



Sen. John F. Curran

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10400HB3281sam001

LRB104 10429 JRC 26214 a

1 AMENDMENT TO HOUSE BILL 3281

2 AMENDMENT NO. _____. Amend House Bill 3281 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Domestic Violence Act of 1986 is
5 amended by changing Section 304 as follows:

6 (750 ILCS 60/304) (from Ch. 40, par. 2313-4)

7 Sec. 304. Assistance by law enforcement officers.

8 (a) Whenever a law enforcement officer has reason to
9 believe that a person has been abused, neglected, or exploited
10 by a family or household member, the officer shall immediately
11 use all reasonable means to prevent further abuse, neglect, or
12 exploitation, including:

13 (1) Arresting the abusing, neglecting, and exploiting
14 party, if where appropriate. However, if the alleged
15 offender is a juvenile, then the officer, based on the
16 totality of the circumstances and using the Adolescent

1 Domestic Battery Typology Tool, may choose not to arrest
2 the juvenile and instead may divert the juvenile or may
3 assist the juvenile and the juvenile's family in finding
4 alternative placement. In any situation in which law
5 enforcement does not make an arrest under this Act, the
6 officer shall forward the report of the incident to the
7 State's Attorney's office for review;

8 (2) If there is probable cause to believe that
9 particular weapons were used to commit the incident of
10 abuse, subject to constitutional limitations, seizing and
11 taking inventory of the weapons;

12 (3) Accompanying the victim of abuse, neglect, or
13 exploitation to his or her place of residence for a
14 reasonable period of time to remove necessary personal
15 belongings and possessions;

16 (4) Offering the victim of abuse, neglect, or
17 exploitation immediate and adequate information (written
18 in a language appropriate for the victim or in Braille or
19 communicated in appropriate sign language), which shall
20 include a summary of the procedures and relief available
21 to victims of abuse under subsection (c) of Section 217
22 and the officer's name and badge number;

23 (5) Providing the victim with one referral to an
24 accessible service agency;

25 (6) Advising the victim of abuse about seeking medical
26 attention and preserving evidence (specifically including

1 photographs of injury or damage and damaged clothing or
2 other property); and

3 (7) Providing or arranging accessible transportation
4 for the victim of abuse (and, at the victim's request, any
5 minors or dependents in the victim's care) to a medical
6 facility for treatment of injuries or to a nearby place of
7 shelter or safety; or, after the close of court business
8 hours, providing or arranging for transportation for the
9 victim (and, at the victim's request, any minors or
10 dependents in the victim's care) to the nearest available
11 circuit judge or associate judge so the victim may file a
12 petition for an emergency order of protection under
13 subsection (c) of Section 217. When a victim of abuse
14 chooses to leave the scene of the offense, it shall be
15 presumed that it is in the best interests of any minors or
16 dependents in the victim's care to remain with the victim
17 or a person designated by the victim, rather than to
18 remain with the abusing party.

19 (b) Whenever a law enforcement officer does not exercise
20 arrest powers or otherwise initiate criminal proceedings, the
21 officer shall:

22 (1) Make a police report of the investigation of any
23 bona fide allegation of an incident of abuse, neglect, or
24 exploitation and the disposition of the investigation, in
25 accordance with subsection (a) of Section 303;

26 (2) Inform the victim of abuse neglect, or

1 exploitation of the victim's right to request that a
2 criminal proceeding be initiated where appropriate,
3 including specific times and places for meeting with the
4 State's Attorney's office, a warrant officer, or other
5 official in accordance with local procedure; and

6 (3) Advise the victim of the importance of seeking
7 medical attention and preserving evidence (specifically
8 including photographs of injury or damage and damaged
9 clothing or other property).

10 (c) Except as provided by Section 24-6 of the Criminal
11 Code of 2012 or under a court order, any weapon seized under
12 subsection (a)(2) shall be returned forthwith to the person
13 from whom it was seized when it is no longer needed for
14 evidentiary purposes.

15 (Source: P.A. 97-1150, eff. 1-25-13.)

16 Section 99. Effective date. This Act takes effect 90 days
17 after becoming law."