

SB3935



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

SB3935

Introduced 2/6/2026, by Sen. Robert Peters

SYNOPSIS AS INTRODUCED:

725 ILCS 5/112A-11.5
750 ILCS 60/201

from Ch. 40, par. 2312-1

Amends the Code of Criminal Procedure of 1963. Provides that a petitioner may not be denied a protective order because the petitioner or the respondent is a minor or solely upon the basis that the respondent or petitioner is incarcerated in a penal institution at the time of the issuance of the order. Amends the Illinois Domestic Violence Act of 1986. Provides that a petition for an order of protection may be filed by: (i) a crime victim who was abused by an family or household member before the incarceration of the offender in a penal institution, and the offender is incarcerated in a penal institution at the time of the filing of the petition; or (ii) any person who has previously suffered abuse by a family or household member convicted of domestic battery, aggravated domestic battery, aggravated battery; any other offense that would constitute domestic violence; or a violent crime as defined in the Rights of Crime Victims and Witnesses Act committed against another person. Effective immediately.

LRB104 18060 JRC 31499 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 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
17 attempt to commit a crime of domestic violence, a sexual
18 offense, or stalking;

19 (2) an adjudication of delinquency, a finding of guilt
20 based upon a plea, or a finding of guilt after a trial for
21 a crime of domestic battery, a sexual crime, or stalking
22 or an attempt to commit a crime of domestic violence, a
23 sexual offense, or stalking;

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

10 (4) the entry of a protective order in a separate
11 civil case brought by the petitioner against the
12 respondent.

13 (a-5) The respondent may rebut prima facie evidence of the
14 crime under paragraph (1) of subsection (a) of this Section by
15 presenting evidence of a meritorious defense. The respondent
16 shall file a written notice alleging a meritorious defense
17 which shall be verified and supported by affidavit. The
18 verified notice and affidavit shall set forth the evidence
19 that will be presented at a hearing. If the court finds that
20 the evidence presented at the hearing establishes a
21 meritorious defense by a preponderance of the evidence, the
22 court may decide not to issue a protective order.

23 (b) The petitioner shall not be denied a protective order
24 because the petitioner or the respondent is a minor or solely
25 upon the basis that the respondent or petitioner is
26 incarcerated in a penal institution at the time of the

1 issuance of the order.

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

5 (d) If the court issues a final protective order under
6 this Section, the court shall afford the petitioner and
7 respondent an opportunity to be heard on the remedies
8 requested in the petition.

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

10 Section 10. The Illinois Domestic Violence Act of 1986 is
11 amended by changing Section 201 as follows:

12 (750 ILCS 60/201) (from Ch. 40, par. 2312-1)

13 Sec. 201. Persons protected by this Act.

14 (a) The following persons are protected by this Act:

15 (i) any person abused by a family or household member;

16 (ii) any high-risk adult with disabilities who is
17 abused, neglected, or exploited by a family or household
18 member;

19 (iii) any minor child or dependent adult in the care
20 of such person;

21 (iv) any person residing or employed at a private home
22 or public shelter which is housing an abused family or
23 household member; and

24 (v) any of the following persons if the person is

1 abused by a family or household member of a child:

2 (A) a foster parent of that child if the child has
3 been placed in the foster parent's home by the
4 Department of Children and Family Services or by
5 another state's public child welfare agency;

6 (B) a legally appointed guardian or legally
7 appointed custodian of that child;

8 (C) an adoptive parent of that child; or

9 (D) a prospective adoptive parent of that child if
10 the child has been placed in the prospective adoptive
11 parent's home pursuant to the Adoption Act or pursuant
12 to another state's law.

13 For purposes of this paragraph (a) (v), individuals who
14 would have been considered "family or household members"
15 of the child under subsection (6) of Section 103 of this
16 Act before a termination of the parental rights with
17 respect to the child continue to meet the definition of
18 "family or household members" of the child.

19 (b) A petition for an order of protection may be filed
20 only:

21 (i) by a person who has been abused by a family or
22 household member or by any person on behalf of a minor
23 child or an adult who has been abused by a family or
24 household member and who, because of age, health,
25 disability, or inaccessibility, cannot file the petition;

26 (ii) by any person on behalf of a high-risk adult with

1 disabilities who has been abused, neglected, or exploited
2 by a family or household member;

3 (iii) by any of the following persons if the person is
4 abused by a family or household member of a child:

5 (A) a foster parent of that child if the child has
6 been placed in the foster parent's home by the
7 Department of Children and Family Services or by
8 another state's public child welfare agency;

9 (B) a legally appointed guardian or legally
10 appointed custodian of that child;

11 (C) an adoptive parent of that child;

12 (D) a prospective adoptive parent of that child if
13 the child has been placed in the prospective adoptive
14 parent's home pursuant to the Adoption Act or pursuant
15 to another state's law.

16 For purposes of this paragraph (b)(iii), individuals
17 who would have been considered "family or household
18 members" of the child under subsection (6) of Section 103
19 of this Act before a termination of the parental rights
20 with respect to the child continue to meet the definition
21 of "family or household members" of the child;

22 (iv) by a crime victim who was abused by a family or
23 household member ~~an offender~~ prior to the incarceration of
24 the offender in a penal institution and such offender is
25 incarcerated in a penal institution at the time of the
26 filing of the petition; or

1 (v) by any person who has previously suffered abuse by
2 a family or household member ~~person~~ convicted of (1)
3 domestic battery, aggravated domestic battery, aggravated
4 battery, or any other offense that would constitute
5 domestic violence or (2) a violent crime, as defined in
6 Section 3 of the Rights of Crime Victims and Witnesses
7 Act, committed against another person.

8 A petition for an order of protection may not be denied
9 solely upon the basis that the respondent or petitioner is
10 incarcerated in a penal institution at the time of the filing
11 of the petition.

12 (c) Any petition properly filed under this Act may seek
13 protection for any additional persons protected by this Act.

14 (Source: P.A. 104-11, eff. 6-20-25.)

15 Section 99. Effective date. This Act takes effect upon
16 becoming law.