (b) (1) In all circuit court proceedings under this Act,
3 domestic abuse advocates shall be allowed to attend and sit at
4 counsel table and confer with the victim, unless otherwise
5 directed by the court.

6 (2) In criminal proceedings in circuit courts, domestic
7 abuse advocates shall be allowed to accompany the victim and
8 confer with the victim, unless otherwise directed by the
9 court.

10 (3) Court administrators shall allow domestic abuse
11 advocates to assist victims of domestic violence in the
12 preparation of petitions for orders of protection.

13 (4) Domestic abuse advocates are not engaged in the
14 unauthorized practice of law when providing assistance of the
15 types specified in this subsection (b).

16 (c) The Supreme Court of Illinois may adopt rules that
17 promote the use of attorneys serving on a pro bono basis to
18 represent victims under this Act.

19 (Source: P.A. 87-1186; 87-1255; 88-45.)

20 (750 ILCS 60/222.5)

21 Sec. 222.5. Filing of an order of protection issued in
22 another state or other jurisdiction.

23 (a) A person entitled to protection under an order of
24 protection issued by the court of another state, tribe, or
25 United States territory or military judge or by a military

1 commander of the United States Armed Forces may file a
2 certified copy of the order of protection with the clerk of the
3 court in a judicial circuit in which the person believes that
4 enforcement may be necessary.

5 (a-5) The Illinois National Guard shall file a certified
6 copy of any military order of protection with the clerk of the
7 court in a judicial circuit in which the person entitled to
8 protection resides or if the person entitled to protection is
9 not a State resident, in a judicial circuit in which it is
10 believed that enforcement may be necessary.

11 (b) The clerk shall:

12 (1) treat the foreign order of protection, including,
13 but not limited to, an order of protection issued by a
14 military judge or by a military commander of the United
15 States Armed Forces, in the same manner as a judgment of
16 the circuit court for any county of this State in
17 accordance with the provisions of the Uniform Enforcement
18 of Foreign Judgments Act, except that the clerk shall not
19 mail notice of the filing of the foreign order to the
20 respondent named in the order; and

21 (2) on the same day that a foreign order of protection
22 is filed, file a certified copy of that order with the
23 sheriff or other law enforcement officials charged with
24 maintaining Illinois State Police records as set forth in
25 Section 222 of this Act.

26 (c) Neither residence in this State nor filing of a

1 foreign order of protection, including, but not limited to, an
2 order of protection issued by a military judge or by a military
3 commander of the United States Armed Forces, shall be required
4 for enforcement of the order by this State. Failure to file the
5 foreign order shall not be an impediment to its treatment in
6 all respects as an Illinois order of protection.

7 (d) The clerk shall not charge a fee to file a foreign
8 order of protection under this Section.

9 (e) The sheriff shall inform the Illinois State Police as
10 set forth in Section 302 of this Act.

11 (Source: P.A. 102-538, eff. 8-20-21; 102-890, eff. 5-19-22;
12 103-407, eff. 7-28-23.)