



Rep. Sharon Chung

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10400HB3463ham001

LRB104 08078 JRC 23119 a

1 AMENDMENT TO HOUSE BILL 3463

2 AMENDMENT NO. _____. Amend House Bill 3463 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Code of Criminal Procedure of 1963 is
5 amended by changing Section 112A-11.5 as follows:

6 (725 ILCS 5/112A-11.5)

7 Sec. 112A-11.5. Issuance of protective order.

8 (a) Except as provided in subsection (a-5) of this
9 Section, the court shall grant the petition and enter a
10 protective order if the court finds prima facie evidence that
11 a crime involving domestic violence, a sexual offense, or a
12 crime involving stalking has been committed. The following
13 shall be considered prima facie evidence of the crime:

14 (1) an information, complaint, indictment, or
15 delinquency petition, charging a crime of domestic
16 violence, a sexual offense, or stalking or charging an

1 attempt to commit a crime of domestic violence, a sexual
2 offense, or stalking;

3 (2) an adjudication of delinquency, a finding of guilt
4 based upon a plea, or a finding of guilt after a trial for
5 a crime of domestic battery, a sexual crime, or stalking
6 or an attempt to commit a crime of domestic violence, a
7 sexual offense, or stalking;

8 (3) any dispositional order issued under Section 5-710
9 of the Juvenile Court Act of 1987, the imposition of
10 supervision, conditional discharge, probation, periodic
11 imprisonment, parole, aftercare release, or mandatory
12 supervised release for a crime of domestic violence, a
13 sexual offense, or stalking or an attempt to commit a
14 crime of domestic violence, a sexual offense, or stalking,
15 or imprisonment in conjunction with a bond forfeiture
16 warrant; or

17 (4) the entry of a protective order in a separate
18 civil case brought by the petitioner against the
19 respondent.

20 (a-5) The respondent may rebut prima facie evidence of the
21 crime under paragraph (1) of subsection (a) of this Section by
22 presenting evidence of a meritorious defense. The respondent
23 shall file a written notice alleging a meritorious defense
24 which shall be verified and supported by affidavit. The
25 verified notice and affidavit shall set forth the evidence
26 that will be presented at a hearing. If the court finds that

1 the evidence presented at the hearing establishes a
2 meritorious defense by a preponderance of the evidence, the
3 court may decide not to issue a protective order.

4 (b) The petitioner shall not be denied a protective order
5 because the petitioner or the respondent is a minor.

6 (c) The court, when determining whether or not to issue a
7 protective order, may not require physical injury on the
8 person of the victim.

9 (d) If the court issues a final protective order under
10 this Section, the court shall afford the petitioner and
11 respondent an opportunity to be heard on the remedies
12 requested in the petition.

13 (e) If the court issues any protective order authorized
14 under Section 112A-2.5 of this Article affecting a child who
15 is a protected person under the protective order, the court
16 must inquire during the hearing if the petitioner wishes for
17 the order to be sent or not be sent to the school or daycare
18 under Section 112A-22.

19 (Source: P.A. 100-199, eff. 1-1-18; 100-597, eff. 6-29-18.)

20 Section 10. The Illinois Domestic Violence Act of 1986 is
21 amended by changing Section 222 as follows:

22 (750 ILCS 60/222) (from Ch. 40, par. 2312-22)

23 (Text of Section before amendment by P.A. 103-1065)

24 Sec. 222. Notice of orders.

1 (a) Entry and issuance. Upon issuance of any order of
2 protection, the clerk shall immediately (i) enter the order on
3 the record and file it in accordance with the circuit court
4 procedures and (ii) provide a file stamped copy of the order to
5 respondent, if present, and to petitioner.

6 (b) Filing with sheriff. The clerk of the issuing judge
7 shall, or the petitioner may, on the same day that an order of
8 protection is issued, file a certified copy of that order with
9 the sheriff or other law enforcement officials charged with
10 maintaining Illinois State Police records or charged with
11 serving the order upon respondent. If the respondent, at the
12 time of the issuance of the order, is committed to the custody
13 of the Illinois Department of Corrections or Illinois
14 Department of Juvenile Justice or is on parole, aftercare
15 release, or mandatory supervised release, the sheriff or other
16 law enforcement officials charged with maintaining Illinois
17 State Police records shall notify the Department of
18 Corrections or Department of Juvenile Justice within 48 hours
19 of receipt of a copy of the order of protection from the clerk
20 of the issuing judge or the petitioner. Such notice shall
21 include the name of the respondent, the respondent's IDOC
22 inmate number or IDJJ youth identification number, the
23 respondent's date of birth, and the LEADS Record Index Number.

24 (c) Service by sheriff. Unless respondent was present in
25 court when the order was issued, the sheriff, other law
26 enforcement official or special process server shall promptly

1 serve that order upon respondent and file proof of such
2 service, in the manner provided for service of process in
3 civil proceedings. Instead of serving the order upon the
4 respondent, however, the sheriff, other law enforcement
5 official, special process server, or other persons defined in
6 Section 222.10 may serve the respondent with a short form
7 notification as provided in Section 222.10. If process has not
8 yet been served upon the respondent, it shall be served with
9 the order or short form notification if such service is made by
10 the sheriff, other law enforcement official, or special
11 process server. A single fee may be charged for service of an
12 order obtained in civil court, or for service of such an order
13 together with process, unless waived or deferred under Section
14 210.

15 (c-5) If the person against whom the order of protection
16 is issued is arrested and the written order is issued in
17 accordance with subsection (c) of Section 217 and received by
18 the custodial law enforcement agency before the respondent or
19 arrestee is released from custody, the custodial law
20 enforcement agent shall promptly serve the order upon the
21 respondent or arrestee before the respondent or arrestee is
22 released from custody. In no event shall detention of the
23 respondent or arrestee be extended for hearing on the petition
24 for order of protection or receipt of the order issued under
25 Section 217 of this Act.

26 (d) Extensions, modifications and revocations. Any order

1 extending, modifying or revoking any order of protection shall
2 be promptly recorded, issued and served as provided in this
3 Section.

4 (e) Notice to schools. Upon the request of the petitioner,
5 within 24 hours of the issuance of an order of protection, the
6 clerk of the issuing judge shall send a certified copy of the
7 order of protection to the day-care facility, pre-school or
8 pre-kindergarten, or private school or the principal office of
9 the public school district or any college or university in
10 which any child who is a protected person under the order of
11 protection or any child of the petitioner is enrolled as
12 requested by the petitioner at the mailing address provided by
13 the petitioner. If the child transfers enrollment to another
14 day-care facility, pre-school, pre-kindergarten, private
15 school, public school, college, or university, the petitioner
16 may, within 24 hours of the transfer, send to the clerk written
17 notice of the transfer, including the name and address of the
18 institution to which the child is transferring. Within 24
19 hours of receipt of notice from the petitioner that a child is
20 transferring to another day-care facility, pre-school,
21 pre-kindergarten, private school, public school, college, or
22 university, the clerk shall send a certified copy of the order
23 to the institution to which the child is transferring.

24 (f) Disclosure by schools. After receiving a certified
25 copy of an order of protection that prohibits a respondent's
26 access to records, neither a day-care facility, pre-school,

1 pre-kindergarten, public or private school, college, or
2 university nor its employees shall allow a respondent access
3 to a protected child's records or release information in those
4 records to the respondent. The school shall file the copy of
5 the order of protection in the records of a child who is a
6 protected person under the order of protection. When a child
7 who is a protected person under the order of protection
8 transfers to another day-care facility, pre-school,
9 pre-kindergarten, public or private school, college, or
10 university, the institution from which the child is
11 transferring may, at the request of the petitioner, provide,
12 within 24 hours of the transfer, written notice of the order of
13 protection, along with a certified copy of the order, to the
14 institution to which the child is transferring.

15 (g) Notice to health care facilities and health care
16 practitioners. Upon the request of the petitioner, the clerk
17 of the circuit court shall send a certified copy of the order
18 of protection to any specified health care facility or health
19 care practitioner requested by the petitioner at the mailing
20 address provided by the petitioner.

21 (h) Disclosure by health care facilities and health care
22 practitioners. After receiving a certified copy of an order of
23 protection that prohibits a respondent's access to records, no
24 health care facility or health care practitioner shall allow a
25 respondent access to the records of any child who is a
26 protected person under the order of protection, or release

1 information in those records to the respondent, unless the
2 order has expired or the respondent shows a certified copy of
3 the court order vacating the corresponding order of protection
4 that was sent to the health care facility or practitioner.
5 Nothing in this Section shall be construed to require health
6 care facilities or health care practitioners to alter
7 procedures related to billing and payment. The health care
8 facility or health care practitioner may file the copy of the
9 order of protection in the records of a child who is a
10 protected person under the order of protection, or may employ
11 any other method to identify the records to which a respondent
12 is prohibited access. No health care facility or health care
13 practitioner shall be civilly or professionally liable for
14 reliance on a copy of an order of protection, except for
15 willful and wanton misconduct.

16 (Source: P.A. 101-508, eff. 1-1-20; 102-538, eff. 8-20-21.)

17 (Text of Section after amendment by P.A. 103-1065)

18 Sec. 222. Notice of orders.

19 (a) Entry and issuance. Before a court issues any
20 protective order authorized under this Act affecting a child
21 who is a protected person under the protective order, the
22 court must inquire during the hearing if the petitioner wishes
23 for the order to be sent or not be sent to the school or
24 daycare under this Section. Upon issuance of any order of
25 protection, the clerk shall immediately (i) enter the order on

1 the record and file it in accordance with the circuit court
2 procedures and (ii) provide a file stamped copy of the order to
3 respondent, if present, and to petitioner.

4 (b) Filing with sheriff or other law enforcement
5 officials. The clerk of the issuing judge shall, or the
6 petitioner may, on the same day that an order of protection is
7 issued, file a certified copy of that order with the sheriff or
8 other law enforcement officials charged with maintaining
9 Illinois State Police records or charged with serving the
10 order upon respondent or executing any search warrant issued
11 under paragraph (14.5) of subsection (b) of Section 214 of
12 this Act. If a search warrant is issued under paragraph (14.5)
13 of subsection (b) of Section 214 of this Act, the clerk of the
14 issuing judge shall, or the petitioner may, on the same day
15 that the warrant is issued, transmit the warrant to the law
16 enforcement agency to which the warrant is directed. If the
17 respondent, at the time of the issuance of the order, is
18 committed to the custody of the Illinois Department of
19 Corrections or Illinois Department of Juvenile Justice or is
20 on parole, aftercare release, or mandatory supervised release,
21 the sheriff or other law enforcement officials charged with
22 maintaining Illinois State Police records shall notify the
23 Department of Corrections or Department of Juvenile Justice
24 within 48 hours of receipt of a copy of the order of protection
25 from the clerk of the issuing judge or the petitioner. Such
26 notice shall include the name of the respondent, the

1 respondent's IDOC inmate number or IDJJ youth identification
2 number, the respondent's date of birth, and the LEADS Record
3 Index Number.

4 (c) Service by sheriff. Unless respondent was present in
5 court when the order was issued, the sheriff, other law
6 enforcement official or special process server shall promptly
7 serve that order upon respondent and file proof of such
8 service, in the manner provided for service of process in
9 civil proceedings. Instead of serving the order upon the
10 respondent, however, the sheriff, other law enforcement
11 official, special process server, or other persons defined in
12 Section 222.10 may serve the respondent with a short form
13 notification as provided in Section 222.10. If process has not
14 yet been served upon the respondent, it shall be served with
15 the order or short form notification if such service is made by
16 the sheriff, other law enforcement official, or special
17 process server. A single fee may be charged for service of an
18 order obtained in civil court, or for service of such an order
19 together with process, unless waived or deferred under Section
20 210.

21 (c-5) If the person against whom the order of protection
22 is issued is arrested and the written order is issued in
23 accordance with subsection (c) of Section 217 and received by
24 the custodial law enforcement agency before the respondent or
25 arrestee is released from custody, the custodial law
26 enforcement agent shall promptly serve the order upon the

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3 respondent or arrestee be extended for hearing on the petition
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7 extending, modifying or revoking any order of protection shall
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11 within 24 hours of the issuance of an order of protection, the
12 clerk of the issuing judge shall send a certified copy of the
13 order of protection to the day-care facility, pre-school or
14 pre-kindergarten, or private school or the principal office of
15 the public school district or any college or university in
16 which any child who is a protected person under the order of
17 protection or any child of the petitioner is enrolled as
18 requested by the petitioner at the mailing address provided by
19 the petitioner. If the child transfers enrollment to another
20 day-care facility, pre-school, pre-kindergarten, private
21 school, public school, college, or university, the petitioner
22 may, within 24 hours of the transfer, send to the clerk written
23 notice of the transfer, including the name and address of the
24 institution to which the child is transferring. Within 24
25 hours of receipt of notice from the petitioner that a child is
26 transferring to another day-care facility, pre-school,

1 pre-kindergarten, private school, public school, college, or
2 university, the clerk shall send a certified copy of the order
3 to the institution to which the child is transferring.

4 (f) Disclosure by schools. After receiving a certified
5 copy of an order of protection that prohibits a respondent's
6 access to records, neither a day-care facility, pre-school,
7 pre-kindergarten, public or private school, college, or
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9 to a protected child's records or release information in those
10 records to the respondent. The school shall file the copy of
11 the order of protection in the records of a child who is a
12 protected person under the order of protection. When a child
13 who is a protected person under the order of protection
14 transfers to another day-care facility, pre-school,
15 pre-kindergarten, public or private school, college, or
16 university, the institution from which the child is
17 transferring may, at the request of the petitioner, provide,
18 within 24 hours of the transfer, written notice of the order of
19 protection, along with a certified copy of the order, to the
20 institution to which the child is transferring.

21 (g) Notice to health care facilities and health care
22 practitioners. Upon the request of the petitioner, the clerk
23 of the circuit court shall send a certified copy of the order
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26 address provided by the petitioner.

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8 order has expired or the respondent shows a certified copy of
9 the court order vacating the corresponding order of protection
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17 any other method to identify the records to which a respondent
18 is prohibited access. No health care facility or health care
19 practitioner shall be civilly or professionally liable for
20 reliance on a copy of an order of protection, except for
21 willful and wanton misconduct.

22 (Source: P.A. 102-538, eff. 8-20-21; 103-1065, eff. 5-11-25.)

23 Section 95. No acceleration or delay. Where this Act makes
24 changes in a statute that is represented in this Act by text
25 that is not yet or no longer in effect (for example, a Section

1 represented by multiple versions), the use of that text does
2 not accelerate or delay the taking effect of (i) the changes
3 made by this Act or (ii) provisions derived from any other
4 Public Act.".