

# HB3718



## 100TH GENERAL ASSEMBLY

### State of Illinois

2017 and 2018

HB3718

by Rep. Elgie R. Sims, Jr.

#### SYNOPSIS AS INTRODUCED:

See Index

Amends the Code of Criminal Procedure of 1963. Revises and consolidates provisions regarding obtaining and issuing orders of protection, protective orders, and no contact orders. Repeals various provisions in the domestic violence order of protection provisions as part of the revision and consolidation. Creates a criminal offense for violation of a civil no contact order and for violation of a stalking no contact order. Makes a first violation a Class A misdemeanor and a second or subsequent a Class 4 felony. Makes conforming changes.

LRB100 08059 MRW 18144 b

CORRECTIONAL  
BUDGET AND  
IMPACT NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning criminal law.

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

4 Section 3. The Criminal Code of 2012 is amended by adding  
5 Sections 12-3.8 and 12-3.9 as follows:

6 (720 ILCS 5/12-3.8 new)

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

12 (1) a remedy of a valid civil no contact order  
13 authorized under Section 213 of the Civil No Contact Order  
14 Act or Section 112A-9 of the Code of Criminal Procedure of  
15 1963; or

16 (2) a remedy, which is substantially similar to the  
17 remedies authorized under Section 213 of the civil No  
18 Contact Order Act or Section 112A-9 of the Code of Criminal  
19 Procedure of 1963, or in a valid civil no contact order,  
20 which is authorized under the laws of another state, tribe,  
21 or United States territory.

22 (b) Prosecution for a violation of a civil no contact order  
23 shall not bar a concurrent prosecution for any other crime,

1 including any crime that may have been committed at the time of  
2 the violation of the civil no contact order.

3 (c) Sentence. A violation of a civil no contact order is a  
4 Class A misdemeanor for a first violation, and a Class 4 felony  
5 for a second or subsequent violation.

6 (720 ILCS 5/12-3.9 new)

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

8 (a) A person commits violation of a stalking no contact  
9 order when he or she knowingly commits an act which was  
10 prohibited by a court or fails to commit an act which was  
11 ordered by a court in violation of:

12 (1) a remedy in a valid stalking no contact order of  
13 protection authorized under Section 80 of the Stalking No  
14 Contact Order Act or Section 112A-11.2 of the Code of  
15 Criminal Procedure of 1963; or

16 (2) a remedy, which is substantially similar to the  
17 remedies authorized under Section 80 of the Stalking No  
18 Contact Order Act or Section 112A-11.2 of the Code of  
19 Criminal Procedure of 1963, or in a valid stalking no  
20 contact order, which is authorized under the laws of  
21 another state, tribe, or United States territory.

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.



1 (725 ILCS 5/112A-2.5 new)

2 Sec. 112A-2.5. Types of protective orders. The following  
3 protective orders may be entered in conjunction with a  
4 delinquency petition or a criminal prosecution:

5 (1) an order of protection in cases involving domestic  
6 violence;

7 (2) a civil no contact order in cases involving sexual  
8 offenses; or

9 (3) a stalking no contact order in cases involving  
10 stalking offenses.

11 (725 ILCS 5/112A-3) (from Ch. 38, par. 112A-3)

12 Sec. 112A-3. Definitions.

13 (a) For the purposes of this Article, "protective order"  
14 means a domestic violence order of protection, a civil no  
15 contact order, or a stalking no contact order. ~~the following~~  
16 ~~terms shall have the following meanings:~~

17 (b) For the purposes of domestic violence cases, the  
18 following terms shall have the following meanings in this  
19 Article:

20 (1) "Abuse" means physical abuse, harassment,  
21 intimidation of a dependent, interference with personal  
22 liberty or willful deprivation but does not include  
23 reasonable direction of a minor child by a parent or person  
24 in loco parentis.

1           (2) "Domestic violence" means abuse as described in  
2 paragraph (1).

3           (3) "Family or household members" include spouses,  
4 former spouses, parents, children, stepchildren and other  
5 persons related by blood or by present or prior marriage,  
6 persons who share or formerly shared a common dwelling,  
7 persons who have or allegedly have a child in common,  
8 persons who share or allegedly share a blood relationship  
9 through a child, persons who have or have had a dating or  
10 engagement relationship, persons with disabilities and  
11 their personal assistants, and caregivers as defined in  
12 subsection (e) of Section 12-4.4a of the Criminal Code of  
13 2012. For purposes of this paragraph, neither a casual  
14 acquaintanceship nor ordinary fraternization between 2  
15 individuals in business or social contexts shall be deemed  
16 to constitute a dating relationship.

17           (4) "Harassment" means knowing conduct which is not  
18 necessary to accomplish a purpose which is reasonable under  
19 the circumstances; would cause a reasonable person  
20 emotional distress; and does cause emotional distress to  
21 the petitioner. Unless the presumption is rebutted by a  
22 preponderance of the evidence, the following types of  
23 conduct shall be presumed to cause emotional distress:

24                   (i) creating a disturbance at petitioner's place  
25 of employment or school;

26                   (ii) repeatedly telephoning petitioner's place of

1 employment, home or residence;

2 (iii) repeatedly following petitioner about in a  
3 public place or places;

4 (iv) repeatedly keeping petitioner under  
5 surveillance by remaining present outside his or her  
6 home, school, place of employment, vehicle or other  
7 place occupied by petitioner or by peering in  
8 petitioner's windows;

9 (v) improperly concealing a minor child from  
10 petitioner, repeatedly threatening to improperly  
11 remove a minor child of petitioner's from the  
12 jurisdiction or from the physical care of petitioner,  
13 repeatedly threatening to conceal a minor child from  
14 petitioner, or making a single such threat following an  
15 actual or attempted improper removal or concealment,  
16 unless respondent was fleeing from an incident or  
17 pattern of domestic violence; or

18 (vi) threatening physical force, confinement or  
19 restraint on one or more occasions.

20 (5) "Interference with personal liberty" means  
21 committing or threatening physical abuse, harassment,  
22 intimidation or willful deprivation so as to compel another  
23 to engage in conduct from which she or he has a right to  
24 abstain or to refrain from conduct in which she or he has a  
25 right to engage.

26 (6) "Intimidation of a dependent" means subjecting a

1 person who is dependent because of age, health or  
2 disability to participation in or the witnessing of:  
3 physical force against another or physical confinement or  
4 restraint of another which constitutes physical abuse as  
5 defined in this Article, regardless of whether the abused  
6 person is a family or household member.

7 (7) "Order of protection" means an ~~emergency~~ order,  
8 ~~interim order or plenary order,~~ granted pursuant to this  
9 Article, which includes any or all of the remedies  
10 authorized by Section 112A-14 of this Code.

11 (8) "Petitioner" may mean not only any named petitioner  
12 for the order of protection and any named victim of abuse  
13 on whose behalf the petition is brought, but also any other  
14 person protected by this Article.

15 (9) "Physical abuse" includes sexual abuse and means  
16 any of the following:

17 (i) knowing or reckless use of physical force,  
18 confinement or restraint;

19 (ii) knowing, repeated and unnecessary sleep  
20 deprivation; or

21 (iii) knowing or reckless conduct which creates an  
22 immediate risk of physical harm.

23 (9.3) "Respondent" in a petition for a domestic  
24 violence order of protection means the defendant.

25 (9.5) "Stay away" means for the respondent to refrain  
26 from both physical presence and nonphysical contact with



1 the petitioner whether direct, indirect (including, but  
2 not limited to, telephone calls, mail, email, faxes, and  
3 written notes), or through third parties who may or may not  
4 know about the order of protection.

5 (10) "Willful deprivation" means wilfully denying a  
6 person who because of age, health or disability requires  
7 medication, medical care, shelter, accessible shelter or  
8 services, food, therapeutic device, or other physical  
9 assistance, and thereby exposing that person to the risk of  
10 physical, mental or emotional harm, except with regard to  
11 medical care and treatment when such dependent person has  
12 expressed the intent to forgo such medical care or  
13 treatment. This paragraph does not create any new  
14 affirmative duty to provide support to dependent persons.

15 (c) For the purposes of cases involving sexual offenses,  
16 the following terms shall have the following meanings in this  
17 Article:

18 (1) "Civil no contact order" means an order granted  
19 under this Article, which includes a remedy authorized by  
20 Section 112A-15 of this Code.

21 (2) "Family or household members" include spouses,  
22 parents, children, stepchildren, and persons who share a  
23 common dwelling.

24 (3) "Non-consensual" means a lack of freely given  
25 agreement.

26 (4) "Petitioner" means not only any named petitioner

1 for the civil no contact order and any named victim of  
2 non-consensual sexual conduct or non-consensual sexual  
3 penetration on whose behalf the petition is brought, but  
4 includes any other person sought to be protected under this  
5 Article.

6 (5) "Respondent" in a petition for a civil no contact  
7 order means the defendant.

8 (6) "Sexual conduct" means any intentional or knowing  
9 touching or fondling by the petitioner or the respondent,  
10 either directly or through clothing, of the sex organs,  
11 anus, or breast of the petitioner or the respondent, or any  
12 part of the body of a child under 13 years of age, or any  
13 transfer or transmission of semen by the respondent upon  
14 any part of the clothed or unclothed body of the  
15 petitioner, for the purpose of sexual gratification or  
16 arousal of the petitioner or the respondent.

17 (7) "Sexual penetration" means any contact, however  
18 slight, between the sex organ or anus of one person by an  
19 object, the sex organ, mouth or anus of another person, or  
20 any intrusion, however slight, of any part of the body of  
21 one person or of any animal or object into the sex organ or  
22 anus of another person, including but not limited to  
23 cunnilingus, fellatio or anal penetration. Evidence of  
24 emission of semen is not required to prove sexual  
25 penetration.

26 (8) "Stay away" means to refrain from both physical

1 presence and nonphysical contact with the petitioner  
2 directly, indirectly, or through third parties who may or  
3 may not know of the order. "Nonphysical contact" includes,  
4 but is not limited to, telephone calls, mail, e-mail, fax,  
5 and written notes.

6 (d) For the purposes of cases involving stalking offenses,  
7 the following terms shall have the following meanings in this  
8 Article:

9 (1) "Course of conduct" means 2 or more acts,  
10 including, but not limited to, acts in which a respondent  
11 directly, indirectly, or through third parties, by any  
12 action, method, device, or means follows, monitors,  
13 observes, surveils, threatens, or communicates to or  
14 about, a person, engages in other contact, or interferes  
15 with or damages a person's property or pet. A course of  
16 conduct may include contact via electronic communications.  
17 The incarceration of a person in a penal institution who  
18 commits the course of conduct is not a bar to prosecution.

19 (2) "Emotional distress" means significant mental  
20 suffering, anxiety or alarm.

21 (3) "Contact" includes any contact with the victim,  
22 that is initiated or continued without the victim's  
23 consent, or that is in disregard of the victim's expressed  
24 desire that the contact be avoided or discontinued,  
25 including, but not limited to, being in the physical  
26 presence of the victim; appearing within the sight of the

1 victim; approaching or confronting the victim in a public  
2 place or on private property; appearing at the workplace or  
3 residence of the victim; entering onto or remaining on  
4 property owned, leased, or occupied by the victim; or  
5 placing an object on, or delivering an object to, property  
6 owned, leased, or occupied by the victim.

7 (4) "Petitioner" means any named petitioner for the  
8 stalking no contact order or any named victim of stalking  
9 on whose behalf the petition is brought.

10 (5) "Reasonable person" means a person in the  
11 petitioner's circumstances with the petitioner's knowledge  
12 of the respondent and the respondent's prior acts.

13 (6) "Respondent" in a petition for a civil no contact  
14 order means the defendant.

15 (7) "Stalking" means engaging in a course of conduct  
16 directed at a specific person, and he or she knows or  
17 should know that this course of conduct would cause a  
18 reasonable person to fear for his or her safety or the  
19 safety of a third person or suffer emotional distress.  
20 "Stalking" does not include an exercise of the right to  
21 free speech or assembly that is otherwise lawful or  
22 picketing occurring at the workplace that is otherwise  
23 lawful and arises out of a bona fide labor dispute,  
24 including any controversy concerning wages, salaries,  
25 hours, working conditions or benefits, including health  
26 and welfare, sick leave, insurance, and pension or

1       retirement provisions, the making or maintaining of  
2       collective bargaining agreements, and the terms to be  
3       included in those agreements.

4           (8) "Stalking No Contact Order" means an order granted  
5       under this Article, which includes a remedy authorized by  
6       Section 112A-16 of this Code.

7       (Source: P.A. 96-1551, eff. 7-1-11; 97-1150, eff. 1-25-13.)

8           (725 ILCS 5/112A-4) (from Ch. 38, par. 112A-4)

9       Sec. 112A-4. Persons protected by this article.

10       (a) The following persons are protected by this Article in  
11       cases involving domestic violence:

12           (1) ~~(i)~~ any person abused by a family or household  
13       member;

14           (2) ~~(ii)~~ any minor child or dependent adult in the care  
15       of such person; and

16           (3) ~~(iii)~~ any person residing or employed at a private  
17       home or public shelter which is housing an abused family or  
18       household member.

19       (a-5) The following persons are protected by this Article  
20       in cases involving sexual offenses:

21           (1) any victim of non-consensual sexual conduct or  
22       non-consensual sexual penetration on whose behalf the  
23       petition is brought;

24           (2) any family or household member of the named victim;  
25       and

1           (3) any employee of or volunteer at a rape crisis  
2           center.

3           (a-10) The following persons are protected by this Article  
4           in cases involving stalking offenses:

5                   (1) any victim of stalking; and

6                   (2) any family or household member of the named victim.

7           (b) (Blank). ~~A petition for an order of protection may be~~  
8 ~~filed only by a person who has been abused by a family or~~  
9 ~~household member or by any person on behalf of a minor child or~~  
10 ~~an adult who has been abused by a family or household member~~  
11 ~~and who, because of age, health, disability, or~~  
12 ~~inaccessibility, cannot file the petition. However, any~~  
13 ~~petition properly filed under this Article may seek protection~~  
14 ~~for any additional persons protected by this Article.~~

15           (Source: P.A. 87-1186.)

16           (725 ILCS 5/112A-4.5 new)

17           Sec. 112A-4.5. Who may file petition.

18           (a) A petition for an order of protection may be filed only  
19 by a person who has been abused by a family or household member  
20 or by any person on behalf of a minor child or an adult who has  
21 been abused by a family or household member and who, because of  
22 age, health, disability, or inaccessibility, cannot file the  
23 petition. However, any petition properly filed under this  
24 Article may seek protection for any additional persons  
25 protected by this Article.

1 (b) A petition for a civil no contact order may be filed:

2 (1) by any person who is a victim of non-consensual  
3 sexual conduct or non-consensual sexual penetration,  
4 including a single incident of non-consensual sexual  
5 conduct or non-consensual sexual penetration; or

6 (2) by a person on behalf of a minor child or an adult  
7 who is a victim of non-consensual sexual conduct or  
8 non-consensual sexual penetration but, because of age,  
9 disability, health, or inaccessibility, cannot file the  
10 petition.

11 (c) A petition for a stalking no contact order may be  
12 filed:

13 (1) by any person who is a victim of stalking; or

14 (2) by a person on behalf of a minor child or an adult  
15 who is a victim of stalking but, because of age,  
16 disability, health, or inaccessibility, cannot file the  
17 petition.

18 (d) The State's Attorney shall file a petition on behalf on  
19 any person who may file a petition under subsections (a), (b)  
20 or (c) of this Section if the person requests the State's  
21 Attorney to file a petition on the person's behalf.

22 (e) Any petition properly filed under this Article may seek  
23 protection for any additional persons protected by this  
24 Article.

25 (725 ILCS 5/112A-5) (from Ch. 38, par. 112A-5)

1           Sec. 112A-5. Pleading; non-disclosure of address.

2           (a) A petition for a protective order ~~an order of~~  
3 ~~protection~~ shall be in writing and verified or accompanied by  
4 affidavit and shall allege that petitioner has been abused by  
5 respondent, who is a family or household member. The petition  
6 shall further set forth whether there is any other ~~pending~~  
7 action between the petitioner and respondent ~~parties~~. ~~During~~  
8 ~~the pendency of this proceeding, each party has a continuing~~  
9 ~~duty to inform the court of any subsequent proceeding for an~~  
10 ~~order of protection in this or any other state.~~

11           (b) The petitioner shall not be required to disclose the  
12 petitioner's address. If the petition states that disclosure of  
13 petitioner's address would risk abuse of petitioner or any  
14 member of petitioner's family or household or reveal the  
15 confidential address of a shelter for domestic violence  
16 victims, that address may be omitted from all documents filed  
17 with the court. ~~If disclosure is necessary to determine~~  
18 ~~jurisdiction or consider any venue issue, it shall be made~~  
19 ~~orally and in camera. If petitioner has not disclosed an~~  
20 ~~address under this subsection, petitioner shall designate an~~  
21 ~~alternative address at which respondent may serve notice of any~~  
22 ~~motions.~~

23           (Source: P.A. 87-1186.)

24           (725 ILCS 5/112A-5.5 new)

25           Sec. 112A-5.5. Time for filing petition. A petition for a



1 protective order may be filed at any time before the charge is  
2 dismissed, the defendant is acquitted, or the defendant  
3 completes service of his sentence. The petition can be  
4 considered at any court proceeding in the delinquency or  
5 criminal case at which the defendant is present. The court may  
6 schedule a separate court proceeding to consider the petition.

7 (725 ILCS 5/112A-11.5 new)

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

9 (a) The court shall grant the petition and enter a protective  
10 order if the court finds prima facie evidence that a crime  
11 involving domestic violence, a sexual offense or a crime  
12 involving stalking has been committed. The following shall be  
13 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; or

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 or  
22 an attempt to commit a crime of domestic violence, a sexual  
23 offense or stalking;

24 (3) any dispositional order issued under Section 5-710  
25 of the Juvenile Court Act of 1987, the imposition of

1 supervision, conditional discharge, probation, periodic  
2 imprisonment, parole, aftercare release or mandatory  
3 supervised release for a crime of domestic violence, a  
4 sexual offense or stalking or an attempt to commit a crime  
5 of domestic violence, a sexual offense, or stalking, or  
6 imprisonment in conjunction with a bond forfeiture  
7 warrant; or

8 (4) the entry of a protective order in a separate civil  
9 case brought by the petitioner against the respondent.

10 (725 ILCS 5/112A-12) (from Ch. 38, par. 112A-12)

11 Sec. 112A-12. Transfer of issues not decided in cases  
12 involving domestic violence Hearings.

13 (a) (Blank). A petition for an order of protection shall be  
14 treated as an expedited proceeding, and no court shall transfer  
15 or otherwise decline to decide all or part of such petition,  
16 except as otherwise provided herein. Nothing in this Section  
17 shall prevent the court from reserving issues when jurisdiction  
18 or notice requirements are not met.

19 (b) A criminal court may decline to decide contested issues  
20 of physical care, custody, visitation, or family support,  
21 unless a decision on one or more of those contested issues is  
22 necessary to avoid the risk of abuse, neglect, removal from the  
23 state or concealment within the state of the child or of  
24 separation of the child from the primary caretaker.

25 (c) The court shall transfer to the appropriate court or

1 division any issue it has declined to decide. Any court may  
2 transfer any matter which must be tried by jury to a more  
3 appropriate calendar or division.

4 (d) If the court transfers or otherwise declines to decide  
5 any issue, judgment on that issue shall be expressly reserved  
6 and ruling on other issues shall not be delayed or declined.

7 (Source: P.A. 87-1186.)

8 (725 ILCS 5/112A-14) (from Ch. 38, par. 112A-14)

9 Sec. 112A-14. Order of protection; remedies.

10 (a) (Blank). ~~Issuance of order. If the court finds that~~  
11 ~~petitioner has been abused by a family or household member, as~~  
12 ~~defined in this Article, an order of protection prohibiting~~  
13 ~~such abuse shall issue; provided that petitioner must also~~  
14 ~~satisfy the requirements of one of the following Sections, as~~  
15 ~~appropriate: Section 112A 17 on emergency orders, Section~~  
16 ~~112A 18 on interim orders, or Section 112A 19 on plenary~~  
17 ~~orders. Petitioner shall not be denied an order of protection~~  
18 ~~because petitioner or respondent is a minor. The court, when~~  
19 ~~determining whether or not to issue an order of protection,~~  
20 ~~shall not require physical manifestations of abuse on the~~  
21 ~~person of the victim. Modification and extension of prior~~  
22 ~~orders of protection shall be in accordance with this Article.~~

23 (b) The court may order any of the remedies listed in this  
24 subsection. ~~Remedies and standards. The remedies to be included~~  
25 ~~in an order of protection shall be determined in accordance~~

1 ~~with this Section and one of the following Sections, as~~  
2 ~~appropriate: Section 112A-17 on emergency orders, Section~~  
3 ~~112A-18 on interim orders, and Section 112A-19 on plenary~~  
4 ~~orders.~~ The remedies listed in this subsection shall be in  
5 addition to other civil or criminal remedies available to  
6 petitioner.

7 (1) Prohibition of abuse. Prohibit respondent's  
8 harassment, interference with personal liberty,  
9 intimidation of a dependent, physical abuse or willful  
10 deprivation, as defined in this Article, if such abuse has  
11 occurred or otherwise appears likely to occur if not  
12 prohibited.

13 (2) Grant of exclusive possession of residence.  
14 Prohibit respondent from entering or remaining in any  
15 residence, household, or premises of the petitioner,  
16 including one owned or leased by respondent, if petitioner  
17 has a right to occupancy thereof. The grant of exclusive  
18 possession of the residence, household, or premises shall  
19 not affect title to real property, nor shall the court be  
20 limited by the standard set forth in Section 701 of the  
21 Illinois Marriage and Dissolution of Marriage Act.

22 (A) Right to occupancy. A party has a right to  
23 occupancy of a residence or household if it is solely  
24 or jointly owned or leased by that party, that party's  
25 spouse, a person with a legal duty to support that  
26 party or a minor child in that party's care, or by any

1 person or entity other than the opposing party that  
2 authorizes that party's occupancy (e.g., a domestic  
3 violence shelter). Standards set forth in subparagraph  
4 (B) shall not preclude equitable relief.

5 (B) Presumption of hardships. If petitioner and  
6 respondent each has the right to occupancy of a  
7 residence or household, the court shall balance (i) the  
8 hardships to respondent and any minor child or  
9 dependent adult in respondent's care resulting from  
10 entry of this remedy with (ii) the hardships to  
11 petitioner and any minor child or dependent adult in  
12 petitioner's care resulting from continued exposure to  
13 the risk of abuse (should petitioner remain at the  
14 residence or household) or from loss of possession of  
15 the residence or household (should petitioner leave to  
16 avoid the risk of abuse). When determining the balance  
17 of hardships, the court shall also take into account  
18 the accessibility of the residence or household.  
19 Hardships need not be balanced if respondent does not  
20 have a right to occupancy.

21 The balance of hardships is presumed to favor  
22 possession by petitioner unless the presumption is  
23 rebutted by a preponderance of the evidence, showing  
24 that the hardships to respondent substantially  
25 outweigh the hardships to petitioner and any minor  
26 child or dependent adult in petitioner's care. The

1 court, on the request of petitioner or on its own  
2 motion, may order respondent to provide suitable,  
3 accessible, alternate housing for petitioner instead  
4 of excluding respondent from a mutual residence or  
5 household.

6 (3) Stay away order and additional prohibitions. Order  
7 respondent to stay away from petitioner or any other person  
8 protected by the order of protection, or prohibit  
9 respondent from entering or remaining present at  
10 petitioner's school, place of employment, or other  
11 specified places at times when petitioner is present, or  
12 both, if reasonable, given the balance of hardships.  
13 Hardships need not be balanced for the court to enter a  
14 stay away order or prohibit entry if respondent has no  
15 right to enter the premises.

16 (A) If an order of protection grants petitioner  
17 exclusive possession of the residence, or prohibits  
18 respondent from entering the residence, or orders  
19 respondent to stay away from petitioner or other  
20 protected persons, then the court may allow respondent  
21 access to the residence to remove items of clothing and  
22 personal adornment used exclusively by respondent,  
23 medications, and other items as the court directs. The  
24 right to access shall be exercised on only one occasion  
25 as the court directs and in the presence of an  
26 agreed-upon adult third party or law enforcement

1 officer.

2 (B) When the petitioner and the respondent attend  
3 the same public, private, or non-public elementary,  
4 middle, or high school, the court when issuing an order  
5 of protection and providing relief shall consider the  
6 severity of the act, any continuing physical danger or  
7 emotional distress to the petitioner, the educational  
8 rights guaranteed to the petitioner and respondent  
9 under federal and State law, the availability of a  
10 transfer of the respondent to another school, a change  
11 of placement or a change of program of the respondent,  
12 the expense, difficulty, and educational disruption  
13 that would be caused by a transfer of the respondent to  
14 another school, and any other relevant facts of the  
15 case. The court may order that the respondent not  
16 attend the public, private, or non-public elementary,  
17 middle, or high school attended by the petitioner,  
18 order that the respondent accept a change of placement  
19 or change of program, as determined by the school  
20 district or private or non-public school, or place  
21 restrictions on the respondent's movements within the  
22 school attended by the petitioner. The respondent  
23 bears the burden of proving by a preponderance of the  
24 evidence that a transfer, change of placement, or  
25 change of program of the respondent is not available.  
26 The respondent also bears the burden of production with

1 respect to the expense, difficulty, and educational  
2 disruption that would be caused by a transfer of the  
3 respondent to another school. A transfer, change of  
4 placement, or change of program is not unavailable to  
5 the respondent solely on the ground that the respondent  
6 does not agree with the school district's or private or  
7 non-public school's transfer, change of placement, or  
8 change of program or solely on the ground that the  
9 respondent fails or refuses to consent or otherwise  
10 does not take an action required to effectuate a  
11 transfer, change of placement, or change of program.  
12 When a court orders a respondent to stay away from the  
13 public, private, or non-public school attended by the  
14 petitioner and the respondent requests a transfer to  
15 another attendance center within the respondent's  
16 school district or private or non-public school, the  
17 school district or private or non-public school shall  
18 have sole discretion to determine the attendance  
19 center to which the respondent is transferred. If the  
20 court order results in a transfer of the minor  
21 respondent to another attendance center, a change in  
22 the respondent's placement, or a change of the  
23 respondent's program, the parents, guardian, or legal  
24 custodian of the respondent is responsible for  
25 transportation and other costs associated with the  
26 transfer or change.



1           (C) The court may order the parents, guardian, or  
2           legal custodian of a minor respondent to take certain  
3           actions or to refrain from taking certain actions to  
4           ensure that the respondent complies with the order. If  
5           the court orders a transfer of the respondent to  
6           another school, the parents, guardian, or legal  
7           custodian of the respondent is responsible for  
8           transportation and other costs associated with the  
9           change of school by the respondent.

10           (4) Counseling. Require or recommend the respondent to  
11           undergo counseling for a specified duration with a social  
12           worker, psychologist, clinical psychologist, psychiatrist,  
13           family service agency, alcohol or substance abuse program,  
14           mental health center guidance counselor, agency providing  
15           services to elders, program designed for domestic violence  
16           abusers or any other guidance service the court deems  
17           appropriate. The court may order the respondent in any  
18           intimate partner relationship to report to an Illinois  
19           Department of Human Services protocol approved partner  
20           abuse intervention program for an assessment and to follow  
21           all recommended treatment.

22           (5) Physical care and possession of the minor child. In  
23           order to protect the minor child from abuse, neglect, or  
24           unwarranted separation from the person who has been the  
25           minor child's primary caretaker, or to otherwise protect  
26           the well-being of the minor child, the court may do either

1 or both of the following: (i) grant petitioner physical  
2 care or possession of the minor child, or both, or (ii)  
3 order respondent to return a minor child to, or not remove  
4 a minor child from, the physical care of a parent or person  
5 in loco parentis.

6 If the ~~a court finds, after a hearing, that~~ respondent  
7 is charged with ~~has committed~~ abuse (as defined in Section  
8 112A-3) of a minor child, there shall be a rebuttable  
9 presumption that awarding physical care to respondent  
10 would not be in the minor child's best interest.

11 (6) Temporary legal custody. Award temporary legal  
12 custody to petitioner in accordance with this Section, the  
13 Illinois Marriage and Dissolution of Marriage Act, the  
14 Illinois Parentage Act of 2015, and this State's Uniform  
15 Child-Custody Jurisdiction and Enforcement Act.

16 If the ~~a court finds, after a hearing, that~~ respondent  
17 is charged with ~~has committed~~ abuse (as defined in Section  
18 112A-3) of a minor child, there shall be a rebuttable  
19 presumption that awarding temporary legal custody to  
20 respondent would not be in the child's best interest.

21 (7) Visitation. Determine the visitation rights, if  
22 any, of respondent in any case in which the court awards  
23 physical care or temporary legal custody of a minor child  
24 to petitioner. The court shall restrict or deny  
25 respondent's visitation with a minor child if the court  
26 finds that respondent has done or is likely to do any of

1 the following: (i) abuse or endanger the minor child during  
2 visitation; (ii) use the visitation as an opportunity to  
3 abuse or harass petitioner or petitioner's family or  
4 household members; (iii) improperly conceal or detain the  
5 minor child; or (iv) otherwise act in a manner that is not  
6 in the best interests of the minor child. The court shall  
7 not be limited by the standards set forth in Section 607.1  
8 of the Illinois Marriage and Dissolution of Marriage Act.  
9 If the court grants visitation, the order shall specify  
10 dates and times for the visitation to take place or other  
11 specific parameters or conditions that are appropriate. No  
12 order for visitation shall refer merely to the term  
13 "reasonable visitation".

14 Petitioner may deny respondent access to the minor  
15 child if, when respondent arrives for visitation,  
16 respondent is under the influence of drugs or alcohol and  
17 constitutes a threat to the safety and well-being of  
18 petitioner or petitioner's minor children or is behaving in  
19 a violent or abusive manner.

20 If necessary to protect any member of petitioner's  
21 family or household from future abuse, respondent shall be  
22 prohibited from coming to petitioner's residence to meet  
23 the minor child for visitation, and the parties shall  
24 submit to the court their recommendations for reasonable  
25 alternative arrangements for visitation. A person may be  
26 approved to supervise visitation only after filing an

1 affidavit accepting that responsibility and acknowledging  
2 accountability to the court.

3 (8) Removal or concealment of minor child. Prohibit  
4 respondent from removing a minor child from the State or  
5 concealing the child within the State.

6 (9) Order to appear. Order the respondent to appear in  
7 court, alone or with a minor child, to prevent abuse,  
8 neglect, removal or concealment of the child, to return the  
9 child to the custody or care of the petitioner or to permit  
10 any court-ordered interview or examination of the child or  
11 the respondent.

12 (10) Possession of personal property. Grant petitioner  
13 exclusive possession of personal property and, if  
14 respondent has possession or control, direct respondent to  
15 promptly make it available to petitioner, if:

16 (i) petitioner, but not respondent, owns the  
17 property; or

18 (ii) the parties own the property jointly; sharing  
19 it would risk abuse of petitioner by respondent or is  
20 impracticable; and the balance of hardships favors  
21 temporary possession by petitioner.

22 If petitioner's sole claim to ownership of the property  
23 is that it is marital property, the court may award  
24 petitioner temporary possession thereof under the  
25 standards of subparagraph (ii) of this paragraph only if a  
26 proper proceeding has been filed under the Illinois

1 Marriage and Dissolution of Marriage Act, as now or  
2 hereafter amended.

3 No order under this provision shall affect title to  
4 property.

5 (11) Protection of property. Forbid the respondent  
6 from taking, transferring, encumbering, concealing,  
7 damaging or otherwise disposing of any real or personal  
8 property, except as explicitly authorized by the court, if:

9 (i) petitioner, but not respondent, owns the  
10 property; or

11 (ii) the parties own the property jointly, and the  
12 balance of hardships favors granting this remedy.

13 If petitioner's sole claim to ownership of the property  
14 is that it is marital property, the court may grant  
15 petitioner relief under subparagraph (ii) of this  
16 paragraph only if a proper proceeding has been filed under  
17 the Illinois Marriage and Dissolution of Marriage Act, as  
18 now or hereafter amended.

19 The court may further prohibit respondent from  
20 improperly using the financial or other resources of an  
21 aged member of the family or household for the profit or  
22 advantage of respondent or of any other person.

23 (11.5) Protection of animals. Grant the petitioner the  
24 exclusive care, custody, or control of any animal owned,  
25 possessed, leased, kept, or held by either the petitioner  
26 or the respondent or a minor child residing in the

1 residence or household of either the petitioner or the  
2 respondent and order the respondent to stay away from the  
3 animal and forbid the respondent from taking,  
4 transferring, encumbering, concealing, harming, or  
5 otherwise disposing of the animal.

6 (12) Order for payment of support. Order respondent to  
7 pay temporary support for the petitioner or any child in  
8 the petitioner's care or custody, when the respondent has a  
9 legal obligation to support that person, in accordance with  
10 the Illinois Marriage and Dissolution of Marriage Act,  
11 which shall govern, among other matters, the amount of  
12 support, payment through the clerk and withholding of  
13 income to secure payment. An order for child support may be  
14 granted to a petitioner with lawful physical care or  
15 custody of a child, or an order or agreement for physical  
16 care or custody, prior to entry of an order for legal  
17 custody. Such a support order shall expire upon entry of a  
18 valid order granting legal custody to another, unless  
19 otherwise provided in the custody order.

20 (13) Order for payment of losses. Order respondent to  
21 pay petitioner for losses suffered as a direct result of  
22 the abuse. Such losses shall include, but not be limited  
23 to, medical expenses, lost earnings or other support,  
24 repair or replacement of property damaged or taken,  
25 reasonable attorney's fees, court costs and moving or other  
26 travel expenses, including additional reasonable expenses

1 for temporary shelter and restaurant meals.

2 (i) Losses affecting family needs. If a party is  
3 entitled to seek maintenance, child support or  
4 property distribution from the other party under the  
5 Illinois Marriage and Dissolution of Marriage Act, as  
6 now or hereafter amended, the court may order  
7 respondent to reimburse petitioner's actual losses, to  
8 the extent that such reimbursement would be  
9 "appropriate temporary relief", as authorized by  
10 subsection (a) (3) of Section 501 of that Act.

11 (ii) Recovery of expenses. In the case of an  
12 improper concealment or removal of a minor child, the  
13 court may order respondent to pay the reasonable  
14 expenses incurred or to be incurred in the search for  
15 and recovery of the minor child, including but not  
16 limited to legal fees, court costs, private  
17 investigator fees, and travel costs.

18 (14) Prohibition of entry. Prohibit the respondent  
19 from entering or remaining in the residence or household  
20 while the respondent is under the influence of alcohol or  
21 drugs and constitutes a threat to the safety and well-being  
22 of the petitioner or the petitioner's children.

23 (14.5) Prohibition of firearm possession.

24 (A) A person who is subject to an existing order of  
25 protection, interim order of protection, emergency  
26 order of protection, or plenary order of protection,

1 issued under this Code may not lawfully possess weapons  
2 under Section 8.2 of the Firearm Owners Identification  
3 Card Act.

4 (B) Any firearms in the possession of the  
5 respondent, except as provided in subparagraph (C) of  
6 this paragraph (14.5), shall be ordered by the court to  
7 be turned over to a person with a valid Firearm Owner's  
8 Identification Card for safekeeping. The court shall  
9 issue an order that the respondent's Firearm Owner's  
10 Identification Card be turned over to the local law  
11 enforcement agency, which in turn shall immediately  
12 mail the card to the Department of State Police Firearm  
13 Owner's Identification Card Office for safekeeping.  
14 The period of safekeeping shall be for the duration of  
15 the order of protection. The firearm or firearms and  
16 Firearm Owner's Identification Card, if unexpired,  
17 shall at the respondent's request be returned to the  
18 respondent at expiration of the order of protection.

19 (C) If the respondent is a peace officer as defined  
20 in Section 2-13 of the Criminal Code of 2012, the court  
21 shall order that any firearms used by the respondent in  
22 the performance of his or her duties as a peace officer  
23 be surrendered to the chief law enforcement executive  
24 of the agency in which the respondent is employed, who  
25 shall retain the firearms for safekeeping for the  
26 duration of the order of protection.



1           (D) Upon expiration of the period of safekeeping,  
2           if the firearms or Firearm Owner's Identification Card  
3           cannot be returned to respondent because respondent  
4           cannot be located, fails to respond to requests to  
5           retrieve the firearms, or is not lawfully eligible to  
6           possess a firearm, upon petition from the local law  
7           enforcement agency, the court may order the local law  
8           enforcement agency to destroy the firearms, use the  
9           firearms for training purposes, or for any other  
10          application as deemed appropriate by the local law  
11          enforcement agency; or that the firearms be turned over  
12          to a third party who is lawfully eligible to possess  
13          firearms, and who does not reside with respondent.

14          (15) Prohibition of access to records. If an order of  
15          protection prohibits respondent from having contact with  
16          the minor child, or if petitioner's address is omitted  
17          under subsection (b) of Section 112A-5, or if necessary to  
18          prevent abuse or wrongful removal or concealment of a minor  
19          child, the order shall deny respondent access to, and  
20          prohibit respondent from inspecting, obtaining, or  
21          attempting to inspect or obtain, school or any other  
22          records of the minor child who is in the care of  
23          petitioner.

24          (16) Order for payment of shelter services. Order  
25          respondent to reimburse a shelter providing temporary  
26          housing and counseling services to the petitioner for the

1 cost of the services, as certified by the shelter and  
2 deemed reasonable by the court.

3 (17) Order for injunctive relief. Enter injunctive  
4 relief necessary or appropriate to prevent further abuse of  
5 a family or household member or to effectuate one of the  
6 granted remedies, if supported by the balance of hardships.  
7 If the harm to be prevented by the injunction is abuse or  
8 any other harm that one of the remedies listed in  
9 paragraphs (1) through (16) of this subsection is designed  
10 to prevent, no further evidence is necessary to establish  
11 that the harm is an irreparable injury.

12 (c) Relevant factors; findings.

13 (1) In determining whether to grant a specific remedy,  
14 other than payment of support, the court shall consider  
15 relevant factors, including but not limited to the  
16 following:

17 (i) the nature, frequency, severity, pattern and  
18 consequences of the respondent's past abuse of the  
19 petitioner or any family or household member,  
20 including the concealment of his or her location in  
21 order to evade service of process or notice, and the  
22 likelihood of danger of future abuse to petitioner or  
23 any member of petitioner's or respondent's family or  
24 household; and

25 (ii) the danger that any minor child will be abused  
26 or neglected or improperly removed from the

1 jurisdiction, improperly concealed within the State or  
2 improperly separated from the child's primary  
3 caretaker.

4 (2) In comparing relative hardships resulting to the  
5 parties from loss of possession of the family home, the  
6 court shall consider relevant factors, including but not  
7 limited to the following:

8 (i) availability, accessibility, cost, safety,  
9 adequacy, location and other characteristics of  
10 alternate housing for each party and any minor child or  
11 dependent adult in the party's care;

12 (ii) the effect on the party's employment; and

13 (iii) the effect on the relationship of the party,  
14 and any minor child or dependent adult in the party's  
15 care, to family, school, church and community.

16 (3) Subject to the exceptions set forth in paragraph  
17 (4) of this subsection, the court shall make its findings  
18 in an official record or in writing, and shall at a minimum  
19 set forth the following:

20 (i) That the court has considered the applicable  
21 relevant factors described in paragraphs (1) and (2) of  
22 this subsection.

23 (ii) Whether the conduct or actions of respondent,  
24 unless prohibited, will likely cause irreparable harm  
25 or continued abuse.

26 (iii) Whether it is necessary to grant the

1 requested relief in order to protect petitioner or  
2 other alleged abused persons.

3 (4) (Blank). ~~For purposes of issuing an ex parte~~  
4 ~~emergency order of protection, the court, as an alternative~~  
5 ~~to or as a supplement to making the findings described in~~  
6 ~~paragraphs (c)(3)(i) through (c)(3)(iii) of this~~  
7 ~~subsection, may use the following procedure:~~

8 ~~When a verified petition for an emergency order of~~  
9 ~~protection in accordance with the requirements of Sections~~  
10 ~~112A 5 and 112A 17 is presented to the court, the court~~  
11 ~~shall examine petitioner on oath or affirmation. An~~  
12 ~~emergency order of protection shall be issued by the court~~  
13 ~~if it appears from the contents of the petition and the~~  
14 ~~examination of petitioner that the averments are~~  
15 ~~sufficient to indicate abuse by respondent and to support~~  
16 ~~the granting of relief under the issuance of the emergency~~  
17 ~~order of protection.~~

18 (5) Never married parties. No rights or  
19 responsibilities for a minor child born outside of marriage  
20 attach to a putative father until a father and child  
21 relationship has been established under the Illinois  
22 Parentage Act of 1984 or under the Illinois Parentage Act  
23 of 2015 on and after the effective date of that Act. Absent  
24 such an adjudication, no putative father shall be granted  
25 temporary custody of the minor child, visitation with the  
26 minor child, or physical care and possession of the minor

1 child, nor shall an order of payment for support of the  
2 minor child be entered.

3 (d) Balance of hardships; findings. If the court finds that  
4 the balance of hardships does not support the granting of a  
5 remedy governed by paragraph (2), (3), (10), (11), or (16) of  
6 subsection (b) of this Section, which may require such  
7 balancing, the court's findings shall so indicate and shall  
8 include a finding as to whether granting the remedy will result  
9 in hardship to respondent that would substantially outweigh the  
10 hardship to petitioner from denial of the remedy. The findings  
11 shall be an official record or in writing.

12 (e) Denial of remedies. Denial of any remedy shall not be  
13 based, in whole or in part, on evidence that:

14 (1) Respondent has cause for any use of force, unless  
15 that cause satisfies the standards for justifiable use of  
16 force provided by Article 7 of the Criminal Code of 2012;

17 (2) Respondent was voluntarily intoxicated;

18 (3) Petitioner acted in self-defense or defense of  
19 another, provided that, if petitioner utilized force, such  
20 force was justifiable under Article 7 of the Criminal Code  
21 of 2012;

22 (4) Petitioner did not act in self-defense or defense  
23 of another;

24 (5) Petitioner left the residence or household to avoid  
25 further abuse by respondent;

26 (6) Petitioner did not leave the residence or household

1 to avoid further abuse by respondent;

2 (7) Conduct by any family or household member excused  
3 the abuse by respondent, unless that same conduct would  
4 have excused such abuse if the parties had not been family  
5 or household members.

6 (Source: P.A. 98-63, eff. 7-9-13; 99-85, eff. 1-1-16.)

7 (725 ILCS 5/112A-14.5 new)

8 Sec. 112A-14.5. Civil no contact order; remedies.

9 (a) The petitioner shall not be denied a civil no contact  
10 order because the petitioner or the respondent is a minor. The  
11 court, when determining whether or not to issue a civil no  
12 contact order, may not require physical injury on the person of  
13 the victim.

14 (b) The court may order any of the remedies listed in this  
15 subsection. The remedies listed in this subsection shall be in  
16 addition to other civil or criminal remedies available to  
17 petitioner:

18 (1) prohibit the respondent from knowingly coming  
19 within, or knowingly remaining within, a specified  
20 distance from the petitioner;

21 (2) restrain the respondent from having any contact,  
22 including nonphysical contact, with the petitioner  
23 directly, indirectly, or through third parties, regardless  
24 of whether those third parties know of the order;

25 (3) prohibit the respondent from knowingly coming

1 within, or knowingly remaining within, a specified  
2 distance from the petitioner's residence, school, day care  
3 or other specified location;

4 (4) order the respondent to stay away from any property  
5 or animal owned, possessed, leased, kept, or held by the  
6 petitioner and forbid the respondent from taking,  
7 transferring, encumbering, concealing, harming, or  
8 otherwise disposing of the property or animal; and

9 (5) order any other injunctive relief as necessary or  
10 appropriate for the protection of the petitioner.

11 (c) When the petitioner and the respondent attend the same  
12 public or private elementary, middle, or high school, the court  
13 when issuing a civil no contact order and providing relief  
14 shall consider the severity of the act, any continuing physical  
15 danger or emotional distress to the petitioner, the educational  
16 rights guaranteed to the petitioner and respondent under  
17 federal and State law, the availability of a transfer of the  
18 respondent to another school, a change of placement or a change  
19 of program of the respondent, the expense, difficulty, and  
20 educational disruption that would be caused by a transfer of  
21 the respondent to another school, and any other relevant facts  
22 of the case. The court may order that the respondent not attend  
23 the public, private, or non-public elementary, middle, or high  
24 school attended by the petitioner, order that the respondent  
25 accept a change of placement or program, as determined by the  
26 school district or private or non-public school, or place

1 restrictions on the respondent's movements within the school  
2 attended by the petitioner. The respondent bears the burden of  
3 proving by a preponderance of the evidence that a transfer,  
4 change of placement, or change of program of the respondent is  
5 not available. The respondent also bears the burden of  
6 production with respect to the expense, difficulty, and  
7 educational disruption that would be caused by a transfer of  
8 the respondent to another school. A transfer, change of  
9 placement, or change of program is not unavailable to the  
10 respondent solely on the ground that the respondent does not  
11 agree with the school district's or private or non-public  
12 school's transfer, change of placement, or change of program or  
13 solely on the ground that the respondent fails or refuses to  
14 consent to or otherwise does not take an action required to  
15 effectuate a transfer, change of placement, or change of  
16 program. When a court orders a respondent to stay away from the  
17 public, private, or non-public school attended by the  
18 petitioner and the respondent requests a transfer to another  
19 attendance center within the respondent's school district or  
20 private or non-public school, the school district or private or  
21 non-public school shall have sole discretion to determine the  
22 attendance center to which the respondent is transferred. If  
23 the court order results in a transfer of the minor respondent  
24 to another attendance center, a change in the respondent's  
25 placement, or a change of the respondent's program, the  
26 parents, guardian, or legal custodian of the respondent is



1 responsible for transportation and other costs associated with  
2 the transfer or change.

3 (d) The court may order the parents, guardian, or legal  
4 custodian of a minor respondent to take certain actions or to  
5 refrain from taking certain actions to ensure that the  
6 respondent complies with the order. If the court orders a  
7 transfer of the respondent to another school, the parents or  
8 legal guardians of the respondent are responsible for  
9 transportation and other costs associated with the change of  
10 school by the respondent.

11 (e) Denial of a remedy may not be based, in whole or in  
12 part, on evidence that:

13 (1) the respondent has cause for any use of force,  
14 unless that cause satisfies the standards for justifiable  
15 use of force provided by Article 7 of the Criminal Code of  
16 2012;

17 (2) the respondent was voluntarily intoxicated;

18 (3) the petitioner acted in self-defense or defense of  
19 another, provided that, if the petitioner utilized force,  
20 such force was justifiable under Article 7 of the Criminal  
21 Code of 2012;

22 (4) the petitioner did not act in self-defense or  
23 defense of another;

24 (5) the petitioner left the residence or household to  
25 avoid further non-consensual sexual conduct or  
26 non-consensual sexual penetration by the respondent; or

1           (6) the petitioner did not leave the residence or  
2           household to avoid further non-consensual sexual conduct  
3           or non-consensual sexual penetration by the respondent.

4           (f) Monetary damages are not recoverable as a remedy.

5           (725 ILCS 5/112A-14.7 new)

6           Sec. 112A-14.7. Stalking no contact order; remedies.

7           (a) The petitioner shall not be denied a stalking no  
8           contact order because the petitioner or the respondent is a  
9           minor. The court, when determining whether or not to issue a  
10           stalking no contact order, may not require physical injury on  
11           the person of the petitioner. Modification and extension of  
12           prior stalking no contact orders shall be in accordance with  
13           this Article.

14           (b) The court may order any of the remedies listed in this  
15           subsection. The remedies listed in this subsection shall be in  
16           addition to other civil or criminal remedies available to  
17           petitioner. A stalking no contact order shall order one or more  
18           of the following:

19           (1) prohibit the respondent from threatening to commit  
20           or committing stalking;

21           (2) order the respondent not to have any contact with  
22           the petitioner or a third person specifically named by the  
23           court;

24           (3) prohibit the respondent from knowingly coming  
25           within, or knowingly remaining within a specified distance

1 of the petitioner or the petitioner's residence, school,  
2 daycare, or place of employment, or any specified place  
3 frequented by the petitioner; however, the court may order  
4 the respondent to stay away from the respondent's own  
5 residence, school, or place of employment only if the  
6 respondent has been provided actual notice of the  
7 opportunity to appear and be heard on the petition;

8 (4) prohibit the respondent from possessing a Firearm  
9 Owners Identification Card, or possessing or buying  
10 firearms; and

11 (5) order other injunctive relief the court determines  
12 to be necessary to protect the petitioner or third party  
13 specifically named by the court.

14 (c) When the petitioner and the respondent attend the same  
15 public, private, or non-public elementary, middle, or high  
16 school, the court when issuing a stalking no contact order and  
17 providing relief shall consider the severity of the act, any  
18 continuing physical danger or emotional distress to the  
19 petitioner, the educational rights guaranteed to the  
20 petitioner and respondent under federal and State law, the  
21 availability of a transfer of the respondent to another school,  
22 a change of placement or a change of program of the respondent,  
23 the expense, difficulty, and educational disruption that would  
24 be caused by a transfer of the respondent to another school,  
25 and any other relevant facts of the case. The court may order  
26 that the respondent not attend the public, private, or

1 non-public elementary, middle, or high school attended by the  
2 petitioner, order that the respondent accept a change of  
3 placement or program, as determined by the school district or  
4 private or non-public school, or place restrictions on the  
5 respondent's movements within the school attended by the  
6 petitioner. The respondent bears the burden of proving by a  
7 preponderance of the evidence that a transfer, change of  
8 placement, or change of program of the respondent is not  
9 available. The respondent also bears the burden of production  
10 with respect to the expense, difficulty, and educational  
11 disruption that would be caused by a transfer of the respondent  
12 to another school. A transfer, change of placement, or change  
13 of program is not unavailable to the respondent solely on the  
14 ground that the respondent does not agree with the school  
15 district's or private or non-public school's transfer, change  
16 of placement, or change of program or solely on the ground that  
17 the respondent fails or refuses to consent to or otherwise does  
18 not take an action required to effectuate a transfer, change of  
19 placement, or change of program. When a court orders a  
20 respondent to stay away from the public, private, or non-public  
21 school attended by the petitioner and the respondent requests a  
22 transfer to another attendance center within the respondent's  
23 school district or private or non-public school, the school  
24 district or private or non-public school shall have sole  
25 discretion to determine the attendance center to which the  
26 respondent is transferred. If the court order results in a

1 transfer of the minor respondent to another attendance center,  
2 a change in the respondent's placement, or a change of the  
3 respondent's program, the parents, guardian, or legal  
4 custodian of the respondent is responsible for transportation  
5 and other costs associated with the transfer or change.

6 (d) The court may order the parents, guardian, or legal  
7 custodian of a minor respondent to take certain actions or to  
8 refrain from taking certain actions to ensure that the  
9 respondent complies with the order. If the court orders a  
10 transfer of the respondent to another school, the parents,  
11 guardian, or legal custodian of the respondent are responsible  
12 for transportation and other costs associated with the change  
13 of school by the respondent.

14 (e) The court shall not hold a school district or private  
15 or non-public school or any of its employees in civil or  
16 criminal contempt unless the school district or private or  
17 non-public school has been allowed to intervene.

18 (f) The court may hold the parents, guardian, or legal  
19 custodian of a minor respondent in civil or criminal contempt  
20 for a violation of any provision of any order entered under  
21 this Article for conduct of the minor respondent in violation  
22 of this Article if the parents, guardian, or legal custodian  
23 directed, encouraged, or assisted the respondent minor in the  
24 conduct.

25 (g) Monetary damages are not recoverable as a remedy.

26 (h) If the stalking no contact order prohibits the

1 respondent from possessing a Firearm Owner's Identification  
2 Card, or possessing or buying firearms; the court shall  
3 confiscate the respondent's Firearm Owner's Identification  
4 Card and immediately return the card to the Department of State  
5 Police Firearm Owner's Identification Card Office.

6 (725 ILCS 5/112A-15) (from Ch. 38, par. 112A-15)

7 Sec. 112A-15. Mutual orders of protection; correlative  
8 separate orders. Mutual orders of protection are prohibited.  
9 Correlative separate orders of protection undermine the  
10 purposes of this Article and are prohibited. ~~If separate orders~~  
11 ~~of protection in a criminal or delinquency case are sought,~~  
12 ~~there must be compliance with Section 112A-2.~~ Nothing in this  
13 Section prohibits a victim party from seeking a civil order of  
14 protection.

15 ~~If correlative separate orders of protection result after~~  
16 ~~being sought in separate criminal or delinquency actions in~~  
17 ~~accordance with Section 112A-2, that fact shall not be a~~  
18 ~~sufficient basis to deny any remedy to either petitioner or to~~  
19 ~~prove that the parties are equally at fault or equally~~  
20 ~~endangered.~~

21 (Source: P.A. 87-1186.)

22 (725 ILCS 5/112A-20) (from Ch. 38, par. 112A-20)

23 Sec. 112A-20. Duration ~~and extension~~ of protective orders.

24 (a) (Blank). ~~Duration of emergency and interim orders.~~

1 ~~Unless re-opened or extended or voided by entry of an order of~~  
2 ~~greater duration:~~

3 ~~(1) Emergency orders issued under Section 112A-17~~  
4 ~~shall be effective for not less than 14 nor more than 21~~  
5 ~~days;~~

6 ~~(2) Interim orders shall be effective for up to 30~~  
7 ~~days.~~

8 (b) An order ~~Duration of plenary orders. Except as~~  
9 ~~otherwise provided in this Section, a plenary order of~~  
10 ~~protection shall be valid for a fixed period of time not to~~  
11 ~~exceed 2 years. A plenary order of protection entered in~~  
12 ~~conjunction with a criminal prosecution shall remain in effect~~  
13 as follows:

14 (1) if entered during pre-trial release, until  
15 disposition, withdrawal, or dismissal of the underlying  
16 charge; if, however, the case is continued as an  
17 independent cause of action, the order's duration may be  
18 for a fixed period of time not to exceed 2 years;

19 (2) if in effect in conjunction with a bond forfeiture  
20 warrant, until final disposition or an additional period of  
21 time not exceeding 2 years; no order of protection,  
22 however, shall be terminated by a dismissal that is  
23 accompanied by the issuance of a bond forfeiture warrant;

24 (3) until 2 years after the expiration of any  
25 supervision, conditional discharge, probation, periodic  
26 imprisonment, parole, aftercare release, or mandatory

1 supervised release for orders of protection and civil no  
2 contact orders ~~and for an additional period of time~~  
3 ~~thereafter not exceeding 2 years; or~~

4 (4) until 2 years after the date set by the court for  
5 expiration of any sentence of imprisonment and subsequent  
6 parole, aftercare release, or mandatory supervised release  
7 for orders of protection and civil no contact orders; and  
8 ~~and for an additional period of time thereafter not~~  
9 ~~exceeding 2 years.~~

10 (5) permanent for a stalking no contact order if a  
11 judgment of conviction for stalking is entered.

12 (c) Computation of time. The duration of an order of  
13 protection shall not be reduced by the duration of any prior  
14 order of protection.

15 (d) Law enforcement records. When an ~~a plenary~~ order of  
16 protection expires upon the occurrence of a specified event,  
17 rather than upon a specified date as provided in subsection  
18 (b), no expiration date shall be entered in Department of State  
19 Police records. To remove the ~~plenary~~ order from those records,  
20 either the petitioner or the respondent ~~party~~ shall request the  
21 clerk of the court to file a certified copy of an order stating  
22 that the specified event has occurred or that the plenary order  
23 has been vacated or modified with the sheriff, and the sheriff  
24 shall direct that law enforcement records shall be promptly  
25 corrected in accordance with the filed order.

26 (e) (Blank). ~~Extension of Orders. Any emergency, interim or~~



1 ~~plenary order of protection may be extended one or more times,~~  
2 ~~as required, provided that the requirements of Section 112A-17,~~  
3 ~~112A-18 or 112A-19, as appropriate, are satisfied. If the~~  
4 ~~motion for extension is uncontested and petitioner seeks no~~  
5 ~~modification of the order, the order may be extended on the~~  
6 ~~basis of petitioner's motion or affidavit stating that there~~  
7 ~~has been no material change in relevant circumstances since~~  
8 ~~entry of the order and stating the reason for the requested~~  
9 ~~extension. An extension of a plenary order of protection may be~~  
10 ~~granted, upon good cause shown, to remain in effect until the~~  
11 ~~order of protection is vacated or modified. Extensions may be~~  
12 ~~granted only in open court and not under the provisions of~~  
13 ~~Section 112A-17(c), which applies only when the court is~~  
14 ~~unavailable at the close of business or on a court holiday.~~

15 (f) Termination date. Any order of protection which would  
16 expire on a court holiday shall instead expire at the close of  
17 the next court business day.

18 (g) Statement of purpose. The practice of dismissing or  
19 suspending a criminal prosecution in exchange for issuing an  
20 order of protection undermines the purposes of this Article.  
21 This Section shall not be construed as encouraging that  
22 practice.

23 (Source: P.A. 98-558, eff. 1-1-14.)

24 (725 ILCS 5/112A-21) (from Ch. 38, par. 112A-21)

25 Sec. 112A-21. Contents of orders.

1 (a) Any order of protection shall describe, in reasonable  
2 detail and not by reference to any other document, the  
3 following:

4 (1) Each remedy granted by the court, in reasonable  
5 detail and not by reference to any other document, so that  
6 respondent may clearly understand what he or she must do or  
7 refrain from doing. Pre-printed form orders of protection  
8 shall include the definitions of the types of abuse, as  
9 provided in Section 112A-3. Remedies set forth in  
10 pre-printed form orders shall be numbered consistently  
11 with and corresponding to the numerical sequence of  
12 remedies listed in Section 112A-14 (at least as of the date  
13 the form orders are printed).

14 (2) The reason for denial of petitioner's request for  
15 any remedy listed in Section 112A-14.

16 (b) An order of protection shall further state the  
17 following:

18 (1) The name of each petitioner that the court finds is  
19 a victim of a charged offense ~~was abused by respondent~~, and  
20 that respondent is a member of the family or household of  
21 each such petitioner, and the name of each other person  
22 protected by the order and that such person is protected by  
23 this Act.

24 (2) For any remedy requested by petitioner on which the  
25 court has declined to rule, that that remedy is reserved.

26 (3) The date and time the order of protection was

1       ~~issued, whether it is an emergency, interim or plenary~~  
2       ~~order and the duration of the order.~~

3           (4) (Blank). ~~The date, time and place for any scheduled~~  
4       ~~hearing for extension of that order of protection or for~~  
5       ~~another order of greater duration or scope.~~

6           (5) (Blank). ~~For each remedy in an emergency order of~~  
7       ~~protection, the reason for entering that remedy without~~  
8       ~~prior notice to respondent or greater notice than was~~  
9       ~~actually given.~~

10          (6) (Blank). ~~For emergency and interim orders of~~  
11       ~~protection, that respondent may petition the court, in~~  
12       ~~accordance with Section 112A-24, to re-open that order if~~  
13       ~~he or she did not receive actual prior notice of the~~  
14       ~~hearing, in accordance with Section 112A-11, and alleges~~  
15       ~~that he or she had a meritorious defense to the order or~~  
16       ~~that the order or any of its remedies was not authorized by~~  
17       ~~this Article.~~

18       (c) Any order of protection shall include the following  
19       notice, printed in conspicuous type:

20           "Any knowing violation of an order of protection  
21       forbidding physical abuse, harassment, intimidation,  
22       interference with personal liberty, willful deprivation,  
23       or entering or remaining present at specified places when  
24       the protected person is present, or granting exclusive  
25       possession of the residence or household, or granting a  
26       stay away order is a Class A misdemeanor. Grant of

1 exclusive possession of the residence or household shall  
2 constitute notice forbidding trespass to land. Any knowing  
3 violation of an order awarding legal custody or physical  
4 care of a child or prohibiting removal or concealment of a  
5 child may be a Class 4 felony. Any willful violation of any  
6 order is contempt of court. Any violation may result in  
7 fine or imprisonment."

8 (d) (Blank). ~~An emergency order of protection shall state,  
9 "This Order of Protection is enforceable, even without  
10 registration, in all 50 states, the District of Columbia,  
11 tribal lands, and the U.S. territories pursuant to the Violence  
12 Against Women Act (18 U.S.C. 2265). Violating this Order of  
13 Protection may subject the respondent to federal charges and  
14 punishment (18 U.S.C. 2261-2262)."~~

15 (e) (Blank). ~~An interim or plenary order of protection  
16 shall state, "This Order of Protection is enforceable, even  
17 without registration, in all 50 states, the District of  
18 Columbia, tribal lands, and the U.S. territories pursuant to  
19 the Violence Against Women Act (18 U.S.C. 2265). Violating this  
20 Order of Protection may subject the respondent to federal  
21 charges and punishment (18 U.S.C. 2261-2262). The respondent  
22 may be subject to federal criminal penalties for possessing,  
23 transporting, shipping, or receiving any firearm or ammunition  
24 under the Gun Control Act (18 U.S.C. 922(g)(8) and (9))."~~

25 (Source: P.A. 93-944, eff. 1-1-05.)

1 (725 ILCS 5/112A-21.5 new)

2 Sec. 112A-21.5. Contents of civil no contact orders.

3 (a) Any civil no contact order shall describe each remedy  
4 granted by the court, in reasonable detail and not by reference  
5 to any other document, so that the respondent may clearly  
6 understand what he or she must do or refrain from doing.

7 (b) A civil no contact order shall further state the  
8 following:

9 (1) The name of each petitioner that the court finds is  
10 a victim of a charged offense and the name of each other  
11 person protected by the civil no contact order.

12 (2) The date and time the civil no contact order was  
13 issued.

14 (c) A civil no contact order shall include the following  
15 notice, printed in conspicuous type:

16 "Any knowing violation of a civil no contact order is a  
17 Class A misdemeanor. Any second or subsequent violation is  
18 a Class 4 felony."

19 (d) A civil no contact order shall state:

20 "This Civil No Contact Order is enforceable, even  
21 without registration, in all 50 states, the District of  
22 Columbia, tribal lands, and the U.S. territories under the  
23 Violence Against Women Act (18 U.S.C. 2265)."

24 (725 ILCS 5/112A-21.7 new)

25 Sec. 112A-21.7. Contents of stalking no contact orders.

1       (a) Any stalking no contact order shall describe each  
2 remedy granted by the court, in reasonable detail and not by  
3 reference to any other document, so that the respondent may  
4 clearly understand what he or she must do or refrain from  
5 doing.

6       (b) A stalking no contact order shall further state the  
7 following:

8           (1) The name of each petitioner that the court finds  
9 was the victim of stalking by the respondent.

10          (2) The date and time the stalking no contact order was  
11 issued.

12       (c) A stalking no contact order shall include the following  
13 notice, printed in conspicuous type:

14           "An initial knowing violation of a stalking no contact  
15 order is a Class A misdemeanor. Any second or subsequent  
16 knowing violation is a Class 4 felony."

17       (725 ILCS 5/112A-22) (from Ch. 38, par. 112A-22)

18       Sec. 112A-22. Notice of orders.

19       (a) Entry and issuance. Upon issuance of any order of  
20 protection, the clerk shall immediately, ~~or on the next court~~  
21 ~~day if an emergency order is issued in accordance with~~  
22 ~~subsection (c) of Section 112A-17,~~ (i) enter the order on the  
23 record and file it in accordance with the circuit court  
24 procedures and (ii) provide a file stamped copy of the order to  
25 respondent, ~~if present,~~ and to petitioner, if present. If the

1 victim is not present the State's Attorney shall (i) as soon as  
2 practicable notify the petitioner the order has been entered  
3 and (ii) provide a file stamped copy of the order to the  
4 petitioner within 3 days.

5 (b) Filing with sheriff. The clerk of the issuing judge  
6 shall, ~~or the petitioner may,~~ on the same day that a protective  
7 order ~~an order of protection~~ is issued, file a copy of that  
8 order with the sheriff or other law enforcement officials  
9 charged with maintaining Department of State Police records. ~~or~~  
10 ~~charged with serving the order upon respondent. If the order~~  
11 ~~was issued in accordance with subsection (c) of Section~~  
12 ~~112A-17, the clerk shall on the next court day, file a~~  
13 ~~certified copy of the order with the Sheriff or other law~~  
14 ~~enforcement officials charged with maintaining Department of~~  
15 ~~State Police records. If the respondent, at the time of the~~  
16 ~~issuance of the order, is committed to the custody of the~~  
17 ~~Illinois Department of Corrections or Illinois Department of~~  
18 ~~Juvenile Justice or is on parole, aftercare release, or~~  
19 ~~mandatory supervised release, the sheriff or other law~~  
20 ~~enforcement officials charged with maintaining Department of~~  
21 ~~State Police records shall notify the Department of Corrections~~  
22 ~~or Department of Juvenile Justice within 48 hours of receipt of~~  
23 ~~a copy of the order of protection from the clerk of the issuing~~  
24 ~~judge or the petitioner. Such notice shall include the name of~~  
25 ~~the respondent, the respondent's IDOC inmate number or IDJJ~~  
26 ~~youth identification number, the respondent's date of birth,~~

1 ~~and the LEADS Record Index Number.~~

2 (c) (Blank). ~~Service by sheriff. Unless respondent was~~  
3 ~~present in court when the order was issued, the sheriff, other~~  
4 ~~law enforcement official or special process server shall~~  
5 ~~promptly serve that order upon respondent and file proof of~~  
6 ~~such service, in the manner provided for service of process in~~  
7 ~~civil proceedings. Instead of serving the order upon the~~  
8 ~~respondent, however, the sheriff, other law enforcement~~  
9 ~~official, special process server, or other persons defined in~~  
10 ~~Section 112A 22.10 may serve the respondent with a short form~~  
11 ~~notification as provided in Section 112A 22.10. If process has~~  
12 ~~not yet been served upon the respondent, it shall be served~~  
13 ~~with the order or short form notification if such service is~~  
14 ~~made by the sheriff, other law enforcement official, or special~~  
15 ~~process server.~~

16 (c-5) (Blank). ~~If the person against whom the order of~~  
17 ~~protection is issued is arrested and the written order is~~  
18 ~~issued in accordance with subsection (c) of Section 112A 17 and~~  
19 ~~received by the custodial law enforcement agency before the~~  
20 ~~respondent or arrestee is released from custody, the custodial~~  
21 ~~law enforcement agent shall promptly serve the order upon the~~  
22 ~~respondent or arrestee before the respondent or arrestee is~~  
23 ~~released from custody. In no event shall detention of the~~  
24 ~~respondent or arrestee be extended for hearing on the petition~~  
25 ~~for order of protection or receipt of the order issued under~~  
26 ~~Section 112A 17 of this Code.~~



1           (d) (Blank). ~~Extensions, modifications and revocations.~~  
2 ~~Any order extending, modifying or revoking any order of~~  
3 ~~protection shall be promptly recorded, issued and served as~~  
4 ~~provided in this Section.~~

5           (e) Notice to health care facilities and health care  
6 practitioners. Upon the request of the petitioner, the clerk of  
7 the circuit court shall send a certified copy of the protective  
8 order ~~of protection~~ to any specified health care facility or  
9 health care practitioner requested by the petitioner at the  
10 mailing address provided by the petitioner.

11           (f) Disclosure by health care facilities and health care  
12 practitioners. After receiving a certified copy of a protective  
13 order ~~an order of protection~~ that prohibits a respondent's  
14 access to records, no health care facility or health care  
15 practitioner shall allow a respondent access to the records of  
16 any child who is a protected person under the protective order  
17 ~~of protection~~, or release information in those records to the  
18 respondent, unless the order has expired or the respondent  
19 shows a certified copy of the court order vacating the  
20 corresponding protective order ~~of protection~~ that was sent to  
21 the health care facility or practitioner. Nothing in this  
22 Section shall be construed to require health care facilities or  
23 health care practitioners to alter procedures related to  
24 billing and payment. The health care facility or health care  
25 practitioner may file the copy of the protective order ~~of~~  
26 ~~protection~~ in the records of a child who is a protected person

1 under the protective order ~~of protection~~, or may employ any  
2 other method to identify the records to which a respondent is  
3 prohibited access. No health care facility or health care  
4 practitioner shall be civilly or professionally liable for  
5 reliance on a copy of a protective order ~~an order of~~  
6 ~~protection~~, except for willful and wanton misconduct.

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

1 the child is transferring.

2 (h) Disclosure by schools. After receiving a certified copy  
3 of a protective order ~~an order of protection~~ that prohibits a  
4 respondent's access to records, neither a day-care facility,  
5 pre-school, pre-kindergarten, public or private school,  
6 college, or university nor its employees shall allow a  
7 respondent access to a protected child's records or release  
8 information in those records to the respondent. The school  
9 shall file the copy of the protective order ~~of protection~~ in  
10 the records of a child who is a protected person under the  
11 order ~~of protection~~. When a child who is a protected person  
12 under the protective order ~~of protection~~ transfers to another  
13 day-care facility, pre-school, pre-kindergarten, public or  
14 private school, college, or university, the institution from  
15 which the child is transferring may, at the request of the  
16 petitioner, provide, within 24 hours of the transfer, written  
17 notice of the protective order ~~of protection~~, along with a  
18 certified copy of the order, to the institution to which the  
19 child is transferring.

20 (Source: P.A. 97-50, eff. 6-28-11; 97-904, eff. 1-1-13; 98-558,  
21 eff. 1-1-14.)

22 (725 ILCS 5/112A-22.3 new)

23 Sec. 112A-22.3. Withdrawal or dismissal of charges or  
24 petition.

25 (a) Voluntary dismissal or withdrawal of any delinquency

1 petition or criminal prosecution or a finding of not guilty  
2 shall not require dismissal or vacation of the protective  
3 order; instead, at the request of the petitioner, in the  
4 discretion of the State's Attorney, or on the court's motion,  
5 it may be treated as an independent action and, if necessary  
6 and appropriate, transferred to a different court or division.  
7 Dismissal of any delinquency petition or criminal prosecution  
8 shall not affect the validity of any previously issued  
9 protective order.

10 (b) The practice of dismissing or suspending a criminal  
11 prosecution in exchange for issuing a protective order  
12 undermines the purposes of this Article. This Section shall not  
13 be construed as encouraging that practice.

14 (c) Withdrawal or dismissal of any petition for a  
15 protective order shall operate as a dismissal without  
16 prejudice.

17 (725 ILCS 5/112A-23) (from Ch. 38, par. 112A-23)

18 Sec. 112A-23. Enforcement of protective orders ~~of~~  
19 ~~protection.~~

20 (a) When violation is crime. A violation of any order of  
21 protection, whether issued in a civil, quasi-criminal  
22 proceeding, shall be enforced by a criminal court when:

23 (1) The respondent commits the crime of violation of an  
24 order of protection pursuant to Section 12-3.4 or 12-30 of  
25 the Criminal Code of 1961 or the Criminal Code of 2012, by

1           having knowingly violated:

2                   (i) remedies described in paragraphs (1), (2),  
3                   (3), (14), or (14.5) of subsection (b) of Section  
4                   112A-14,

5                   (ii) a remedy, which is substantially similar to  
6                   the remedies authorized under paragraphs (1), (2),  
7                   (3), (14) or (14.5) of subsection (b) of Section 214 of  
8                   the Illinois Domestic Violence Act of 1986, in a valid  
9                   order of protection, which is authorized under the laws  
10                  of another state, tribe or United States territory,

11                  (iii) or any other remedy when the act constitutes  
12                  a crime against the protected parties as defined by the  
13                  Criminal Code of 1961 or the Criminal Code of 2012.

14                  Prosecution for a violation of an order of protection  
15                  shall not bar concurrent prosecution for any other crime,  
16                  including any crime that may have been committed at the  
17                  time of the violation of the order of protection; or

18                  (2) The respondent commits the crime of child abduction  
19                  pursuant to Section 10-5 of the Criminal Code of 1961 or  
20                  the Criminal Code of 2012, by having knowingly violated:

21                   (i) remedies described in paragraphs (5), (6) or  
22                   (8) of subsection (b) of Section 112A-14, or

23                   (ii) a remedy, which is substantially similar to  
24                   the remedies authorized under paragraphs (1), (5),  
25                   (6), or (8) of subsection (b) of Section 214 of the  
26                   Illinois Domestic Violence Act of 1986, in a valid

1 order of protection, which is authorized under the laws  
2 of another state, tribe or United States territory.

3 (3) The respondent commits the crime of violation of a  
4 civil no contact order when the respondent violates Section  
5 12-3.8 of the Criminal Code of 2012. Prosecution for a  
6 violation of a civil no contact order shall not bar  
7 concurrent prosecution for any other crime, including any  
8 crime that may have been committed at the time of the  
9 violation of the civil no contact order.

10 (4) The respondent commits the crime of violation of a  
11 stalking no contact order when the respondent violates  
12 Section 12-3.9 of the Criminal Code of 2012. Prosecution  
13 for a violation of a stalking no contact order shall not  
14 bar concurrent prosecution for any other crime, including  
15 any crime that may have been committed at the time of the  
16 violation of the stalking no contact order.

17 (b) When violation is contempt of court. A violation of any  
18 valid protective order ~~of protection~~, whether issued in a civil  
19 or criminal proceeding, may be enforced through civil or  
20 criminal contempt procedures, as appropriate, by any court with  
21 jurisdiction, regardless where the act or acts which violated  
22 the protective order ~~of protection~~ were committed, to the  
23 extent consistent with the venue provisions of this Article.  
24 Nothing in this Article shall preclude any Illinois court from  
25 enforcing any valid protective order ~~of protection~~ issued in  
26 another state. Illinois courts may enforce protective orders ~~of~~

1 ~~protection~~ through both criminal prosecution and contempt  
2 proceedings, unless the action which is second in time is  
3 barred by collateral estoppel or the constitutional  
4 prohibition against double jeopardy.

5 (1) In a contempt proceeding where the petition for a  
6 rule to show cause sets forth facts evidencing an immediate  
7 danger that the respondent will flee the jurisdiction,  
8 conceal a child, or inflict physical abuse on the  
9 petitioner or minor children or on dependent adults in  
10 petitioner's care, the court may order the attachment of  
11 the respondent without prior service of the rule to show  
12 cause or the petition for a rule to show cause. Bond shall  
13 be set unless specifically denied in writing.

14 (2) A petition for a rule to show cause for violation  
15 of a protective order ~~an order of protection~~ shall be  
16 treated as an expedited proceeding.

17 (c) Violation of custody, allocation of parental  
18 responsibility, or support orders. A violation of remedies  
19 described in paragraphs (5), (6), (8), or (9) of subsection (b)  
20 of Section 112A-14 may be enforced by any remedy provided by  
21 Section 607.5 of the Illinois Marriage and Dissolution of  
22 Marriage Act. The court may enforce any order for support  
23 issued under paragraph (12) of subsection (b) of Section  
24 112A-14 in the manner provided for under Parts V and VII of the  
25 Illinois Marriage and Dissolution of Marriage Act.

26 (d) Actual knowledge. A protective order ~~An order of~~

1 ~~protection~~ may be enforced pursuant to this Section if the  
2 respondent violates the order after respondent has actual  
3 knowledge of its contents as shown through one of the following  
4 means:

5 (1) By service, delivery, or notice under this Article  
6 ~~Section 112A-10~~.

7 (2) By notice under this Article ~~Section 112A-11~~.

8 (3) By service of an order of protection under Section  
9 112A-22.

10 (4) By other means demonstrating actual knowledge of  
11 the contents of the order.

12 (e) The enforcement of an order of protection in civil or  
13 criminal court shall not be affected by either of the  
14 following:

15 (1) The existence of a separate, correlative order  
16 entered under Section 112A-15.

17 (2) Any finding or order entered in a conjoined  
18 criminal proceeding.

19 (f) Circumstances. The court, when determining whether or  
20 not a violation of a protective order ~~an order of protection~~  
21 has occurred, shall not require physical manifestations of  
22 abuse on the person of the victim.

23 (g) Penalties.

24 (1) Except as provided in paragraph (3) of this  
25 subsection, where the court finds the commission of a crime  
26 or contempt of court under subsections (a) or (b) of this



1 Section, the penalty shall be the penalty that generally  
2 applies in such criminal or contempt proceedings, and may  
3 include one or more of the following: incarceration,  
4 payment of restitution, a fine, payment of attorneys' fees  
5 and costs, or community service.

6 (2) The court shall hear and take into account evidence  
7 of any factors in aggravation or mitigation before deciding  
8 an appropriate penalty under paragraph (1) of this  
9 subsection.

10 (3) To the extent permitted by law, the court is  
11 encouraged to:

12 (i) increase the penalty for the knowing violation  
13 of any protective order ~~of protection~~ over any penalty  
14 previously imposed by any court for respondent's  
15 violation of any protective order ~~of protection~~ or  
16 penal statute involving petitioner as victim and  
17 respondent as defendant;

18 (ii) impose a minimum penalty of 24 hours  
19 imprisonment for respondent's first violation of any  
20 protective order ~~of protection~~; and

21 (iii) impose a minimum penalty of 48 hours  
22 imprisonment for respondent's second or subsequent  
23 violation of a protective order ~~an order of protection~~  
24 unless the court explicitly finds that an increased penalty  
25 or that period of imprisonment would be manifestly unjust.

26 (4) In addition to any other penalties imposed for a

1 violation of a protective order ~~an order of protection~~, a  
2 criminal court may consider evidence of any violations of a  
3 protective order ~~an order of protection~~:

4 (i) to increase, revoke or modify the bail bond on  
5 an underlying criminal charge pursuant to Section  
6 110-6;

7 (ii) to revoke or modify an order of probation,  
8 conditional discharge or supervision, pursuant to  
9 Section 5-6-4 of the Unified Code of Corrections;

10 (iii) to revoke or modify a sentence of periodic  
11 imprisonment, pursuant to Section 5-7-2 of the Unified  
12 Code of Corrections.

13 (Source: P.A. 99-90, eff. 1-1-16.)

14 (725 ILCS 5/112A-24) (from Ch. 38, par. 112A-24)

15 Sec. 112A-24. Modification and re-opening of orders.

16 (a) Except as otherwise provided in this Section, upon  
17 motion by petitioner or the State's Attorney on behalf of the  
18 petitioner, the court may modify an protective ~~emergency,~~  
19 ~~interim, or plenary order of protection~~:

20 (1) If respondent has abused petitioner since the  
21 hearing for that order, by adding or altering one or more  
22 remedies, as authorized by Section 112A-14, 112A-14.5, or  
23 112A-14.7 of this Article; and

24 (2) Otherwise, by adding any remedy authorized by  
25 Section 112A-14 which was:

1 (i) reserved in that protective order ~~of~~  
2 ~~protection~~;

3 (ii) not requested for inclusion in that  
4 protective order ~~of protection~~; or

5 (iii) denied on procedural grounds, but not on the  
6 merits.

7 (b) Upon motion by petitioner, State's Attorney, or  
8 respondent, the court may modify any prior order of  
9 protection's remedy for custody, visitation or payment of  
10 support in accordance with the relevant provisions of the  
11 Illinois Marriage and Dissolution of Marriage Act.

12 (c) After 30 days following the entry of a protective  
13 ~~plenary~~ order ~~of protection~~, a court may modify that order only  
14 when changes in the applicable law or facts since that plenary  
15 order was entered warrant a modification of its terms.

16 (d) (Blank). ~~Upon 2 days notice to petitioner, in~~  
17 ~~accordance with Section 112A-11, or such shorter notice as the~~  
18 ~~court may prescribe, a respondent subject to an emergency or~~  
19 ~~interim order of protection issued under this Article may~~  
20 ~~appear and petition the court to re-hear the original or~~  
21 ~~amended petition. Any petition to re-hear shall be verified and~~  
22 ~~shall allege the following:~~

23 ~~(1) that respondent did not receive prior notice of the~~  
24 ~~initial hearing in which the emergency or interim order was~~  
25 ~~entered, in accordance with Sections 112A-11 and 112A-17;~~  
26 and

1           ~~(2) that respondent had a meritorious defense to the~~  
2           ~~order or any of its remedies or that the order or any of~~  
3           ~~its remedies was not authorized under this Article.~~

4           (e) (Blank). ~~If the emergency or interim order granted~~  
5           ~~petitioner exclusive possession of the residence and the~~  
6           ~~petition of respondent seeks to re open or vacate that grant,~~  
7           ~~the court shall set a date for hearing within 14 days on all~~  
8           ~~issues relating to exclusive possession. Under no~~  
9           ~~circumstances shall a court continue a hearing concerning~~  
10           ~~exclusive possession beyond the 14th day except by agreement of~~  
11           ~~the parties. Other issues raised by the pleadings may be~~  
12           ~~consolidated for the hearing if neither party nor the court~~  
13           ~~objects.~~

14           (f) (Blank). ~~This Section does not limit the means,~~  
15           ~~otherwise available by law, for vacating or modifying orders of~~  
16           ~~protection.~~

17           (Source: P.A. 87-1186.)

18           (725 ILCS 5/112A-25) (from Ch. 38, par. 112A-25)

19           Sec. 112A-25. Immunity from Prosecution. Any individual or  
20           organization acting in good faith to report the abuse of any  
21           person 60 years of age or older or to do any of the following in  
22           complying with the provisions of this Article shall not be  
23           subject to criminal prosecution or civil liability as a result  
24           of such action: providing any information to the appropriate  
25           law enforcement agency, providing that the giving of any

1 information does not violate any privilege of confidentiality  
2 under law; assisting in any investigation; assisting in the  
3 preparation of any materials for distribution under this  
4 Article; or by providing services ordered under a protective  
5 order ~~an order of protection~~.

6 (Source: P.A. 84-1305 incorporating 84-1232; 84-1438.)

7 (725 ILCS 5/112A-26) (from Ch. 38, par. 112A-26)

8 Sec. 112A-26. Arrest without warrant.

9 (a) Any law enforcement officer may make an arrest without  
10 warrant if the officer has probable cause to believe that the  
11 person has committed or is committing any crime, including but  
12 not limited to violation of an order of protection, under  
13 Section 12-3.4 or 12-30 of the Criminal Code of 1961 or the  
14 Criminal Code of 2012, violation of a civil no contact order,  
15 under Section 11-1.75 of the Criminal Code of 2012, or  
16 violation of a stalking no contact order, under Section 12-7.5A  
17 of the Criminal Code of 2012, even if the crime was not  
18 committed in the presence of the officer.

19 (b) The law enforcement officer may verify the existence of  
20 an order of protection by telephone or radio communication with  
21 his or her law enforcement agency or by referring to the copy  
22 of the order provided by petitioner or respondent.

23 (Source: P.A. 96-1551, eff. 7-1-11; 97-1150, eff. 1-25-13.)

24 (725 ILCS 5/112A-28) (from Ch. 38, par. 112A-28)

1           Sec. 112A-28. Data maintenance by law enforcement  
2 agencies.

3           (a) All sheriffs shall furnish to the Department of State  
4 Police, daily, in the form and detail the Department requires,  
5 copies of any recorded protective orders ~~of protection~~ issued  
6 by the court, and any foreign orders of protection filed by the  
7 clerk of the court, and transmitted to the sheriff by the clerk  
8 of the court ~~pursuant to subsection (b) of Section 112A-22 of~~  
9 ~~this Act~~. Each protective order ~~of protection~~ shall be entered  
10 in the Law Enforcement Agencies Data System on the same day it  
11 is issued by the court. ~~If an emergency order of protection was~~  
12 ~~issued in accordance with subsection (c) of Section 112A-17,~~  
13 ~~the order shall be entered in the Law Enforcement Agencies Data~~  
14 ~~System as soon as possible after receipt from the clerk.~~

15           (b) The Department of State Police shall maintain a  
16 complete and systematic record and index of all valid and  
17 recorded protective orders ~~of protection~~ issued or filed under  
18 ~~pursuant to~~ this Act. The data shall be used to inform all  
19 dispatchers and law enforcement officers at the scene of an  
20 alleged incident of abuse or violation of a protective order ~~an~~  
21 ~~order of protection~~ of any recorded prior incident of abuse  
22 involving the abused party and the effective dates and terms of  
23 any recorded protective order ~~of protection~~.

24           (c) The data, records and transmittals required under this  
25 Section shall pertain to any valid emergency, interim or  
26 plenary order of protection, whether issued in a civil or

1 criminal proceeding or authorized under the laws of another  
2 state, tribe, or United States territory.

3 (Source: P.A. 95-331, eff. 8-21-07.)

4 (725 ILCS 5/112A-30) (from Ch. 38, par. 112A-30)

5 Sec. 112A-30. Assistance by law enforcement officers.

6 (a) Whenever a law enforcement officer has reason to  
7 believe that a person has been abused by a family or household  
8 member, the officer shall immediately use all reasonable means  
9 to prevent further abuse, including:

10 (1) Arresting the abusing party, where appropriate;

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

15 (3) Accompanying the victim of abuse to his or her  
16 place of residence for a reasonable period of time to  
17 remove necessary personal belongings and possessions;

18 (4) Offering the victim of abuse immediate and adequate  
19 information (written in a language appropriate for the  
20 victim or in Braille or communicated in appropriate sign  
21 language), which shall include a summary of the procedures  
22 and relief available to victims of abuse under this Article  
23 ~~subsection (c) of Section 112A-17~~ and the officer's name  
24 and badge number;

25 (5) Providing the victim with one referral to an

1 accessible service agency;

2 (6) Advising the victim of abuse about seeking medical  
3 attention and preserving evidence (specifically including  
4 photographs of injury or damage and damaged clothing or  
5 other property); and

6 (7) Providing or arranging accessible transportation  
7 for the victim of abuse (and, at the victim's request, any  
8 minors or dependents in the victim's care) to a medical  
9 facility for treatment of injuries or to a nearby place of  
10 shelter or safety; ~~or, after the close of court business~~  
11 ~~hours, providing or arranging for transportation for the~~  
12 ~~victim (and, at the victim's request, any minors or~~  
13 ~~dependents in the victim's care) to the nearest available~~  
14 ~~circuit judge or associate judge so the victim may file a~~  
15 ~~petition for an emergency order of protection under~~  
16 ~~subsection (c) of Section 112A-17. When a victim of abuse~~  
17 chooses to leave the scene of the offense, it shall be  
18 presumed that it is in the best interests of any minors or  
19 dependents in the victim's care to remain with the victim  
20 or a person designated by the victim, rather than to remain  
21 with the abusing party.

22 (b) Whenever a law enforcement officer does not exercise  
23 arrest powers or otherwise initiate criminal proceedings, the  
24 officer shall:

25 (1) Make a police report of the investigation of any  
26 bona fide allegation of an incident of abuse and the



1 disposition of the investigation, in accordance with  
2 subsection (a) of Section 112A-29;

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

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

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

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

19 (725 ILCS 5/112A-1 rep.)

20 (725 ILCS 5/112A-2 rep.)

21 (725 ILCS 5/112A-7 rep.)

22 (725 ILCS 5/112A-10 rep.)

23 (725 ILCS 5/112A-11 rep.)

24 (725 ILCS 5/112A-13 rep.)

25 (725 ILCS 5/112A-17 rep.)

1 (725 ILCS 5/112A-18 rep.)

2 (725 ILCS 5/112A-19 rep.)

3 (725 ILCS 5/112A-22.5 rep.)

4 (725 ILCS 5/112A-22.10 rep.)

5 Section 10. The Code of Criminal Procedure of 1963 is  
6 amended by repealing Sections 112A-1, 112A-2, 112A-7, 112A-10,  
7 112A-11, 112A-13, 112A-17, 112A-18, 112A-19, 112A-22.5, and  
8 112A-22.10.

9 Section 15. The Rights of Crime Victims and Witnesses Act  
10 is amended by changing Section 4.5 as follows:

11 (725 ILCS 120/4.5)

12 Sec. 4.5. Procedures to implement the rights of crime  
13 victims. To afford crime victims their rights, law enforcement,  
14 prosecutors, judges and corrections will provide information,  
15 as appropriate of the following procedures:

16 (a) At the request of the crime victim, law enforcement  
17 authorities investigating the case shall provide notice of the  
18 status of the investigation, except where the State's Attorney  
19 determines that disclosure of such information would  
20 unreasonably interfere with the investigation, until such time  
21 as the alleged assailant is apprehended or the investigation is  
22 closed.

23 (a-5) When law enforcement authorities re-open a closed  
24 case to resume investigating, they shall provide notice of the

1 re-opening of the case, except where the State's Attorney  
2 determines that disclosure of such information would  
3 unreasonably interfere with the investigation.

4 (b) The office of the State's Attorney:

5 (1) shall provide notice of the filing of an  
6 information, the return of an indictment, or the filing of  
7 a petition to adjudicate a minor as a delinquent for a  
8 violent crime;

9 (2) shall provide timely notice of the date, time, and  
10 place of court proceedings; of any change in the date,  
11 time, and place of court proceedings; and of any  
12 cancellation of court proceedings. Notice shall be  
13 provided in sufficient time, wherever possible, for the  
14 victim to make arrangements to attend or to prevent an  
15 unnecessary appearance at court proceedings;

16 (3) or victim advocate personnel shall provide  
17 information of social services and financial assistance  
18 available for victims of crime, including information of  
19 how to apply for these services and assistance;

20 (3.5) or victim advocate personnel shall provide  
21 information about available victim services, including  
22 referrals to programs, counselors, and agencies that  
23 assist a victim to deal with trauma, loss, and grief;

24 (4) shall assist in having any stolen or other personal  
25 property held by law enforcement authorities for  
26 evidentiary or other purposes returned as expeditiously as

1 possible, pursuant to the procedures set out in Section  
2 115-9 of the Code of Criminal Procedure of 1963;

3 (5) or victim advocate personnel shall provide  
4 appropriate employer intercession services to ensure that  
5 employers of victims will cooperate with the criminal  
6 justice system in order to minimize an employee's loss of  
7 pay and other benefits resulting from court appearances;

8 (6) shall provide, whenever possible, a secure waiting  
9 area during court proceedings that does not require victims  
10 to be in close proximity to defendants or juveniles accused  
11 of a violent crime, and their families and friends;

12 (7) shall provide notice to the crime victim of the  
13 right to have a translator present at all court proceedings  
14 and, in compliance with the federal Americans with  
15 Disabilities Act of 1990, the right to communications  
16 access through a sign language interpreter or by other  
17 means;

18 (8) (blank);

19 (8.5) shall inform the victim of the right to be  
20 present at all court proceedings, unless the victim is to  
21 testify and the court determines that the victim's  
22 testimony would be materially affected if the victim hears  
23 other testimony at trial;

24 (9) shall inform the victim of the right to have  
25 present at all court proceedings, subject to the rules of  
26 evidence and confidentiality, an advocate and other

1 support person of the victim's choice;

2 (9.3) shall inform the victim of the right to retain an  
3 attorney, at the victim's own expense, who, upon written  
4 notice filed with the clerk of the court and State's  
5 Attorney, is to receive copies of all notices, motions and  
6 court orders filed thereafter in the case, in the same  
7 manner as if the victim were a named party in the case;

8 (9.5) shall inform the victim of (A) the victim's right  
9 under Section 6 of this Act to make a victim impact  
10 statement at the sentencing hearing; (B) the right of the  
11 victim's spouse, guardian, parent, grandparent and other  
12 immediate family and household members under Section 6 of  
13 this Act to present an impact statement at sentencing; and  
14 (C) if a presentence report is to be prepared, the right of  
15 the victim's spouse, guardian, parent, grandparent and  
16 other immediate family and household members to submit  
17 information to the preparer of the presentence report about  
18 the effect the offense has had on the victim and the  
19 person;

20 (10) at the sentencing shall make a good faith attempt  
21 to explain the minimum amount of time during which the  
22 defendant may actually be physically imprisoned. The  
23 Office of the State's Attorney shall further notify the  
24 crime victim of the right to request from the Prisoner  
25 Review Board or Department of Juvenile Justice information  
26 concerning the release of the defendant;

1           (11) shall request restitution at sentencing and as  
2 part of a plea agreement if the victim requests  
3 restitution;

4           (12) shall, upon the court entering a verdict of not  
5 guilty by reason of insanity, inform the victim of the  
6 notification services available from the Department of  
7 Human Services, including the statewide telephone number,  
8 under subparagraph (d) (2) of this Section;

9           (13) shall provide notice within a reasonable time  
10 after receipt of notice from the custodian, of the release  
11 of the defendant on bail or personal recognizance or the  
12 release from detention of a minor who has been detained;

13           (14) shall explain in nontechnical language the  
14 details of any plea or verdict of a defendant, or any  
15 adjudication of a juvenile as a delinquent;

16           (15) shall make all reasonable efforts to consult with  
17 the crime victim before the Office of the State's Attorney  
18 makes an offer of a plea bargain to the defendant or enters  
19 into negotiations with the defendant concerning a possible  
20 plea agreement, and shall consider the written victim  
21 impact statement, if prepared prior to entering into a plea  
22 agreement. The right to consult with the prosecutor does  
23 not include the right to veto a plea agreement or to insist  
24 the case go to trial. If the State's Attorney has not  
25 consulted with the victim prior to making an offer or  
26 entering into plea negotiations with the defendant, the

1 Office of the State's Attorney shall notify the victim of  
2 the offer or the negotiations within 2 business days and  
3 confer with the victim;

4 (16) shall provide notice of the ultimate disposition  
5 of the cases arising from an indictment or an information,  
6 or a petition to have a juvenile adjudicated as a  
7 delinquent for a violent crime;

8 (17) shall provide notice of any appeal taken by the  
9 defendant and information on how to contact the appropriate  
10 agency handling the appeal, and how to request notice of  
11 any hearing, oral argument, or decision of an appellate  
12 court;

13 (18) shall provide timely notice of any request for  
14 post-conviction review filed by the defendant under  
15 Article 122 of the Code of Criminal Procedure of 1963, and  
16 of the date, time and place of any hearing concerning the  
17 petition. Whenever possible, notice of the hearing shall be  
18 given within 48 hours of the court's scheduling of the  
19 hearing; and

20 (19) shall forward a copy of any statement presented  
21 under Section 6 to the Prisoner Review Board or Department  
22 of Juvenile Justice to be considered in making a  
23 determination under Section 3-2.5-85 or subsection (b) of  
24 Section 3-3-8 of the Unified Code of Corrections.

25 (c) The court shall ensure that the rights of the victim  
26 are afforded.

1 (c-5) The following procedures shall be followed to afford  
2 victims the rights guaranteed by Article I, Section 8.1 of the  
3 Illinois Constitution:

4 (1) Written notice. A victim may complete a written  
5 notice of intent to assert rights on a form prepared by the  
6 Office of the Attorney General and provided to the victim  
7 by the State's Attorney. The victim may at any time provide  
8 a revised written notice to the State's Attorney. The  
9 State's Attorney shall file the written notice with the  
10 court. At the beginning of any court proceeding in which  
11 the right of a victim may be at issue, the court and  
12 prosecutor shall review the written notice to determine  
13 whether the victim has asserted the right that may be at  
14 issue.

15 (2) Victim's retained attorney. A victim's attorney  
16 shall file an entry of appearance limited to assertion of  
17 the victim's rights. Upon the filing of the entry of  
18 appearance and service on the State's Attorney and the  
19 defendant, the attorney is to receive copies of all  
20 notices, motions and court orders filed thereafter in the  
21 case.

22 (3) Standing. The victim has standing to assert the  
23 rights enumerated in subsection (a) of Article I, Section  
24 8.1 of the Illinois Constitution and the statutory rights  
25 under Section 4 of this Act in any court exercising  
26 jurisdiction over the criminal case. The prosecuting



1 attorney, a victim, or the victim's retained attorney may  
2 assert the victim's rights. The defendant in the criminal  
3 case has no standing to assert a right of the victim in any  
4 court proceeding, including on appeal.

5 (4) Assertion of and enforcement of rights.

6 (A) The prosecuting attorney shall assert a  
7 victim's right or request enforcement of a right by  
8 filing a motion or by orally asserting the right or  
9 requesting enforcement in open court in the criminal  
10 case outside the presence of the jury. The prosecuting  
11 attorney shall consult with the victim and the victim's  
12 attorney regarding the assertion or enforcement of a  
13 right. If the prosecuting attorney decides not to  
14 assert or enforce a victim's right, the prosecuting  
15 attorney shall notify the victim or the victim's  
16 attorney in sufficient time to allow the victim or the  
17 victim's attorney to assert the right or to seek  
18 enforcement of a right.

19 (B) If the prosecuting attorney elects not to  
20 assert a victim's right or to seek enforcement of a  
21 right, the victim or the victim's attorney may assert  
22 the victim's right or request enforcement of a right by  
23 filing a motion or by orally asserting the right or  
24 requesting enforcement in open court in the criminal  
25 case outside the presence of the jury.

26 (C) If the prosecuting attorney asserts a victim's

1 right or seeks enforcement of a right, and the court  
2 denies the assertion of the right or denies the request  
3 for enforcement of a right, the victim or victim's  
4 attorney may file a motion to assert the victim's right  
5 or to request enforcement of the right within 10 days  
6 of the court's ruling. The motion need not demonstrate  
7 the grounds for a motion for reconsideration. The court  
8 shall rule on the merits of the motion.

9 (D) The court shall take up and decide any motion  
10 or request asserting or seeking enforcement of a  
11 victim's right without delay, unless a specific time  
12 period is specified by law or court rule. The reasons  
13 for any decision denying the motion or request shall be  
14 clearly stated on the record.

15 (5) Violation of rights and remedies.

16 (A) If the court determines that a victim's right  
17 has been violated, the court shall determine the  
18 appropriate remedy for the violation of the victim's  
19 right by hearing from the victim and the parties,  
20 considering all factors relevant to the issue, and then  
21 awarding appropriate relief to the victim.

22 (B) The appropriate remedy shall include only  
23 actions necessary to provide the victim the right to  
24 which the victim was entitled and may include reopening  
25 previously held proceedings; however, in no event  
26 shall the court vacate a conviction. Any remedy shall

1           be tailored to provide the victim an appropriate remedy  
2           without violating any constitutional right of the  
3           defendant. In no event shall the appropriate remedy be  
4           a new trial, damages, or costs.

5           (6) Right to be heard. Whenever a victim has the right  
6           to be heard, the court shall allow the victim to exercise  
7           the right in any reasonable manner the victim chooses.

8           (7) Right to attend trial. A party must file a written  
9           motion to exclude a victim from trial at least 60 days  
10          prior to the date set for trial. The motion must state with  
11          specificity the reason exclusion is necessary to protect a  
12          constitutional right of the party, and must contain an  
13          offer of proof. The court shall rule on the motion within  
14          30 days. If the motion is granted, the court shall set  
15          forth on the record the facts that support its finding that  
16          the victim's testimony will be materially affected if the  
17          victim hears other testimony at trial.

18          (8) Right to have advocate present. A party who intends  
19          to call an advocate as a witness must seek permission of  
20          the court before the subpoena is issued. The party must  
21          file a written motion and offer of proof regarding the  
22          anticipated testimony of the advocate in sufficient time to  
23          allow the court to rule and the victim to seek appellate  
24          review. The court shall rule on the motion without delay.

25          (9) Right to notice and hearing before disclosure of  
26          confidential or privileged information or records. A

1 defendant who seeks to subpoena records of or concerning  
2 the victim that are confidential or privileged by law must  
3 seek permission of the court before the subpoena is issued.  
4 The defendant must file a written motion and an offer of  
5 proof regarding the relevance, admissibility and  
6 materiality of the records. If the court finds by a  
7 preponderance of the evidence that: (A) the records are not  
8 protected by an absolute privilege and (B) the records  
9 contain relevant, admissible, and material evidence that  
10 is not available through other witnesses or evidence, the  
11 court shall issue a subpoena requiring a sealed copy of the  
12 records be delivered to the court to be reviewed in camera.  
13 If, after conducting an in camera review of the records,  
14 the court determines that due process requires disclosure  
15 of any portion of the records, the court shall provide  
16 copies of what it intends to disclose to the prosecuting  
17 attorney and the victim. The prosecuting attorney and the  
18 victim shall have 30 days to seek appellate review before  
19 the records are disclosed to the defendant. The disclosure  
20 of copies of any portion of the records to the prosecuting  
21 attorney does not make the records subject to discovery.

22 (10) Right to notice of court proceedings. If the  
23 victim is not present at a court proceeding in which a  
24 right of the victim is at issue, the court shall ask the  
25 prosecuting attorney whether the victim was notified of the  
26 time, place, and purpose of the court proceeding and that

1 the victim had a right to be heard at the court proceeding.  
2 If the court determines that timely notice was not given or  
3 that the victim was not adequately informed of the nature  
4 of the court proceeding, the court shall not rule on any  
5 substantive issues, accept a plea, or impose a sentence and  
6 shall continue the hearing for the time necessary to notify  
7 the victim of the time, place and nature of the court  
8 proceeding. The time between court proceedings shall not be  
9 attributable to the State under Section 103-5 of the Code  
10 of Criminal Procedure of 1963.

11 (11) Right to timely disposition of the case. A victim  
12 has the right to timely disposition of the case so as to  
13 minimize the stress, cost, and inconvenience resulting  
14 from the victim's involvement in the case. Before ruling on  
15 a motion to continue trial or other court proceeding, the  
16 court shall inquire into the circumstances for the request  
17 for the delay and, if the victim has provided written  
18 notice of the assertion of the right to a timely  
19 disposition, and whether the victim objects to the delay.  
20 If the victim objects, the prosecutor shall inform the  
21 court of the victim's objections. If the prosecutor has not  
22 conferred with the victim about the continuance, the  
23 prosecutor shall inform the court of the attempts to  
24 confer. If the court finds the attempts of the prosecutor  
25 to confer with the victim were inadequate to protect the  
26 victim's right to be heard, the court shall give the

1 prosecutor at least 3 but not more than 5 business days to  
2 confer with the victim. In ruling on a motion to continue,  
3 the court shall consider the reasons for the requested  
4 continuance, the number and length of continuances that  
5 have been granted, the victim's objections and procedures  
6 to avoid further delays. If a continuance is granted over  
7 the victim's objection, the court shall specify on the  
8 record the reasons for the continuance and the procedures  
9 that have been or will be taken to avoid further delays.

10 (12) Right to Restitution.

11 (A) If the victim has asserted the right to  
12 restitution and the amount of restitution is known at  
13 the time of sentencing, the court shall enter the  
14 judgment of restitution at the time of sentencing.

15 (B) If the victim has asserted the right to  
16 restitution and the amount of restitution is not known  
17 at the time of sentencing, the prosecutor shall, within  
18 5 days after sentencing, notify the victim what  
19 information and documentation related to restitution  
20 is needed and that the information and documentation  
21 must be provided to the prosecutor within 45 days after  
22 sentencing. Failure to timely provide information and  
23 documentation related to restitution shall be deemed a  
24 waiver of the right to restitution. The prosecutor  
25 shall file and serve within 60 days after sentencing a  
26 proposed judgment for restitution and a notice that

1 includes information concerning the identity of any  
2 victims or other persons seeking restitution, whether  
3 any victim or other person expressly declines  
4 restitution, the nature and amount of any damages  
5 together with any supporting documentation, a  
6 restitution amount recommendation, and the names of  
7 any co-defendants and their case numbers. Within 30  
8 days after receipt of the proposed judgment for  
9 restitution, the defendant shall file any objection to  
10 the proposed judgment, a statement of grounds for the  
11 objection, and a financial statement. If the defendant  
12 does not file an objection, the court may enter the  
13 judgment for restitution without further proceedings.  
14 If the defendant files an objection and either party  
15 requests a hearing, the court shall schedule a hearing.

16 (13) Access to presentence reports.

17 (A) The victim may request a copy of the  
18 presentence report prepared under the Unified Code of  
19 Corrections from the State's Attorney. The State's  
20 Attorney shall redact the following information before  
21 providing a copy of the report:

22 (i) the defendant's mental history and  
23 condition;

24 (ii) any evaluation prepared under subsection  
25 (b) or (b-5) of Section 5-3-2; and

26 (iii) the name, address, phone number, and

1 other personal information about any other victim.

2 (B) The State's Attorney or the defendant may  
3 request the court redact other information in the  
4 report that may endanger the safety of any person.

5 (C) The State's Attorney may orally disclose to the  
6 victim any of the information that has been redacted if  
7 there is a reasonable likelihood that the information  
8 will be stated in court at the sentencing.

9 (D) The State's Attorney must advise the victim  
10 that the victim must maintain the confidentiality of  
11 the report and other information. Any dissemination of  
12 the report or information that was not stated at a  
13 court proceeding constitutes indirect criminal  
14 contempt of court.

15 (14) Appellate relief. If the trial court denies the  
16 relief requested, the victim, the victim's attorney or the  
17 prosecuting attorney may file an appeal within 30 days of  
18 the trial court's ruling. The trial or appellate court may  
19 stay the court proceedings if the court finds that a stay  
20 would not violate a constitutional right of the defendant.  
21 If the appellate court denies the relief sought, the  
22 reasons for the denial shall be clearly stated in a written  
23 opinion. In any appeal in a criminal case, the State may  
24 assert as error the court's denial of any crime victim's  
25 right in the proceeding to which the appeal relates.

26 (15) Limitation on appellate relief. In no case shall



1 an appellate court provide a new trial to remedy the  
2 violation of a victim's right.

3 (16) The right to be reasonably protected from the  
4 accused throughout the criminal justice process and the  
5 right to have the safety of the victim and the victim's  
6 family considered in denying or fixing the amount of bail,  
7 determining whether to release the defendant, and setting  
8 conditions of release after arrest and conviction. A victim  
9 of domestic violence may request the entry of a protective  
10 order under Article 112A of the Code of Criminal Procedure  
11 of 1963.

12 (d) (1) The Prisoner Review Board shall inform a victim or  
13 any other concerned citizen, upon written request, of the  
14 prisoner's release on parole, mandatory supervised release,  
15 electronic detention, work release, international transfer or  
16 exchange, or by the custodian, other than the Department of  
17 Juvenile Justice, of the discharge of any individual who was  
18 adjudicated a delinquent for a crime from State custody and by  
19 the sheriff of the appropriate county of any such person's  
20 final discharge from county custody. The Prisoner Review Board,  
21 upon written request, shall provide to a victim or any other  
22 concerned citizen a recent photograph of any person convicted  
23 of a felony, upon his or her release from custody. The Prisoner  
24 Review Board, upon written request, shall inform a victim or  
25 any other concerned citizen when feasible at least 7 days prior  
26 to the prisoner's release on furlough of the times and dates of

1 such furlough. Upon written request by the victim or any other  
2 concerned citizen, the State's Attorney shall notify the person  
3 once of the times and dates of release of a prisoner sentenced  
4 to periodic imprisonment. Notification shall be based on the  
5 most recent information as to victim's or other concerned  
6 citizen's residence or other location available to the  
7 notifying authority.

8 (2) When the defendant has been committed to the Department  
9 of Human Services pursuant to Section 5-2-4 or any other  
10 provision of the Unified Code of Corrections, the victim may  
11 request to be notified by the releasing authority of the  
12 approval by the court of an on-grounds pass, a supervised  
13 off-grounds pass, an unsupervised off-grounds pass, or  
14 conditional release; the release on an off-grounds pass; the  
15 return from an off-grounds pass; transfer to another facility;  
16 conditional release; escape; death; or final discharge from  
17 State custody. The Department of Human Services shall establish  
18 and maintain a statewide telephone number to be used by victims  
19 to make notification requests under these provisions and shall  
20 publicize this telephone number on its website and to the  
21 State's Attorney of each county.

22 (3) In the event of an escape from State custody, the  
23 Department of Corrections or the Department of Juvenile Justice  
24 immediately shall notify the Prisoner Review Board of the  
25 escape and the Prisoner Review Board shall notify the victim.  
26 The notification shall be based upon the most recent

1 information as to the victim's residence or other location  
2 available to the Board. When no such information is available,  
3 the Board shall make all reasonable efforts to obtain the  
4 information and make the notification. When the escapee is  
5 apprehended, the Department of Corrections or the Department of  
6 Juvenile Justice immediately shall notify the Prisoner Review  
7 Board and the Board shall notify the victim.

8 (4) The victim of the crime for which the prisoner has been  
9 sentenced shall receive reasonable written notice not less than  
10 30 days prior to the parole hearing or target aftercare release  
11 date and may submit, in writing, on film, videotape or other  
12 electronic means or in the form of a recording prior to the  
13 parole hearing or target aftercare release date or in person at  
14 the parole hearing or aftercare release protest hearing or if a  
15 victim of a violent crime, by calling the toll-free number  
16 established in subsection (f) of this Section, information for  
17 consideration by the Prisoner Review Board or Department of  
18 Juvenile Justice. The victim shall be notified within 7 days  
19 after the prisoner has been granted parole or aftercare release  
20 and shall be informed of the right to inspect the registry of  
21 parole decisions, established under subsection (g) of Section  
22 3-3-5 of the Unified Code of Corrections. The provisions of  
23 this paragraph (4) are subject to the Open Parole Hearings Act.

24 (5) If a statement is presented under Section 6, the  
25 Prisoner Review Board or Department of Juvenile Justice shall  
26 inform the victim of any order of discharge pursuant to Section

1 3-2.5-85 or 3-3-8 of the Unified Code of Corrections.

2 (6) At the written or oral request of the victim of the  
3 crime for which the prisoner was sentenced or the State's  
4 Attorney of the county where the person seeking parole or  
5 aftercare release was prosecuted, the Prisoner Review Board or  
6 Department of Juvenile Justice shall notify the victim and the  
7 State's Attorney of the county where the person seeking parole  
8 or aftercare release was prosecuted of the death of the  
9 prisoner if the prisoner died while on parole or aftercare  
10 release or mandatory supervised release.

11 (7) When a defendant who has been committed to the  
12 Department of Corrections, the Department of Juvenile Justice,  
13 or the Department of Human Services is released or discharged  
14 and subsequently committed to the Department of Human Services  
15 as a sexually violent person and the victim had requested to be  
16 notified by the releasing authority of the defendant's  
17 discharge, conditional release, death, or escape from State  
18 custody, the releasing authority shall provide to the  
19 Department of Human Services such information that would allow  
20 the Department of Human Services to contact the victim.

21 (8) When a defendant has been convicted of a sex offense as  
22 defined in Section 2 of the Sex Offender Registration Act and  
23 has been sentenced to the Department of Corrections or the  
24 Department of Juvenile Justice, the Prisoner Review Board or  
25 the Department of Juvenile Justice shall notify the victim of  
26 the sex offense of the prisoner's eligibility for release on

1 parole, aftercare release, mandatory supervised release,  
2 electronic detention, work release, international transfer or  
3 exchange, or by the custodian of the discharge of any  
4 individual who was adjudicated a delinquent for a sex offense  
5 from State custody and by the sheriff of the appropriate county  
6 of any such person's final discharge from county custody. The  
7 notification shall be made to the victim at least 30 days,  
8 whenever possible, before release of the sex offender.

9 (e) The officials named in this Section may satisfy some or  
10 all of their obligations to provide notices and other  
11 information through participation in a statewide victim and  
12 witness notification system established by the Attorney  
13 General under Section 8.5 of this Act.

14 (f) To permit a crime victim of a violent crime to provide  
15 information to the Prisoner Review Board or the Department of  
16 Juvenile Justice for consideration by the Board or Department  
17 at a parole hearing or before an aftercare release decision of  
18 a person who committed the crime against the victim in  
19 accordance with clause (d)(4) of this Section or at a  
20 proceeding to determine the conditions of mandatory supervised  
21 release of a person sentenced to a determinate sentence or at a  
22 hearing on revocation of mandatory supervised release of a  
23 person sentenced to a determinate sentence, the Board shall  
24 establish a toll-free number that may be accessed by the victim  
25 of a violent crime to present that information to the Board.

26 (Source: P.A. 98-372, eff. 1-1-14; 98-558, eff. 1-1-14; 98-756,

1 eff. 7-16-14; 99-413, eff. 8-20-15; 99-628, eff. 1-1-17.)

2 Section 20. The Stalking No Contact Order Act is amended by  
3 changing Sections 20 and 105 as follows:

4 (740 ILCS 21/20)

5 Sec. 20. Commencement of action; filing fees.

6 (a) An action for a stalking no contact order is commenced:

7 (1) independently, by filing a petition for a stalking  
8 no contact order in any civil court, unless specific courts  
9 are designated by local rule or order; or

10 (2) in conjunction with a delinquency petition or a  
11 criminal prosecution as provided in Article 112A of the  
12 Code of Criminal Procedure of 1963, ~~by filing a petition~~  
13 ~~for a stalking no contact order under the same case number~~  
14 ~~as the delinquency petition or criminal prosecution, to be~~  
15 ~~granted during pre trial release of a defendant, with any~~  
16 ~~dispositional order issued under Section 5-710 of the~~  
17 ~~Juvenile Court Act of 1987 or as a condition of release,~~  
18 ~~supervision, conditional discharge, probation, periodic~~  
19 ~~imprisonment, parole, aftercare release, or mandatory~~  
20 ~~supervised release, or in conjunction with imprisonment or~~  
21 ~~a bond forfeiture warrant, provided that (i) the violation~~  
22 ~~is alleged in an information, complaint, indictment, or~~  
23 ~~delinquency petition on file and the alleged victim is a~~  
24 ~~person protected by this Act, and (ii) the petition, which~~

1 ~~is filed by the State's Attorney, names a victim of the~~  
2 ~~alleged crime as a petitioner.~~

3 (b) Withdrawal or dismissal of any petition for a stalking  
4 no contact order prior to adjudication where the petitioner is  
5 represented by the State shall operate as a dismissal without  
6 prejudice. No action for a stalking no contact order shall be  
7 dismissed because the respondent is being prosecuted for a  
8 crime against the petitioner. For any action commenced under  
9 item (2) of subsection (a) of this Section, dismissal of the  
10 conjoined case (or a finding of not guilty) shall not require  
11 dismissal of the action for a stalking no contact order;  
12 instead, it may be treated as an independent action and, if  
13 necessary and appropriate, transferred to a different court or  
14 division.

15 (c) No fee shall be charged by the clerk of the court for  
16 filing petitions or modifying or certifying orders. No fee  
17 shall be charged by the sheriff for service by the sheriff of a  
18 petition, rule, motion, or order in an action commenced under  
19 this Section.

20 (d) The court shall provide, through the office of the  
21 clerk of the court, simplified forms for filing of a petition  
22 under this Section by any person not represented by counsel.

23 (Source: P.A. 98-558, eff. 1-1-14.)

24 (740 ILCS 21/105)

25 Sec. 105. Duration and extension of orders.

1 (a) Unless re-opened or extended or voided by entry of an  
2 order of greater duration, an emergency order shall be  
3 effective for not less than 14 nor more than 21 days.

4 (b) Except as otherwise provided in this Section, a plenary  
5 stalking no contact order shall be effective for a fixed period  
6 of time, not to exceed 2 years. A ~~plenary~~ stalking no contact  
7 order entered in conjunction with a criminal prosecution shall  
8 remain in effect as provided in Section 112A-20 of the Code of  
9 Criminal Procedure of 1963. follows:

10 ~~(1) if entered during pre trial release, until~~  
11 ~~disposition, withdrawal, or dismissal of the underlying~~  
12 ~~charge; if however, the case is continued as an independent~~  
13 ~~cause of action, the order's duration may be for a fixed~~  
14 ~~period of time not to exceed 2 years;~~

15 ~~(2) if in effect in conjunction with a bond forfeiture~~  
16 ~~warrant, until final disposition or an additional period of~~  
17 ~~time not exceeding 2 years; no stalking no contact order,~~  
18 ~~however, shall be terminated by a dismissal that is~~  
19 ~~accompanied by the issuance of a bond forfeiture warrant;~~

20 ~~(3) permanent if a judgment of conviction for stalking~~  
21 ~~is entered.~~

22 (c) Any emergency or plenary order may be extended one or  
23 more times, as required, provided that the requirements of  
24 Section 95 or 100, as appropriate, are satisfied. If the motion  
25 for extension is uncontested and the petitioner seeks no  
26 modification of the order, the order may be extended on the



1 basis of the petitioner's motion or affidavit stating that  
2 there has been no material change in relevant circumstances  
3 since entry of the order and stating the reason for the  
4 requested extension. Extensions may be granted only in open  
5 court and not under the provisions of subsection (c) of Section  
6 95, which applies only when the court is unavailable at the  
7 close of business or on a court holiday.

8 (d) Any stalking no contact order which would expire on a  
9 court holiday shall instead expire at the close of the next  
10 court business day.

11 (e) The practice of dismissing or suspending a criminal  
12 prosecution in exchange for the issuance of a stalking no  
13 contact order undermines the purposes of this Act. This Section  
14 shall not be construed as encouraging that practice.

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

16 Section 25. The Civil No Contact Order Act is amended by  
17 changing Sections 202 and 216 as follows:

18 (740 ILCS 22/202)

19 Sec. 202. Commencement of action; filing fees.

20 (a) An action for a civil no contact order is commenced:

21 (1) independently, by filing a petition for a civil no  
22 contact order in any civil court, unless specific courts  
23 are designated by local rule or order; or

24 (2) in conjunction with a delinquency petition or a

1 criminal prosecution as provided in Article 112A of the  
2 Code of Criminal Procedure of 1963, ~~by filing a petition~~  
3 ~~for a civil no contact order under the same case number as~~  
4 ~~the delinquency petition or criminal prosecution, to be~~  
5 ~~granted during pre trial release of a defendant, with any~~  
6 ~~dispositional order issued under Section 5-710 of the~~  
7 ~~Juvenile Court Act of 1987 or as a condition of release,~~  
8 ~~supervision, conditional discharge, probation, periodic~~  
9 ~~imprisonment, parole, aftercare release, or mandatory~~  
10 ~~supervised release, or in conjunction with imprisonment or~~  
11 ~~a bond forfeiture warrant, provided that (i) the violation~~  
12 ~~is alleged in an information, complaint, indictment, or~~  
13 ~~delinquency petition on file and the alleged victim is a~~  
14 ~~person protected by this Act, and (ii) the petition, which~~  
15 ~~is filed by the State's Attorney, names a victim of the~~  
16 ~~alleged crime as a petitioner.~~

17 (b) Withdrawal or dismissal of any petition for a civil no  
18 contact order prior to adjudication where the petitioner is  
19 represented by the State shall operate as a dismissal without  
20 prejudice. No action for a civil no contact order shall be  
21 dismissed because the respondent is being prosecuted for a  
22 crime against the petitioner. For any action commenced under  
23 item (2) of subsection (a) of this Section, dismissal of the  
24 conjoined case (or a finding of not guilty) shall not require  
25 dismissal of the action for a civil no contact order; instead,  
26 it may be treated as an independent action and, if necessary

1 and appropriate, transferred to a different court or division.

2 (c) No fee shall be charged by the clerk of the court for  
3 filing petitions or modifying or certifying orders. No fee  
4 shall be charged by the sheriff for service by the sheriff of a  
5 petition, rule, motion, or order in an action commenced under  
6 this Section.

7 (d) The court shall provide, through the office of the  
8 clerk of the court, simplified forms for filing of a petition  
9 under this Section by any person not represented by counsel.

10 (Source: P.A. 98-558, eff. 1-1-14.)

11 (740 ILCS 22/216)

12 Sec. 216. Duration and extension of orders.

13 (a) Unless re-opened or extended or voided by entry of an  
14 order of greater duration, an emergency order shall be  
15 effective for not less than 14 nor more than 21 days.

16 (b) Except as otherwise provided in this Section, a plenary  
17 civil no contact order shall be effective for a fixed period of  
18 time, not to exceed 2 years. A ~~plenary~~ civil no contact order  
19 entered in conjunction with a criminal prosecution shall remain  
20 in effect as provided in Section 112A-20 of the Code of  
21 Criminal Procedure of 1963. follows:

22 ~~(1) if entered during pre-trial release, until~~  
23 ~~disposition, withdrawal, or dismissal of the underlying~~  
24 ~~charge; if however, the case is continued as an independent~~  
25 ~~cause of action, the order's duration may be for a fixed~~

1 ~~period of time not to exceed 2 years;~~

2 ~~(2) if in effect in conjunction with a bond forfeiture~~  
3 ~~warrant, until final disposition or an additional period of~~  
4 ~~time not exceeding 2 years; no civil no contact order,~~  
5 ~~however, shall be terminated by a dismissal that is~~  
6 ~~accompanied by the issuance of a bond forfeiture warrant;~~

7 ~~(3) until expiration of any supervision, conditional~~  
8 ~~discharge, probation, periodic imprisonment, parole,~~  
9 ~~aftercare release, or mandatory supervised release and for~~  
10 ~~an additional period of time thereafter not exceeding 2~~  
11 ~~years; or~~

12 ~~(4) until the date set by the court for expiration of~~  
13 ~~any sentence of imprisonment and subsequent parole,~~  
14 ~~aftercare release, or mandatory supervised release and for~~  
15 ~~an additional period of time thereafter not exceeding 2~~  
16 ~~years.~~

17 (c) Any emergency or plenary order may be extended one or  
18 more times, as required, provided that the requirements of  
19 Section 214 or 215, as appropriate, are satisfied. If the  
20 motion for extension is uncontested and the petitioner seeks no  
21 modification of the order, the order may be extended on the  
22 basis of the petitioner's motion or affidavit stating that  
23 there has been no material change in relevant circumstances  
24 since entry of the order and stating the reason for the  
25 requested extension. Extensions may be granted only in open  
26 court and not under the provisions of subsection (c) of Section

1 214, which applies only when the court is unavailable at the  
2 close of business or on a court holiday.

3 (d) Any civil no contact order which would expire on a  
4 court holiday shall instead expire at the close of the next  
5 court business day.

6 (d-5) An extension of a plenary civil no contact order may  
7 be granted, upon good cause shown, to remain in effect until  
8 the civil no contact order is vacated or modified.

9 (e) The practice of dismissing or suspending a criminal  
10 prosecution in exchange for the issuance of a civil no contact  
11 order undermines the purposes of this Act. This Section shall  
12 not be construed as encouraging that practice.

13 (Source: P.A. 98-558, eff. 1-1-14.)

14 Section 30. The Illinois Domestic Violence Act of 1986 is  
15 amended by changing Sections 202 and 220 as follows:

16 (750 ILCS 60/202) (from Ch. 40, par. 2312-2)

17 Sec. 202. Commencement of action; filing fees; dismissal.

18 (a) How to commence action. Actions for orders of  
19 protection are commenced:

20 (1) Independently: By filing a petition for an order of  
21 protection in any civil court, unless specific courts are  
22 designated by local rule or order.

23 (2) In conjunction with another civil proceeding: By  
24 filing a petition for an order of protection under the same

1 case number as another civil proceeding involving the  
2 parties, including but not limited to: (i) any proceeding  
3 under the Illinois Marriage and Dissolution of Marriage  
4 Act, Illinois Parentage Act of 2015, Nonsupport of Spouse  
5 and Children Act, Revised Uniform Reciprocal Enforcement  
6 of Support Act or an action for nonsupport brought under  
7 Article X ~~10~~ of the Illinois Public Aid Code, provided that  
8 a petitioner and the respondent are a party to or the  
9 subject of that proceeding or (ii) a guardianship  
10 proceeding under the Probate Act of 1975, or a proceeding  
11 for involuntary commitment under the Mental Health and  
12 Developmental Disabilities Code, or any proceeding, other  
13 than a delinquency petition, under the Juvenile Court Act  
14 of 1987, provided that a petitioner or the respondent is a  
15 party to or the subject of such proceeding.

16 (3) In conjunction with a delinquency petition or a  
17 criminal prosecution as provided in Article 112A of the  
18 Code of Criminal Procedure of 1963. ~~By filing a petition~~  
19 ~~for an order of protection, under the same case number as~~  
20 ~~the delinquency petition or criminal prosecution, to be~~  
21 ~~granted during pre-trial release of a defendant, with any~~  
22 ~~dispositional order issued under Section 5-710 of the~~  
23 ~~Juvenile Court Act of 1987 or as a condition of release,~~  
24 ~~supervision, conditional discharge, probation, periodic~~  
25 ~~imprisonment, parole, aftercare release, or mandatory~~  
26 ~~supervised release, or in conjunction with imprisonment or~~

1 ~~a bond forfeiture warrant; provided that:~~

2 ~~(i) the violation is alleged in an information,~~  
3 ~~complaint, indictment or delinquency petition on file,~~  
4 ~~and the alleged offender and victim are family or~~  
5 ~~household members or persons protected by this Act; and~~

6 ~~(ii) the petition, which is filed by the State's~~  
7 ~~Attorney, names a victim of the alleged crime as a~~  
8 ~~petitioner.~~

9 (b) Filing, certification, and service fees. No fee shall  
10 be charged by the clerk for filing, amending, vacating,  
11 certifying, or photocopying petitions or orders; or for issuing  
12 alias summons; or for any related filing service. No fee shall  
13 be charged by the sheriff for service by the sheriff of a  
14 petition, rule, motion, or order in an action commenced under  
15 this Section.

16 (c) Dismissal and consolidation. Withdrawal or dismissal  
17 of any petition for an order of protection prior to  
18 adjudication where the petitioner is represented by the State  
19 shall operate as a dismissal without prejudice. No action for  
20 an order of protection shall be dismissed because the  
21 respondent is being prosecuted for a crime against the  
22 petitioner. An independent action may be consolidated with  
23 another civil proceeding, as provided by paragraph (2) of  
24 subsection (a) of this Section. For any action commenced under  
25 paragraph (2) or (3) of subsection (a) of this Section,  
26 dismissal of the conjoined case (or a finding of not guilty)

1 shall not require dismissal of the action for the order of  
2 protection; instead, it may be treated as an independent action  
3 and, if necessary and appropriate, transferred to a different  
4 court or division. Dismissal of any conjoined case shall not  
5 affect the validity of any previously issued order of  
6 protection, and thereafter subsections (b)(1) and (b)(2) of  
7 Section 220 shall be inapplicable to such order.

8 (d) Pro se petitions. The court shall provide, through the  
9 office of the clerk of the court, simplified forms and clerical  
10 assistance to help with the writing and filing of a petition  
11 under this Section by any person not represented by counsel. In  
12 addition, that assistance may be provided by the state's  
13 attorney.

14 (e) As provided in this subsection, the administrative  
15 director of the Administrative Office of the Illinois Courts,  
16 with the approval of the administrative board of the courts,  
17 may adopt rules to establish and implement a pilot program to  
18 allow the electronic filing of petitions for temporary orders  
19 of protection and the issuance of such orders by audio-visual  
20 means to accommodate litigants for whom attendance in court to  
21 file for and obtain emergency relief would constitute an undue  
22 hardship or would constitute a risk of harm to the litigant.

23 (1) As used in this subsection:

24 (A) "Electronic means" means any method of  
25 transmission of information between computers or other  
26 machines designed for the purpose of sending or



1 receiving electronic transmission and that allows for  
2 the recipient of information to reproduce the  
3 information received in a tangible medium of  
4 expression.

5 (B) "Independent audio-visual system" means an  
6 electronic system for the transmission and receiving  
7 of audio and visual signals, including those with the  
8 means to preclude the unauthorized reception and  
9 decoding of the signals by commercially available  
10 television receivers, channel converters, or other  
11 available receiving devices.

12 (C) "Electronic appearance" means an appearance in  
13 which one or more of the parties are not present in the  
14 court, but in which, by means of an independent  
15 audio-visual system, all of the participants are  
16 simultaneously able to see and hear reproductions of  
17 the voices and images of the judge, counsel, parties,  
18 witnesses, and any other participants.

19 (2) Any pilot program under this subsection (e) shall  
20 be developed by the administrative director or his or her  
21 delegate in consultation with at least one local  
22 organization providing assistance to domestic violence  
23 victims. The program plan shall include but not be limited  
24 to:

25 (A) identification of agencies equipped with or  
26 that have access to an independent audio-visual system

1 and electronic means for filing documents; and

2 (B) identification of one or more organizations  
3 who are trained and available to assist petitioners in  
4 preparing and filing petitions for temporary orders of  
5 protection and in their electronic appearances before  
6 the court to obtain such orders; and

7 (C) identification of the existing resources  
8 available in local family courts for the  
9 implementation and oversight of the pilot program; and

10 (D) procedures for filing petitions and documents  
11 by electronic means, swearing in the petitioners and  
12 witnesses, preparation of a transcript of testimony  
13 and evidence presented, and a prompt transmission of  
14 any orders issued to the parties; and

15 (E) a timeline for implementation and a plan for  
16 informing the public about the availability of the  
17 program; and

18 (F) a description of the data to be collected in  
19 order to evaluate and make recommendations for  
20 improvements to the pilot program.

21 (3) In conjunction with an electronic appearance, any  
22 petitioner for an ex parte temporary order of protection  
23 may, using the assistance of a trained advocate if  
24 necessary, commence the proceedings by filing a petition by  
25 electronic means.

26 (A) A petitioner who is seeking an ex parte

1 temporary order of protection using an electronic  
2 appearance must file a petition in advance of the  
3 appearance and may do so electronically.

4 (B) The petitioner must show that traveling to or  
5 appearing in court would constitute an undue hardship  
6 or create a risk of harm to the petitioner. In granting  
7 or denying any relief sought by the petitioner, the  
8 court shall state the names of all participants and  
9 whether it is granting or denying an appearance by  
10 electronic means and the basis for such a  
11 determination. A party is not required to file a  
12 petition or other document by electronic means or to  
13 testify by means of an electronic appearance.

14 (C) Nothing in this subsection (e) affects or  
15 changes any existing laws governing the service of  
16 process, including requirements for personal service  
17 or the sealing and confidentiality of court records in  
18 court proceedings or access to court records by the  
19 parties to the proceedings.

20 (4) Appearances.

21 (A) All electronic appearances by a petitioner  
22 seeking an ex parte temporary order of protection under  
23 this subsection (e) are strictly voluntary and the  
24 court shall obtain the consent of the petitioner on the  
25 record at the commencement of each appearance.

26 (B) Electronic appearances under this subsection

1 (e) shall be recorded and preserved for transcription.  
2 Documentary evidence, if any, referred to by a party or  
3 witness or the court may be transmitted and submitted  
4 and introduced by electronic means.

5 (Source: P.A. 98-558, eff. 1-1-14; 99-85, eff. 1-1-16; 99-718,  
6 eff. 1-1-17; revised 10-25-16.)

7 (750 ILCS 60/220) (from Ch. 40, par. 2312-20)

8 Sec. 220. Duration and extension of orders.

9 (a) Duration of emergency and interim orders. Unless  
10 re-opened or extended or voided by entry of an order of greater  
11 duration:

12 (1) Emergency orders issued under Section 217 shall be  
13 effective for not less than 14 nor more than 21 days;

14 (2) Interim orders shall be effective for up to 30  
15 days.

16 (b) Duration of plenary orders. ~~Except as otherwise~~  
17 ~~provided in this Section, a~~

18 (0.05) A plenary order of protection entered under this  
19 Act shall be valid for a fixed period of time, not to  
20 exceed two years.

21 (1) A plenary order of protection entered in  
22 conjunction with another civil proceeding shall remain in  
23 effect as follows:

24 (i) if entered as preliminary relief in that other  
25 proceeding, until entry of final judgment in that other

1 proceeding;

2 (ii) if incorporated into the final judgment in  
3 that other proceeding, until the order of protection is  
4 vacated or modified; or

5 (iii) if incorporated in an order for involuntary  
6 commitment, until termination of both the involuntary  
7 commitment and any voluntary commitment, or for a fixed  
8 period of time not exceeding 2 years.

9 (2) Duration of an A-plenary order of protection  
10 entered in conjunction with a criminal prosecution or  
11 delinquency petition shall remain in effect as provided in  
12 Section 112A-20 of the Code of Criminal Procedure of 1963.  
13 follows:

14 ~~(i) if entered during pre trial release, until~~  
15 ~~disposition, withdrawal, or dismissal of the~~  
16 ~~underlying charge; if, however, the case is continued~~  
17 ~~as an independent cause of action, the order's duration~~  
18 ~~may be for a fixed period of time not to exceed 2~~  
19 ~~years;~~

20 ~~(ii) if in effect in conjunction with a bond~~  
21 ~~forfeiture warrant, until final disposition or an~~  
22 ~~additional period of time not exceeding 2 years; no~~  
23 ~~order of protection, however, shall be terminated by a~~  
24 ~~dismissal that is accompanied by the issuance of a bond~~  
25 ~~forfeiture warrant;~~

26 ~~(iii) until expiration of any supervision,~~

1 ~~conditional discharge, probation, periodic~~  
2 ~~imprisonment, parole, aftercare release, or mandatory~~  
3 ~~supervised release and for an additional period of time~~  
4 ~~thereafter not exceeding 2 years; or~~

5 ~~(iv) until the date set by the court for expiration~~  
6 ~~of any sentence of imprisonment and subsequent parole,~~  
7 ~~aftercare release, or mandatory supervised release and~~  
8 ~~for an additional period of time thereafter not~~  
9 ~~exceeding 2 years.~~

10 (c) Computation of time. The duration of an order of  
11 protection shall not be reduced by the duration of any prior  
12 order of protection.

13 (d) Law enforcement records. When a plenary order of  
14 protection expires upon the occurrence of a specified event,  
15 rather than upon a specified date as provided in subsection  
16 (b), no expiration date shall be entered in Department of State  
17 Police records. To remove the plenary order from those records,  
18 either party shall request the clerk of the court to file a  
19 certified copy of an order stating that the specified event has  
20 occurred or that the plenary order has been vacated or modified  
21 with the Sheriff, and the Sheriff shall direct that law  
22 enforcement records shall be promptly corrected in accordance  
23 with the filed order.

24 (e) Extension of orders. Any emergency, interim or plenary  
25 order may be extended one or more times, as required, provided  
26 that the requirements of Section 217, 218 or 219, as

1 appropriate, are satisfied. If the motion for extension is  
2 uncontested and petitioner seeks no modification of the order,  
3 the order may be extended on the basis of petitioner's motion  
4 or affidavit stating that there has been no material change in  
5 relevant circumstances since entry of the order and stating the  
6 reason for the requested extension. An extension of a plenary  
7 order of protection may be granted, upon good cause shown, to  
8 remain in effect until the order of protection is vacated or  
9 modified. Extensions may be granted only in open court and not  
10 under the provisions of subsection (c) of Section 217, which  
11 applies only when the court is unavailable at the close of  
12 business or on a court holiday.

13 (f) Termination date. Any order of protection which would  
14 expire on a court holiday shall instead expire at the close of  
15 the next court business day.

16 (g) Statement of purpose. The practice of dismissing or  
17 suspending a criminal prosecution in exchange for the issuance  
18 of an order of protection undermines the purposes of this Act.  
19 This Section shall not be construed as encouraging that  
20 practice.

21 (Source: P.A. 98-558, eff. 1-1-14.)

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