

SB2734



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

SB2734

Introduced 10/28/2025, by Sen. Julie A. Morrison

SYNOPSIS AS INTRODUCED:

750 ILCS 60/304

from Ch. 40, par. 2313-4

Amends the Illinois Domestic Violence Act of 1986. Requires a law enforcement officer to complete the intimate partner violence risk and lethality assessment instrument if the officer has a reasonable belief that a person has been abused, neglected, or exploited by a family or household member.

LRB104 16021 JRC 29279 b

A BILL FOR

1 AN ACT concerning civil law.

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

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 (Text of Section before amendment by P.A. 104-290)

8 Sec. 304. Assistance by law enforcement officers.

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

14 (1) Arresting the abusing, neglecting and exploiting
15 party, where appropriate;

16 (2) If there is probable cause to believe that
17 particular weapons were used to commit the incident of
18 abuse, subject to constitutional limitations, seizing and
19 taking inventory of the weapons;

20 (3) Accompanying the victim of abuse, neglect, or
21 exploitation to his or her place of residence for a
22 reasonable period of time to remove necessary personal
23 belongings and possessions;

1 (4) Offering the victim of abuse, neglect, or
2 exploitation immediate and adequate information (written
3 in a language appropriate for the victim or in Braille or
4 communicated in appropriate sign language), which shall
5 include a summary of the procedures and relief available
6 to victims of abuse under subsection (c) of Section 217
7 and the officer's name and badge number;

8 (5) Providing the victim with one referral to an
9 accessible service agency;

10 (6) Advising the victim of abuse about seeking medical
11 attention and preserving evidence (specifically including
12 photographs of injury or damage and damaged clothing or
13 other property); and

14 (7) Providing or arranging accessible transportation
15 for the victim of abuse (and, at the victim's request, any
16 minors or dependents in the victim's care) to a medical
17 facility for treatment of injuries or to a nearby place of
18 shelter or safety; or, after the close of court business
19 hours, providing or arranging for transportation for the
20 victim (and, at the victim's request, any minors or
21 dependents in the victim's care) to the nearest available
22 circuit judge or associate judge so the victim may file a
23 petition for an emergency order of protection under
24 subsection (c) of Section 217. When a victim of abuse
25 chooses to leave the scene of the offense, it shall be
26 presumed that it is in the best interests of any minors or

1 dependents in the victim's care to remain with the victim
2 or a person designated by the victim, rather than to
3 remain with the abusing party.

4 (b) Whenever a law enforcement officer does not exercise
5 arrest powers or otherwise initiate criminal proceedings, the
6 officer shall:

7 (1) Make a police report of the investigation of any
8 bona fide allegation of an incident of abuse, neglect, or
9 exploitation and the disposition of the investigation, in
10 accordance with subsection (a) of Section 303;

11 (2) Inform the victim of abuse neglect, or
12 exploitation of the victim's right to request that a
13 criminal proceeding be initiated where appropriate,
14 including specific times and places for meeting with the
15 State's Attorney's office, a warrant officer, or other
16 official in accordance with local procedure; and

17 (3) Advise the victim of the importance of seeking
18 medical attention and preserving evidence (specifically
19 including photographs of injury or damage and damaged
20 clothing or other property).

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

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

1 (Text of Section after amendment by P.A. 104-290)

2 Sec. 304. Assistance by law enforcement officers.

3 (a) Whenever a law enforcement officer has reason to
4 believe that a person has been abused, neglected, or exploited
5 by a family or household member, the officer shall immediately
6 use all reasonable means to prevent further abuse, neglect, or
7 exploitation, including:

8 (1) Arresting the abusing, neglecting, and exploiting
9 party, if appropriate. However, if the alleged offender is
10 a juvenile, then the officer, based on the totality of the
11 circumstances and using the Adolescent Domestic Battery
12 Typology Tool, may choose not to arrest the juvenile and
13 instead may divert the juvenile or may assist the juvenile
14 and the juvenile's family in finding alternative
15 placement. In any situation in which law enforcement does
16 not make an arrest under this Act, the officer shall
17 forward the report of the incident to the State's
18 Attorney's office for review;

19 (2) If there is probable cause to believe that
20 particular weapons were used to commit the incident of
21 abuse, subject to constitutional limitations, seizing and
22 taking inventory of the weapons;

23 (3) Accompanying the victim of abuse, neglect, or
24 exploitation to his or her place of residence for a
25 reasonable period of time to remove necessary personal

1 belongings and possessions;

2 (3.5) complete the intimate partner violence risk and
3 lethality assessment instrument;

4 (4) Offering the victim of abuse, neglect, or
5 exploitation immediate and adequate information (written
6 in a language appropriate for the victim or in Braille or
7 communicated in appropriate sign language), which shall
8 include a summary of the procedures and relief available
9 to victims of abuse under subsection (c) of Section 217
10 and the officer's name and badge number;

11 (5) Providing the victim with one referral to an
12 accessible service agency;

13 (6) Advising the victim of abuse about seeking medical
14 attention and preserving evidence (specifically including
15 photographs of injury or damage and damaged clothing or
16 other property); and

17 (7) Providing or arranging accessible transportation
18 for the victim of abuse (and, at the victim's request, any
19 minors or dependents in the victim's care) to a medical
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21 shelter or safety; or, after the close of court business
22 hours, providing or arranging for transportation for the
23 victim (and, at the victim's request, any minors or
24 dependents in the victim's care) to the nearest available
25 circuit judge or associate judge so the victim may file a
26 petition for an emergency order of protection under

1 subsection (c) of Section 217. When a victim of abuse
2 chooses to leave the scene of the offense, it shall be
3 presumed that it is in the best interests of any minors or
4 dependents in the victim's care to remain with the victim
5 or a person designated by the victim, rather than to
6 remain with the abusing party.

7 (b) Whenever a law enforcement officer does not exercise
8 arrest powers or otherwise initiate criminal proceedings, the
9 officer shall:

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11 bona fide allegation of an incident of abuse, neglect, or
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16 criminal proceeding be initiated where appropriate,
17 including specific times and places for meeting with the
18 State's Attorney's office, a warrant officer, or other
19 official in accordance with local procedure; and

20 (3) Advise the victim of the importance of seeking
21 medical attention and preserving evidence (specifically
22 including photographs of injury or damage and damaged
23 clothing or other property).

24 (c) Except as provided by Section 24-6 of the Criminal
25 Code of 2012 or under a court order, any weapon seized under
26 subsection (a) (2) shall be returned forthwith to the person

1 from whom it was seized when it is no longer needed for
2 evidentiary purposes.

3 (Source: P.A. 104-290, eff. 11-13-25.)

4 Section 95. No acceleration or delay. Where this Act makes
5 changes in a statute that is represented in this Act by text
6 that is not yet or no longer in effect (for example, a Section
7 represented by multiple versions), the use of that text does
8 not accelerate or delay the taking effect of (i) the changes
9 made by this Act or (ii) provisions derived from any other
10 Public Act.