



## 104TH GENERAL ASSEMBLY

### State of Illinois

2025 and 2026

HB2815

Introduced 2/6/2025, by Rep. Amy Elik

#### SYNOPSIS AS INTRODUCED:

720 ILCS 5/12-3.8  
720 ILCS 5/12-3.9  
740 ILCS 21/125  
740 ILCS 22/219

Amends the Stalking No Contact Order Act and the Civil No Contact Order Act. Removes language providing that a knowing violation of a stalking no contact order or civil no contact order is a Class A misdemeanor, and a second or subsequent violation of such orders is a Class 4 felony. Provides instead that: (1) violation of a stalking no contact order or civil no contact order is a Class A misdemeanor; (2) violation of a stalking no contact order or civil no contact order is a Class 4 felony if the defendant has any prior conviction of domestic battery or violation of an order of protection or any prior conviction under the law of another jurisdiction for an offense that could be charged in the State as domestic battery or violation of an order of protection; and (3) violation of a stalking no contact order or civil no contact order is a Class 4 felony if the defendant has any prior conviction of attempt, first degree murder, kidnapping, aggravated kidnapping, unlawful restraint, aggravated unlawful restraint, criminal sexual assault, aggravated criminal sexual assault, predatory criminal sexual assault of a child, aggravated criminal sexual abuse, aggravated battery, aggravated domestic battery, stalking, aggravated stalking, aggravated arson, aggravated discharge of a firearm, or aggravated battery of an unborn child, of a violation of any former law of the State that is substantially similar to any such listed offense, or any prior conviction under the law of another jurisdiction for an offense that could be charged in the State as one of such offenses, when any of these offenses have been committed against a family or household member. Provides that the court shall impose a minimum penalty of 24 hours imprisonment for the respondent's second or subsequent violation of any stalking no contact order or civil no contact order, unless the court explicitly finds that an increased penalty or such period of imprisonment would be manifestly unjust. Provides that in addition to any other penalties, the court may order the respondent to pay a fine or to make restitution to the victim under the Unified Code of Corrections. Makes same changes to the Criminal Code of 2012.

LRB104 08711 JRC 18765 b

A BILL FOR

1 AN ACT concerning domestic violence.

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 2012 is amended by  
5 changing Sections 12-3.8 and 12-3.9 as follows:

6 (720 ILCS 5/12-3.8)

7 Sec. 12-3.8. Violation of a civil no contact order.

8 (a) A person commits violation of a civil no contact order  
9 if:

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

13 (A) a remedy of a valid civil no contact order  
14 authorized under Section 213 of the Civil No Contact  
15 Order Act or Section 112A-14.5 of the Code of Criminal  
16 Procedure of 1963; or

17 (B) a remedy, which is substantially similar to  
18 the remedies authorized under Section 213 of the Civil  
19 No Contact Order Act or Section 112A-14.5 of the Code  
20 of Criminal Procedure of 1963, or in a valid civil no  
21 contact order, which is authorized under the laws of  
22 another state, tribe, or United States territory; and

23 (2) the violation occurs after the offender has been

1 served notice of the contents of the order under the Civil  
2 No Contact Order Act, Article 112A of the Code of Criminal  
3 Procedure of 1963, or any substantially similar statute of  
4 another state, tribe, or United States territory, or  
5 otherwise has acquired actual knowledge of the contents of  
6 the order.

7 A civil no contact order issued by a state, tribal, or  
8 territorial court shall be deemed valid if the issuing court  
9 had jurisdiction over the parties and matter under the law of  
10 the state, tribe, or territory. There shall be a presumption  
11 of validity when an order is certified and appears authentic  
12 on its face.

13 (a-3) For purposes of this Section, a "civil no contact  
14 order" may have been issued in a criminal or civil proceeding.

15 (a-5) Failure to provide reasonable notice and opportunity  
16 to be heard shall be an affirmative defense to any charge or  
17 process filed seeking enforcement of a foreign civil no  
18 contact order.

19 (b) Prosecution for a violation of a civil no contact  
20 order shall not bar a concurrent prosecution for any other  
21 crime, including any crime that may have been committed at the  
22 time of the violation of the civil no contact order.

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

26 (d) A defendant who directed the actions of a third party

1 to violate this Section, under the principles of  
2 accountability set forth in Article 5 of this Code, is guilty  
3 of violating this Section as if the same had been personally  
4 done by the defendant, without regard to the mental state of  
5 the third party acting at the direction of the defendant.

6 (e) Sentence. Violation of a civil no contact order is a  
7 Class A misdemeanor. Violation of a civil no contact order is a  
8 Class 4 felony if the defendant has any prior conviction under  
9 Section 12-3.2 or 12-3.4 or any prior conviction under the law  
10 of another jurisdiction for an offense that could be charged  
11 in this State as domestic battery or violation of an order of  
12 protection. Violation of a civil no contact order is a Class 4  
13 felony if the defendant has any prior conviction under Section  
14 8-4, 9-1, 10-1, 10-2, 10-3, 10-3.1, 11-1.20, 11-1.30, 11-1.40,  
15 11-1.60, 12-3.05, 12-3.3, 12-7.3, 12-7.4, 20-1.1, or 24-1.2 or  
16 subsection (a-5) of Section 12-3.1, of a violation of any  
17 former law of this State that is substantially similar to any  
18 listed offense, or any prior conviction under the law of  
19 another jurisdiction for an offense that could be charged in  
20 this State as one of the offenses listed in this Section, when  
21 any of these offenses have been committed against a family or  
22 household member as defined in Section 112A-3 of the Code of  
23 Criminal Procedure of 1963. The court shall impose a minimum  
24 penalty of 24 hours imprisonment for the respondent's second  
25 or subsequent violation of any civil no contact order, unless  
26 the court explicitly finds that an increased penalty or such

1 period of imprisonment would be manifestly unjust. In addition  
2 to any other penalties, the court may order the respondent to  
3 pay a fine as authorized under Section 5-9-1 of the Unified  
4 Code of Corrections or to make restitution to the victim under  
5 Section 5-5-6 of the Unified Code of Corrections. A violation  
6 ~~of a civil no contact order is a Class A misdemeanor for a~~  
7 ~~first violation, and a Class 4 felony for a second or~~  
8 ~~subsequent violation.~~

9 (Source: P.A. 100-199, eff. 1-1-18.)

10 (720 ILCS 5/12-3.9)

11 Sec. 12-3.9. Violation of a stalking no contact order.

12 (a) A person commits violation of a stalking no contact  
13 order if:

14 (1) he or she knowingly commits an act which was  
15 prohibited by a court or fails to commit an act which was  
16 ordered by a court in violation of:

17 (A) a remedy in a valid stalking no contact order  
18 of protection authorized under Section 80 of the  
19 Stalking No Contact Order Act or Section 112A-14.7 of  
20 the Code of Criminal Procedure of 1963; or

21 (B) a remedy, which is substantially similar to  
22 the remedies authorized under Section 80 of the  
23 Stalking No Contact Order Act or Section 112A-14.7 of  
24 the Code of Criminal Procedure of 1963, or in a valid  
25 stalking no contact order, which is authorized under

1           the laws of another state, tribe, or United States  
2           territory; and

3           (2) the violation occurs after the offender has been  
4           served notice of the contents of the order, under the  
5           Stalking No Contact Order Act, Article 112A of the Code of  
6           Criminal Procedure of 1963, or any substantially similar  
7           statute of another state, tribe, or United States  
8           territory, or otherwise has acquired actual knowledge of  
9           the contents of the order.

10          A stalking no contact order issued by a state, tribal, or  
11          territorial court shall be deemed valid if the issuing court  
12          had jurisdiction over the parties and matter under the law of  
13          the state, tribe, or territory. There shall be a presumption  
14          of validity when an order is certified and appears authentic  
15          on its face.

16          (a-3) For purposes of this Section, a "stalking no contact  
17          order" may have been issued in a criminal or civil proceeding.

18          (a-5) Failure to provide reasonable notice and opportunity  
19          to be heard shall be an affirmative defense to any charge or  
20          process filed seeking enforcement of a foreign stalking no  
21          contact order.

22          (b) Prosecution for a violation of a stalking no contact  
23          order shall not bar a concurrent prosecution for any other  
24          crime, including any crime that may have been committed at the  
25          time of the violation of the civil no contact order.

26          (c) Nothing in this Section shall be construed to diminish

1 the inherent authority of the courts to enforce their lawful  
2 orders through civil or criminal contempt proceedings.

3 (d) A defendant who directed the actions of a third party  
4 to violate this Section, under the principles of  
5 accountability set forth in Article 5 of this Code, is guilty  
6 of violating this Section as if the same had been personally  
7 done by the defendant, without regard to the mental state of  
8 the third party acting at the direction of the defendant.

9 (e) Sentence. Violation of a stalking no contact order is  
10 a Class A misdemeanor. Violation of a stalking no contact  
11 order is a Class 4 felony if the defendant has any prior  
12 conviction under Section 12-3.2 or 12-3.4 or any prior  
13 conviction under the law of another jurisdiction for an  
14 offense that could be charged in this State as domestic  
15 battery or violation of an order of protection. Violation of a  
16 stalking no contact order is a Class 4 felony if the defendant  
17 has any prior conviction under Section 8-4, 9-1, 10-1, 10-2,  
18 10-3, 10-3.1, 11-1.20, 11-1.30, 11-1.40, 11-1.60, 12-3.05,  
19 12-3.3, 12-7.3, 12-7.4, 20-1.1, or 24-1.2 or subsection (a-5)  
20 of Section 12-3.1, of a violation of any former law of this  
21 State that is substantially similar to any listed offense, or  
22 any prior conviction under the law of another jurisdiction for  
23 an offense that could be charged in this State as one of the  
24 offenses listed in this Section, when any of these offenses  
25 have been committed against a family or household member as  
26 defined in Section 112A-3 of the Code of Criminal Procedure of

1 1963. The court shall impose a minimum penalty of 24 hours  
2 imprisonment for the respondent's second or subsequent  
3 violation of any stalking no contact order, unless the court  
4 explicitly finds that an increased penalty or such period of  
5 imprisonment would be manifestly unjust. In addition to any  
6 other penalties, the court may order the respondent to pay a  
7 fine as authorized under Section 5-9-1 of the Unified Code of  
8 Corrections or to make restitution to the victim under Section  
9 5-5-6 of the Unified Code of Corrections. ~~A violation of a~~  
10 ~~stalking no contact order is a Class A misdemeanor for a first~~  
11 ~~violation, and a Class 4 felony for a second or subsequent~~  
12 ~~violation.~~

13 (Source: P.A. 100-199, eff. 1-1-18.)

14 Section 10. The Stalking No Contact Order Act is amended  
15 by changing Section 125 as follows:

16 (740 ILCS 21/125)

17 Sec. 125. Violation. Violation of a stalking no contact  
18 order is a Class A misdemeanor. Violation of a stalking no  
19 contact order is a Class 4 felony if the defendant has any  
20 prior conviction under Section 12-3.2 or 12-3.4 of the  
21 Criminal Code of 2012 or any prior conviction under the law of  
22 another jurisdiction for an offense that could be charged in  
23 this State as domestic battery or violation of an order of  
24 protection. Violation of a stalking no contact order is a

1 Class 4 felony if the defendant has any prior conviction under  
2 Section 8-4, 9-1, 10-1, 10-2, 10-3, 10-3.1, 11-1.20, 11-1.30,  
3 11-1.40, 11-1.60, 12-3.05, 12-3.3, 12-7.3, 12-7.4, 20-1.1, or  
4 24-1.2 or subsection (a-5) of Section 12-3.1 of the Criminal  
5 Code of 2012, of a violation of any former law of this State  
6 that is substantially similar to any listed offense, or any  
7 prior conviction under the law of another jurisdiction for an  
8 offense that could be charged in this State as one of the  
9 offenses listed in this Section, when any of these offenses  
10 have been committed against a family or household member as  
11 defined in Section 112A-3 of the Code of Criminal Procedure of  
12 1963. The court shall impose a minimum penalty of 24 hours  
13 imprisonment for the respondent's second or subsequent  
14 violation of any stalking no contact order, unless the court  
15 explicitly finds that an increased penalty or such period of  
16 imprisonment would be manifestly unjust. In addition to any  
17 other penalties, the court may order the respondent to pay a  
18 fine as authorized under Section 5-9-1 of the Unified Code of  
19 Corrections or to make restitution to the victim under Section  
20 5-5-6 of the Unified Code of Corrections.

21 ~~An initial knowing violation of a stalking no contact order is~~  
22 ~~a Class A misdemeanor. A second or subsequent knowing~~  
23 ~~violation is a Class 4 felony.~~

24 (Source: P.A. 96-246, eff. 1-1-10.)

25 Section 15. The Civil No Contact Order Act is amended by

1 changing Section 219 as follows:

2 (740 ILCS 22/219)

3 Sec. 219. Violation. Violation of a civil no contact order  
4 is a Class A misdemeanor. Violation of a civil no contact order  
5 is a Class 4 felony if the defendant has any prior conviction  
6 under Section 12-3.2 or 12-3.4 of the Criminal Code of 2012 or  
7 any prior conviction under the law of another jurisdiction for  
8 an offense that could be charged in this State as domestic  
9 battery or violation of an order of protection. Violation of a  
10 civil no contact order is a Class 4 felony if the defendant has  
11 any prior conviction under Section 8-4, 9-1, 10-1, 10-2, 10-3,  
12 10-3.1, 11-1.20, 11-1.30, 11-1.40, 11-1.60, 12-3.05, 12-3.3,  
13 12-4, 12-4.3, 12-4.4, 12-4.6, 12-7.3, 12-7.4, 12-13, 12-14,  
14 12-14.1, 12-16, 20-1.1, or 24-1.2 or subsection (a-5) of  
15 Section 12-3.1 of the Criminal Code of 2012, of a violation of  
16 any former law of this State that is substantially similar to  
17 any listed offense, or any prior conviction under the law of  
18 another jurisdiction for an offense that could be charged in  
19 this State as one of the offenses listed in this Section, when  
20 any of these offenses have been committed against a family or  
21 household member as defined in Section 112A-3 of the Code of  
22 Criminal Procedure of 1963. The court shall impose a minimum  
23 penalty of 24 hours imprisonment for the respondent's second  
24 or subsequent violation of any civil no contact order, unless  
25 the court explicitly finds that an increased penalty or such

1 period of imprisonment would be manifestly unjust. In addition  
2 to any other penalties, the court may order the respondent to  
3 pay a fine as authorized under Section 5-9-1 of the Unified  
4 Code of Corrections or to make restitution to the victim under  
5 Section 5-5-6 of the Unified Code of Corrections.

6 ~~A knowing violation of a civil no contact order is a Class A~~  
7 ~~misdemeanor. A second or subsequent violation is a Class 4~~  
8 ~~felony.~~

9 (Source: P.A. 93-236, eff. 1-1-04.)