



Rep. Elgie R. Sims, Jr.

Filed: 3/24/2017

10000HB3718ham001

LRB100 08059 SLF 24173 a

1 AMENDMENT TO HOUSE BILL 3718

2 AMENDMENT NO. _____. Amend House Bill 3718 by replacing
3 everything after the enacting clause with the following:

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 if:

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

13 (A) a remedy of a valid civil no contact order
14 authorized under Section 213 of the Civil No Contact
15 Order Act or Section 112A-14.5 of the Code of Criminal
16 Procedure of 1963; or

1 (B) a remedy, which is substantially similar to the
2 remedies authorized under Section 213 of the Civil No
3 Contact Order Act or Section 112A-14.5 of the Code of
4 Criminal Procedure of 1963, or in a valid civil no
5 contact order, which is authorized under the laws of
6 another state, tribe, or United States territory; and

7 (2) the violation occurs after the offender has been
8 served notice of the contents of the order under the Civil
9 No Contact Order Act, Article 112A of the Code of Criminal
10 Procedure of 1963, or any substantially similar statute of
11 another state, tribe, or United States territory, or
12 otherwise has acquired actual knowledge of the contents of
13 the order.

14 A civil no contact order issued by a state, tribal, or
15 territorial court shall be deemed valid if the issuing
16 court had jurisdiction over the parties and matter under
17 the law of the state, tribe, or territory. There shall be a
18 presumption of validity when an order is certified and
19 appears authentic on its face.

20 (a-3) For purposes of this Section, a "civil no contact
21 order" may have been issued in a criminal or civil proceeding.

22 (a-5) Failure to provide reasonable notice and opportunity
23 to be heard shall be an affirmative defense to any charge or
24 process filed seeking enforcement of a foreign civil no contact
25 order.

26 (b) Prosecution for a violation of a civil no contact order

1 shall not bar a concurrent prosecution for any other crime,
2 including any crime that may have been committed at the time of
3 the violation of the civil no contact order.

4 (c) Nothing in this Section shall be construed to diminish
5 the inherent authority of the courts to enforce their lawful
6 orders through civil or criminal contempt proceedings.

7 (d) A defendant who directed the actions of a third party
8 to violate this Section, under the principles of accountability
9 set forth in Article 5 of this Code, is guilty of violating
10 this Section as if the same had been personally done by the
11 defendant, without regard to the mental state of the third
12 party acting at the direction of the defendant.

13 (e) Sentence. A violation of a civil no contact order is a
14 Class A misdemeanor for a first violation, and a Class 4 felony
15 for a second or subsequent violation.

16 (720 ILCS 5/12-3.9 new)

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

18 (a) A person commits violation of a stalking no contact
19 order if:

20 (1) he or she knowingly commits an act which was
21 prohibited by a court or fails to commit an act which was
22 ordered by a court in violation of:

23 (A) a remedy in a valid stalking no contact order
24 of protection authorized under Section 80 of the
25 Stalking No Contact Order Act or Section 112A-14.7 of

1 the Code of Criminal Procedure of 1963; or

2 (B) a remedy, which is substantially similar to the
3 remedies authorized under Section 80 of the Stalking No
4 Contact Order Act or Section 112A-14.7 of the Code of
5 Criminal Procedure of 1963, or in a valid stalking no
6 contact order, which is authorized under the laws of
7 another state, tribe, or United States territory; and

8 (2) the violation occurs after the offender has been
9 served notice of the contents of the order, under the
10 Stalking No Contact Order Act, Article 112A of the Code of
11 Criminal Procedure of 1963, or any substantially similar
12 statute of another state, tribe, or United States
13 territory, or otherwise has acquired actual knowledge of
14 the contents of the order.

15 A stalking no contact order issued by a state, tribal,
16 or territorial court shall be deemed valid if the issuing
17 court had jurisdiction over the parties and matter under
18 the law of the state, tribe, or territory. There shall be a
19 presumption of validity when an order is certified and
20 appears authentic on its face.

21 (a-3) For purposes of this Section, a "stalking no contact
22 order" may have been issued in a criminal or civil proceeding.

23 (a-5) Failure to provide reasonable notice and opportunity
24 to be heard shall be an affirmative defense to any charge or
25 process filed seeking enforcement of a foreign stalking no
26 contact order.

1 (b) Prosecution for a violation of a stalking no contact
2 order shall not bar a concurrent prosecution for any other
3 crime, including any crime that may have been committed at the
4 time of the violation of the civil no contact order.

5 (c) Nothing in this Section shall be construed to diminish
6 the inherent authority of the courts to enforce their lawful
7 orders through civil or criminal contempt proceedings.

8 (d) A defendant who directed the actions of a third party
9 to violate this Section, under the principles of accountability
10 set forth in Article 5 of this Code, is guilty of violating
11 this Section as if the same had been personally done by the
12 defendant, without regard to the mental state of the third
13 party acting at the direction of the defendant.

14 (e) Sentence. A violation of a stalking no contact order is
15 a Class A misdemeanor for a first violation, and a Class 4
16 felony for a second or subsequent violation.

17 Section 5. The Code of Criminal Procedure of 1963 is
18 amended by changing the heading of Article 112A and by changing
19 Sections 112A-3, 112A-4, 112A-5, 112A-12, 112A-14, 112A-15,
20 112A-20, 112A-21, 112A-22, 112A-23, 112A-24, 112A-25, 112A-26,
21 112A-28, and 112A-30 and by adding Sections 112A-1.5, 112A-2.5,
22 112A-4.5, 112A-5.5, 112A-11.5, 112A-14.5, 112A-14.7,
23 112A-21.5, 112A-21.7, and 112A-22.3 as follows:

24 (725 ILCS 5/Art. 112A heading)

1 ARTICLE 112A. PROTECTIVE ORDERS ~~DOMESTIC VIOLENCE: ORDER OF~~
2 ~~PROTECTION~~

3 (725 ILCS 5/112A-1.5 new)

4 Sec. 112A-1.5. Purpose. The purpose of this Article is to
5 protect the safety of victims of domestic violence, sexual
6 assault, sexual abuse, and stalking and the safety of their
7 family and household members; and to minimize the trauma and
8 inconvenience associated with attending separate and multiple
9 civil court proceedings to obtain protective orders. This
10 Article shall be interpreted in accordance with the purposes
11 set forth in Section 2 of the Rights of Crime Victims and
12 Witnesses Act.

13 (725 ILCS 5/112A-2.5 new)

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

17 (1) an order of protection in cases involving domestic
18 violence;

19 (2) a civil no contact order in cases involving sexual
20 offenses; or

21 (3) a stalking no contact order in cases involving
22 stalking offenses.

23 (725 ILCS 5/112A-3) (from Ch. 38, par. 112A-3)

1 Sec. 112A-3. Definitions.

2 (a) For the purposes of this Article, "protective order"
3 means a domestic violence order of protection, a civil no
4 contact order, or a stalking no contact order. ~~the following~~
5 ~~terms shall have the following meanings:~~

6 (b) For the purposes of domestic violence cases, the
7 following terms shall have the following meanings in this
8 Article:

9 (1) "Abuse" means physical abuse, harassment,
10 intimidation of a dependent, interference with personal
11 liberty or willful deprivation but does not include
12 reasonable direction of a minor child by a parent or person
13 in loco parentis.

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

16 (3) "Family or household members" include spouses,
17 former spouses, parents, children, stepchildren and other
18 persons related by blood or by present or prior marriage,
19 persons who share or formerly shared a common dwelling,
20 persons who have or allegedly have a child in common,
21 persons who share or allegedly share a blood relationship
22 through a child, persons who have or have had a dating or
23 engagement relationship, persons with disabilities and
24 their personal assistants, and caregivers as defined in
25 subsection (e) of Section 12-4.4a of the Criminal Code of
26 2012. For purposes of this paragraph, neither a casual

1 acquaintanceship nor ordinary fraternization between 2
2 individuals in business or social contexts shall be deemed
3 to constitute a dating relationship.

4 (4) "Harassment" means knowing conduct which is not
5 necessary to accomplish a purpose which is reasonable under
6 the circumstances; would cause a reasonable person
7 emotional distress; and does cause emotional distress to
8 the petitioner. Unless the presumption is rebutted by a
9 preponderance of the evidence, the following types of
10 conduct shall be presumed to cause emotional distress:

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

13 (ii) repeatedly telephoning petitioner's place of
14 employment, home or residence;

15 (iii) repeatedly following petitioner about in a
16 public place or places;

17 (iv) repeatedly keeping petitioner under
18 surveillance by remaining present outside his or her
19 home, school, place of employment, vehicle or other
20 place occupied by petitioner or by peering in
21 petitioner's windows;

22 (v) improperly concealing a minor child from
23 petitioner, repeatedly threatening to improperly
24 remove a minor child of petitioner's from the
25 jurisdiction or from the physical care of petitioner,
26 repeatedly threatening to conceal a minor child from

1 petitioner, or making a single such threat following an
2 actual or attempted improper removal or concealment,
3 unless respondent was fleeing from an incident or
4 pattern of domestic violence; or

5 (vi) threatening physical force, confinement or
6 restraint on one or more occasions.

7 (5) "Interference with personal liberty" means
8 committing or threatening physical abuse, harassment,
9 intimidation or willful deprivation so as to compel another
10 to engage in conduct from which she or he has a right to
11 abstain or to refrain from conduct in which she or he has a
12 right to engage.

13 (6) "Intimidation of a dependent" means subjecting a
14 person who is dependent because of age, health or
15 disability to participation in or the witnessing of:
16 physical force against another or physical confinement or
17 restraint of another which constitutes physical abuse as
18 defined in this Article, regardless of whether the abused
19 person is a family or household member.

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

24 (8) "Petitioner" may mean not only any named petitioner
25 for the order of protection and any named victim of abuse
26 on whose behalf the petition is brought, but also any other

1 person protected by this Article.

2 (9) "Physical abuse" includes sexual abuse and means
3 any of the following:

4 (i) knowing or reckless use of physical force,
5 confinement or restraint;

6 (ii) knowing, repeated and unnecessary sleep
7 deprivation; or

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

10 (9.3) "Respondent" in a petition for an order of
11 protection means the defendant.

12 (9.5) "Stay away" means for the respondent to refrain
13 from both physical presence and nonphysical contact with
14 the petitioner whether direct, indirect (including, but
15 not limited to, telephone calls, mail, email, faxes, and
16 written notes), or through third parties who may or may not
17 know about the order of protection.

18 (10) "Willful deprivation" means wilfully denying a
19 person who because of age, health or disability requires
20 medication, medical care, shelter, accessible shelter or
21 services, food, therapeutic device, or other physical
22 assistance, and thereby exposing that person to the risk of
23 physical, mental or emotional harm, except with regard to
24 medical care and treatment when such dependent person has
25 expressed the intent to forgo such medical care or
26 treatment. This paragraph does not create any new

1 affirmative duty to provide support to dependent persons.

2 (c) For the purposes of cases involving sexual offenses,
3 the following terms shall have the following meanings in this
4 Article:

5 (1) "Civil no contact order" means an order granted
6 under this Article, which includes a remedy authorized by
7 Section 112A-14.5 of this Code.

8 (2) "Family or household members" include spouses,
9 parents, children, stepchildren, and persons who share a
10 common dwelling.

11 (3) "Non-consensual" means a lack of freely given
12 agreement.

13 (4) "Petitioner" means not only any named petitioner
14 for the civil no contact order and any named victim of
15 non-consensual sexual conduct or non-consensual sexual
16 penetration on whose behalf the petition is brought, but
17 includes any other person sought to be protected under this
18 Article.

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

21 (6) "Sexual conduct" means any intentional or knowing
22 touching or fondling by the petitioner or the respondent,
23 either directly or through clothing, of the sex organs,
24 anus, or breast of the petitioner or the respondent, or any
25 part of the body of a child under 13 years of age, or any
26 transfer or transmission of semen by the respondent upon

1 any part of the clothed or unclothed body of the
2 petitioner, for the purpose of sexual gratification or
3 arousal of the petitioner or the respondent.

4 (7) "Sexual penetration" means any contact, however
5 slight, between the sex organ or anus of one person by an
6 object, the sex organ, mouth or anus of another person, or
7 any intrusion, however slight, of any part of the body of
8 one person or of any animal or object into the sex organ or
9 anus of another person, including but not limited to
10 cunnilingus, fellatio or anal penetration. Evidence of
11 emission of semen is not required to prove sexual
12 penetration.

13 (8) "Stay away" means to refrain from both physical
14 presence and nonphysical contact with the petitioner
15 directly, indirectly, or through third parties who may or
16 may not know of the order. "Nonphysical contact" includes,
17 but is not limited to, telephone calls, mail, e-mail, fax,
18 and written notes.

19 (d) For the purposes of cases involving stalking offenses,
20 the following terms shall have the following meanings in this
21 Article:

22 (1) "Course of conduct" means 2 or more acts,
23 including, but not limited to, acts in which a respondent
24 directly, indirectly, or through third parties, by any
25 action, method, device, or means follows, monitors,
26 observes, surveils, threatens, or communicates to or

1 about, a person, engages in other contact, or interferes
2 with or damages a person's property or pet. A course of
3 conduct may include contact via electronic communications.
4 The incarceration of a person in a penal institution who
5 commits the course of conduct is not a bar to prosecution.

6 (2) "Emotional distress" means significant mental
7 suffering, anxiety or alarm.

8 (3) "Contact" includes any contact with the victim,
9 that is initiated or continued without the victim's
10 consent, or that is in disregard of the victim's expressed
11 desire that the contact be avoided or discontinued,
12 including, but not limited to, being in the physical
13 presence of the victim; appearing within the sight of the
14 victim; approaching or confronting the victim in a public
15 place or on private property; appearing at the workplace or
16 residence of the victim; entering onto or remaining on
17 property owned, leased, or occupied by the victim; or
18 placing an object on, or delivering an object to, property
19 owned, leased, or occupied by the victim.

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

23 (5) "Reasonable person" means a person in the
24 petitioner's circumstances with the petitioner's knowledge
25 of the respondent and the respondent's prior acts.

26 (6) "Respondent" in a petition for a civil no contact

1 order means the defendant.

2 (7) "Stalking" means engaging in a course of conduct
3 directed at a specific person, and he or she knows or
4 should know that this course of conduct would cause a
5 reasonable person to fear for his or her safety or the
6 safety of a third person or suffer emotional distress.

7 "Stalking" does not include an exercise of the right to
8 free speech or assembly that is otherwise lawful or
9 picketing occurring at the workplace that is otherwise
10 lawful and arises out of a bona fide labor dispute,
11 including any controversy concerning wages, salaries,
12 hours, working conditions or benefits, including health
13 and welfare, sick leave, insurance, and pension or
14 retirement provisions, the making or maintaining of
15 collective bargaining agreements, and the terms to be
16 included in those agreements.

17 (8) "Stalking no contact order" means an order granted
18 under this Article, which includes a remedy authorized by
19 Section 112A-14.7 of this Code.

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

21 (725 ILCS 5/112A-4) (from Ch. 38, par. 112A-4)

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

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

25 (1) ~~(i)~~ any person abused by a family or household

1 member;

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

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

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

9 (1) any victim of non-consensual sexual conduct or
10 non-consensual sexual penetration on whose behalf the
11 petition is brought;

12 (2) any family or household member of the named victim;
13 and

14 (3) any employee of or volunteer at a rape crisis
15 center.

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

18 (1) any victim of stalking; and

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

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

1 ~~for any additional persons protected by this Article.~~

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

3 (725 ILCS 5/112A-4.5 new)

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

5 (a) A petition for an order of protection may be filed:

6 (1) by a person who has been abused by a family or
7 household member; or

8 (2) by any person on behalf of a minor child or an
9 adult who has been abused by a family or household member
10 and who, because of age, health, disability, or
11 inaccessibility, cannot file the petition.

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

13 (1) by any person who is a victim of non-consensual
14 sexual conduct or non-consensual sexual penetration,
15 including a single incident of non-consensual sexual
16 conduct or non-consensual sexual penetration; or

17 (2) by a person on behalf of a minor child or an adult
18 who is a victim of non-consensual sexual conduct or
19 non-consensual sexual penetration but, because of age,
20 disability, health, or inaccessibility, cannot file the
21 petition.

22 (c) A petition for a stalking no contact order may be
23 filed:

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

25 (2) by a person on behalf of a minor child or an adult

1 who is a victim of stalking but, because of age,
2 disability, health, or inaccessibility, cannot file the
3 petition.

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

8 (e) Any petition properly filed under this Article may seek
9 protection for any additional persons protected by this
10 Article.

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

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

13 (a) A petition for a protective order ~~an order of~~
14 ~~protection~~ shall be in writing and verified or accompanied by
15 affidavit and shall allege that petitioner has been abused by
16 respondent, who is a family or household member. The petition
17 shall further set forth whether there is any other ~~pending~~
18 action between the petitioner and respondent ~~parties~~. ~~During~~
19 ~~the pendency of this proceeding, each party has a continuing~~
20 ~~duty to inform the court of any subsequent proceeding for an~~
21 ~~order of protection in this or any other state.~~

22 (b) The petitioner shall not be required to disclose the
23 petitioner's address. If the petition states that disclosure of
24 petitioner's address would risk abuse of petitioner or any
25 member of petitioner's family or household or reveal the

1 confidential address of a shelter for domestic violence
2 victims, that address may be omitted from all documents filed
3 with the court. ~~If disclosure is necessary to determine
4 jurisdiction or consider any venue issue, it shall be made
5 orally and in camera. If petitioner has not disclosed an
6 address under this subsection, petitioner shall designate an
7 alternative address at which respondent may serve notice of any
8 motions.~~

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

10 (725 ILCS 5/112A-5.5 new)

11 Sec. 112A-5.5. Time for filing petition. A petition for a
12 protective order may be filed at any time before the charge is
13 dismissed, the defendant is acquitted, or the defendant
14 completes service of his or her sentence. The petition can be
15 considered at any court proceeding in the delinquency or
16 criminal case at which the defendant is present. The court may
17 schedule a separate court proceeding to consider the petition.

18 (725 ILCS 5/112A-11.5 new)

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

20 (a) The court shall grant the petition and enter a
21 protective order if the court finds prima facie evidence that a
22 crime involving domestic violence, a sexual offense or a crime
23 involving stalking has been committed. The following shall be
24 considered prima facie evidence of the crime:

1 (1) an information, complaint, indictment or
2 delinquency petition, charging a crime of domestic
3 violence, a sexual offense or stalking or charging an
4 attempt to commit a crime of domestic violence, a sexual
5 offense or stalking; or

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

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

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

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

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

1 (725 ILCS 5/112A-12) (from Ch. 38, par. 112A-12)

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

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

10 (b) A criminal court may decline to decide contested issues
11 of physical care, custody, visitation, or family support,
12 unless a decision on one or more of those contested issues is
13 necessary to avoid the risk of abuse, neglect, removal from the
14 state or concealment within the state of the child or of
15 separation of the child from the primary caretaker.

16 (c) The court shall transfer to the appropriate court or
17 division any issue it has declined to decide. Any court may
18 transfer any matter which must be tried by jury to a more
19 appropriate calendar or division.

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

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

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

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

2 (a) (Blank). ~~Issuance of order. If the court finds that~~
3 ~~petitioner has been abused by a family or household member, as~~
4 ~~defined in this Article, an order of protection prohibiting~~
5 ~~such abuse shall issue; provided that petitioner must also~~
6 ~~satisfy the requirements of one of the following Sections, as~~
7 ~~appropriate: Section 112A 17 on emergency orders, Section~~
8 ~~112A 18 on interim orders, or Section 112A 19 on plenary~~
9 ~~orders. Petitioner shall not be denied an order of protection~~
10 ~~because petitioner or respondent is a minor. The court, when~~
11 ~~determining whether or not to issue an order of protection,~~
12 ~~shall not require physical manifestations of abuse on the~~
13 ~~person of the victim. Modification and extension of prior~~
14 ~~orders of protection shall be in accordance with this Article.~~

15 (b) The court may order any of the remedies listed in this
16 subsection. ~~Remedies and standards. The remedies to be included~~
17 ~~in an order of protection shall be determined in accordance~~
18 ~~with this Section and one of the following Sections, as~~
19 ~~appropriate: Section 112A 17 on emergency orders, Section~~
20 ~~112A 18 on interim orders, and Section 112A 19 on plenary~~
21 ~~orders.~~ The remedies listed in this subsection shall be in
22 addition to other civil or criminal remedies available to
23 petitioner.

24 (1) Prohibition of abuse. Prohibit respondent's
25 harassment, interference with personal liberty,
26 intimidation of a dependent, physical abuse or willful

1 deprivation, as defined in this Article, if such abuse has
2 occurred or otherwise appears likely to occur if not
3 prohibited.

4 (2) Grant of exclusive possession of residence.
5 Prohibit respondent from entering or remaining in any
6 residence, household, or premises of the petitioner,
7 including one owned or leased by respondent, if petitioner
8 has a right to occupancy thereof. The grant of exclusive
9 possession of the residence, household, or premises shall
10 not affect title to real property, nor shall the court be
11 limited by the standard set forth in Section 701 of the
12 Illinois Marriage and Dissolution of Marriage Act.

13 (A) Right to occupancy. A party has a right to
14 occupancy of a residence or household if it is solely
15 or jointly owned or leased by that party, that party's
16 spouse, a person with a legal duty to support that
17 party or a minor child in that party's care, or by any
18 person or entity other than the opposing party that
19 authorizes that party's occupancy (e.g., a domestic
20 violence shelter). Standards set forth in subparagraph
21 (B) shall not preclude equitable relief.

22 (B) Presumption of hardships. If petitioner and
23 respondent each has the right to occupancy of a
24 residence or household, the court shall balance (i) the
25 hardships to respondent and any minor child or
26 dependent adult in respondent's care resulting from

1 entry of this remedy with (ii) the hardships to
2 petitioner and any minor child or dependent adult in
3 petitioner's care resulting from continued exposure to
4 the risk of abuse (should petitioner remain at the
5 residence or household) or from loss of possession of
6 the residence or household (should petitioner leave to
7 avoid the risk of abuse). When determining the balance
8 of hardships, the court shall also take into account
9 the accessibility of the residence or household.
10 Hardships need not be balanced if respondent does not
11 have a right to occupancy.

12 The balance of hardships is presumed to favor
13 possession by petitioner unless the presumption is
14 rebutted by a preponderance of the evidence, showing
15 that the hardships to respondent substantially
16 outweigh the hardships to petitioner and any minor
17 child or dependent adult in petitioner's care. The
18 court, on the request of petitioner or on its own
19 motion, may order respondent to provide suitable,
20 accessible, alternate housing for petitioner instead
21 of excluding respondent from a mutual residence or
22 household.

23 (3) Stay away order and additional prohibitions. Order
24 respondent to stay away from petitioner or any other person
25 protected by the order of protection, or prohibit
26 respondent from entering or remaining present at

1 petitioner's school, place of employment, or other
2 specified places at times when petitioner is present, or
3 both, if reasonable, given the balance of hardships.
4 Hardships need not be balanced for the court to enter a
5 stay away order or prohibit entry if respondent has no
6 right to enter the premises.

7 (A) If an order of protection grants petitioner
8 exclusive possession of the residence, or prohibits
9 respondent from entering the residence, or orders
10 respondent to stay away from petitioner or other
11 protected persons, then the court may allow respondent
12 access to the residence to remove items of clothing and
13 personal adornment used exclusively by respondent,
14 medications, and other items as the court directs. The
15 right to access shall be exercised on only one occasion
16 as the court directs and in the presence of an
17 agreed-upon adult third party or law enforcement
18 officer.

19 (B) When the petitioner and the respondent attend
20 the same public, private, or non-public elementary,
21 middle, or high school, the court when issuing an order
22 of protection and providing relief shall consider the
23 severity of the act, any continuing physical danger or
24 emotional distress to the petitioner, the educational
25 rights guaranteed to the petitioner and respondent
26 under federal and State law, the availability of a

1 transfer of the respondent to another school, a change
2 of placement or a change of program of the respondent,
3 the expense, difficulty, and educational disruption
4 that would be caused by a transfer of the respondent to
5 another school, and any other relevant facts of the
6 case. The court may order that the respondent not
7 attend the public, private, or non-public elementary,
8 middle, or high school attended by the petitioner,
9 order that the respondent accept a change of placement
10 or change of program, as determined by the school
11 district or private or non-public school, or place
12 restrictions on the respondent's movements within the
13 school attended by the petitioner. The respondent
14 bears the burden of proving by a preponderance of the
15 evidence that a transfer, change of placement, or
16 change of program of the respondent is not available.
17 The respondent also bears the burden of production with
18 respect to the expense, difficulty, and educational
19 disruption that would be caused by a transfer of the
20 respondent to another school. A transfer, change of
21 placement, or change of program is not unavailable to
22 the respondent solely on the ground that the respondent
23 does not agree with the school district's or private or
24 non-public school's transfer, change of placement, or
25 change of program or solely on the ground that the
26 respondent fails or refuses to consent or otherwise

1 does not take an action required to effectuate a
2 transfer, change of placement, or change of program.
3 When a court orders a respondent to stay away from the
4 public, private, or non-public school attended by the
5 petitioner and the respondent requests a transfer to
6 another attendance center within the respondent's
7 school district or private or non-public school, the
8 school district or private or non-public school shall
9 have sole discretion to determine the attendance
10 center to which the respondent is transferred. If the
11 court order results in a transfer of the minor
12 respondent to another attendance center, a change in
13 the respondent's placement, or a change of the
14 respondent's program, the parents, guardian, or legal
15 custodian of the respondent is responsible for
16 transportation and other costs associated with the
17 transfer or change.

18 (C) The court may order the parents, guardian, or
19 legal custodian of a minor respondent to take certain
20 actions or to refrain from taking certain actions to
21 ensure that the respondent complies with the order. If
22 the court orders a transfer of the respondent to
23 another school, the parents, guardian, or legal
24 custodian of the respondent is responsible for
25 transportation and other costs associated with the
26 change of school by the respondent.

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

13 (5) Physical care and possession of the minor child. In
14 order to protect the minor child from abuse, neglect, or
15 unwarranted separation from the person who has been the
16 minor child's primary caretaker, or to otherwise protect
17 the well-being of the minor child, the court may do either
18 or both of the following: (i) grant petitioner physical
19 care or possession of the minor child, or both, or (ii)
20 order respondent to return a minor child to, or not remove
21 a minor child from, the physical care of a parent or person
22 in loco parentis.

23 If the ~~a court finds, after a hearing, that~~ respondent
24 is charged with ~~has committed~~ abuse (as defined in Section
25 112A-3) of a minor child, there shall be a rebuttable
26 presumption that awarding physical care to respondent

1 would not be in the minor child's best interest.

2 (6) Temporary legal custody. Award temporary legal
3 custody to petitioner in accordance with this Section, the
4 Illinois Marriage and Dissolution of Marriage Act, the
5 Illinois Parentage Act of 2015, and this State's Uniform
6 Child-Custody Jurisdiction and Enforcement Act.

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

12 (7) Visitation. Determine the visitation rights, if
13 any, of respondent in any case in which the court awards
14 physical care or temporary legal custody of a minor child
15 to petitioner. The court shall restrict or deny
16 respondent's visitation with a minor child if the court
17 finds that respondent has done or is likely to do any of
18 the following: (i) abuse or endanger the minor child during
19 visitation; (ii) use the visitation as an opportunity to
20 abuse or harass petitioner or petitioner's family or
21 household members; (iii) improperly conceal or detain the
22 minor child; or (iv) otherwise act in a manner that is not
23 in the best interests of the minor child. The court shall
24 not be limited by the standards set forth in Section 607.1
25 of the Illinois Marriage and Dissolution of Marriage Act.
26 If the court grants visitation, the order shall specify

1 dates and times for the visitation to take place or other
2 specific parameters or conditions that are appropriate. No
3 order for visitation shall refer merely to the term
4 "reasonable visitation".

5 Petitioner may deny respondent access to the minor
6 child if, when respondent arrives for visitation,
7 respondent is under the influence of drugs or alcohol and
8 constitutes a threat to the safety and well-being of
9 petitioner or petitioner's minor children or is behaving in
10 a violent or abusive manner.

11 If necessary to protect any member of petitioner's
12 family or household from future abuse, respondent shall be
13 prohibited from coming to petitioner's residence to meet
14 the minor child for visitation, and the parties shall
15 submit to the court their recommendations for reasonable
16 alternative arrangements for visitation. A person may be
17 approved to supervise visitation only after filing an
18 affidavit accepting that responsibility and acknowledging
19 accountability to the court.

20 (8) Removal or concealment of minor child. Prohibit
21 respondent from removing a minor child from the State or
22 concealing the child within the State.

23 (9) Order to appear. Order the respondent to appear in
24 court, alone or with a minor child, to prevent abuse,
25 neglect, removal or concealment of the child, to return the
26 child to the custody or care of the petitioner or to permit

1 any court-ordered interview or examination of the child or
2 the respondent.

3 (10) Possession of personal property. Grant petitioner
4 exclusive possession of personal property and, if
5 respondent has possession or control, direct respondent to
6 promptly make it available to petitioner, if:

7 (i) petitioner, but not respondent, owns the
8 property; or

9 (ii) the parties own the property jointly; sharing
10 it would risk abuse of petitioner by respondent or is
11 impracticable; and the balance of hardships favors
12 temporary possession by petitioner.

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

20 No order under this provision shall affect title to
21 property.

22 (11) Protection of property. Forbid the respondent
23 from taking, transferring, encumbering, concealing,
24 damaging or otherwise disposing of any real or personal
25 property, except as explicitly authorized by the court, if:

26 (i) petitioner, but not respondent, owns the

1 property; or

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

4 If petitioner's sole claim to ownership of the property
5 is that it is marital property, the court may grant
6 petitioner relief under subparagraph (ii) of this
7 paragraph only if a proper proceeding has been filed under
8 the Illinois Marriage and Dissolution of Marriage Act, as
9 now or hereafter amended.

10 The court may further prohibit respondent from
11 improperly using the financial or other resources of an
12 aged member of the family or household for the profit or
13 advantage of respondent or of any other person.

14 (11.5) Protection of animals. Grant the petitioner the
15 exclusive care, custody, or control of any animal owned,
16 possessed, leased, kept, or held by either the petitioner
17 or the respondent or a minor child residing in the
18 residence or household of either the petitioner or the
19 respondent and order the respondent to stay away from the
20 animal and forbid the respondent from taking,
21 transferring, encumbering, concealing, harming, or
22 otherwise disposing of the animal.

23 (12) Order for payment of support. Order respondent to
24 pay temporary support for the petitioner or any child in
25 the petitioner's care or custody, when the respondent has a
26 legal obligation to support that person, in accordance with

1 the Illinois Marriage and Dissolution of Marriage Act,
2 which shall govern, among other matters, the amount of
3 support, payment through the clerk and withholding of
4 income to secure payment. An order for child support may be
5 granted to a petitioner with lawful physical care or
6 custody of a child, or an order or agreement for physical
7 care or custody, prior to entry of an order for legal
8 custody. Such a support order shall expire upon entry of a
9 valid order granting legal custody to another, unless
10 otherwise provided in the custody order.

11 (13) Order for payment of losses. Order respondent to
12 pay petitioner for losses suffered as a direct result of
13 the abuse. Such losses shall include, but not be limited
14 to, medical expenses, lost earnings or other support,
15 repair or replacement of property damaged or taken,
16 reasonable attorney's fees, court costs and moving or other
17 travel expenses, including additional reasonable expenses
18 for temporary shelter and restaurant meals.

19 (i) Losses affecting family needs. If a party is
20 entitled to seek maintenance, child support or
21 property distribution from the other party under the
22 Illinois Marriage and Dissolution of Marriage Act, as
23 now or hereafter amended, the court may order
24 respondent to reimburse petitioner's actual losses, to
25 the extent that such reimbursement would be
26 "appropriate temporary relief", as authorized by

1 subsection (a) (3) of Section 501 of that Act.

2 (ii) Recovery of expenses. In the case of an
3 improper concealment or removal of a minor child, the
4 court may order respondent to pay the reasonable
5 expenses incurred or to be incurred in the search for
6 and recovery of the minor child, including but not
7 limited to legal fees, court costs, private
8 investigator fees, and travel costs.

9 (14) Prohibition of entry. Prohibit the respondent
10 from entering or remaining in the residence or household
11 while the respondent is under the influence of alcohol or
12 drugs and constitutes a threat to the safety and well-being
13 of the petitioner or the petitioner's children.

14 (14.5) Prohibition of firearm possession.

15 (A) A person who is subject to an existing order of
16 protection, ~~interim order of protection, emergency~~
17 ~~order of protection, or plenary order of protection,~~
18 issued under this Code may not lawfully possess weapons
19 under Section 8.2 of the Firearm Owners Identification
20 Card Act.

21 (B) Any firearms in the possession of the
22 respondent, except as provided in subparagraph (C) of
23 this paragraph (14.5), shall be ordered by the court to
24 be turned over to a person with a valid Firearm Owner's
25 Identification Card for safekeeping. The court shall
26 issue an order that the respondent's Firearm Owner's

1 Identification Card be turned over to the local law
2 enforcement agency, which in turn shall immediately
3 mail the card to the Department of State Police Firearm
4 Owner's Identification Card Office for safekeeping.
5 The period of safekeeping shall be for the duration of
6 the order of protection. The firearm or firearms and
7 Firearm Owner's Identification Card, if unexpired,
8 shall at the respondent's request be returned to the
9 respondent at expiration of the order of protection.

10 (C) If the respondent is a peace officer as defined
11 in Section 2-13 of the Criminal Code of 2012, the court
12 shall order that any firearms used by the respondent in
13 the performance of his or her duties as a peace officer
14 be surrendered to the chief law enforcement executive
15 of the agency in which the respondent is employed, who
16 shall retain the firearms for safekeeping for the
17 duration of the order of protection.

18 (D) Upon expiration of the period of safekeeping,
19 if the firearms or Firearm Owner's Identification Card
20 cannot be returned to respondent because respondent
21 cannot be located, fails to respond to requests to
22 retrieve the firearms, or is not lawfully eligible to
23 possess a firearm, upon petition from the local law
24 enforcement agency, the court may order the local law
25 enforcement agency to destroy the firearms, use the
26 firearms for training purposes, or for any other

1 application as deemed appropriate by the local law
2 enforcement agency; or that the firearms be turned over
3 to a third party who is lawfully eligible to possess
4 firearms, and who does not reside with respondent.

5 (15) Prohibition of access to records. If an order of
6 protection prohibits respondent from having contact with
7 the minor child, or if petitioner's address is omitted
8 under subsection (b) of Section 112A-5, or if necessary to
9 prevent abuse or wrongful removal or concealment of a minor
10 child, the order shall deny respondent access to, and
11 prohibit respondent from inspecting, obtaining, or
12 attempting to inspect or obtain, school or any other
13 records of the minor child who is in the care of
14 petitioner.

15 (16) Order for payment of shelter services. Order
16 respondent to reimburse a shelter providing temporary
17 housing and counseling services to the petitioner for the
18 cost of the services, as certified by the shelter and
19 deemed reasonable by the court.

20 (17) Order for injunctive relief. Enter injunctive
21 relief necessary or appropriate to prevent further abuse of
22 a family or household member or to effectuate one of the
23 granted remedies, if supported by the balance of hardships.
24 If the harm to be prevented by the injunction is abuse or
25 any other harm that one of the remedies listed in
26 paragraphs (1) through (16) of this subsection is designed

1 to prevent, no further evidence is necessary to establish
2 that the harm is an irreparable injury.

3 (c) Relevant factors; findings.

4 (1) In determining whether to grant a specific remedy,
5 other than payment of support, the court shall consider
6 relevant factors, including but not limited to the
7 following:

8 (i) the nature, frequency, severity, pattern and
9 consequences of the respondent's past abuse of the
10 petitioner or any family or household member,
11 including the concealment of his or her location in
12 order to evade service of process or notice, and the
13 likelihood of danger of future abuse to petitioner or
14 any member of petitioner's or respondent's family or
15 household; and

16 (ii) the danger that any minor child will be abused
17 or neglected or improperly removed from the
18 jurisdiction, improperly concealed within the State or
19 improperly separated from the child's primary
20 caretaker.

21 (2) In comparing relative hardships resulting to the
22 parties from loss of possession of the family home, the
23 court shall consider relevant factors, including but not
24 limited to the following:

25 (i) availability, accessibility, cost, safety,
26 adequacy, location and other characteristics of

1 alternate housing for each party and any minor child or
2 dependent adult in the party's care;

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

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

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

11 (i) That the court has considered the applicable
12 relevant factors described in paragraphs (1) and (2) of
13 this subsection.

14 (ii) Whether the conduct or actions of respondent,
15 unless prohibited, will likely cause irreparable harm
16 or continued abuse.

17 (iii) Whether it is necessary to grant the
18 requested relief in order to protect petitioner or
19 other alleged abused persons.

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

25 ~~When a verified petition for an emergency order of~~
26 ~~protection in accordance with the requirements of Sections~~

1 ~~112A-5 and 112A-17 is presented to the court, the court~~
2 ~~shall examine petitioner on oath or affirmation. An~~
3 ~~emergency order of protection shall be issued by the court~~
4 ~~if it appears from the contents of the petition and the~~
5 ~~examination of petitioner that the averments are~~
6 ~~sufficient to indicate abuse by respondent and to support~~
7 ~~the granting of relief under the issuance of the emergency~~
8 ~~order of protection.~~

9 (5) Never married parties. No rights or
10 responsibilities for a minor child born outside of marriage
11 attach to a putative father until a father and child
12 relationship has been established under the Illinois
13 Parentage Act of 1984 or under the Illinois Parentage Act
14 of 2015 on and after the effective date of that Act. Absent
15 such an adjudication, no putative father shall be granted
16 temporary custody of the minor child, visitation with the
17 minor child, or physical care and possession of the minor
18 child, nor shall an order of payment for support of the
19 minor child be entered.

20 (d) Balance of hardships; findings. If the court finds that
21 the balance of hardships does not support the granting of a
22 remedy governed by paragraph (2), (3), (10), (11), or (16) of
23 subsection (b) of this Section, which may require such
24 balancing, the court's findings shall so indicate and shall
25 include a finding as to whether granting the remedy will result
26 in hardship to respondent that would substantially outweigh the

1 hardship to petitioner from denial of the remedy. The findings
2 shall be an official record or in writing.

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

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

8 (2) Respondent was voluntarily intoxicated;

9 (3) Petitioner acted in self-defense or defense of
10 another, provided that, if petitioner utilized force, such
11 force was justifiable under Article 7 of the Criminal Code
12 of 2012;

13 (4) Petitioner did not act in self-defense or defense
14 of another;

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

17 (6) Petitioner did not leave the residence or household
18 to avoid further abuse by respondent;

19 (7) Conduct by any family or household member excused
20 the abuse by respondent, unless that same conduct would
21 have excused such abuse if the parties had not been family
22 or household members.

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

24 (725 ILCS 5/112A-14.5 new)

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

1 (a) The court may order any of the remedies listed in this
2 Section. The remedies listed in this Section shall be in
3 addition to other civil or criminal remedies available to
4 petitioner:

5 (1) prohibit the respondent from knowingly coming
6 within, or knowingly remaining within, a specified
7 distance from the petitioner;

8 (2) restrain the respondent from having any contact,
9 including nonphysical contact, with the petitioner
10 directly, indirectly, or through third parties, regardless
11 of whether those third parties know of the order;

12 (3) prohibit the respondent from knowingly coming
13 within, or knowingly remaining within, a specified
14 distance from the petitioner's residence, school, day care
15 or other specified location;

16 (4) order the respondent to stay away from any property
17 or animal owned, possessed, leased, kept, or held by the
18 petitioner and forbid the respondent from taking,
19 transferring, encumbering, concealing, harming, or
20 otherwise disposing of the property or animal; and

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

23 (b) When the petitioner and the respondent attend the same
24 public or private elementary, middle, or high school, the court
25 when issuing a civil no contact order and providing relief
26 shall consider the severity of the act, any continuing physical

1 danger or emotional distress to the petitioner, the educational
2 rights guaranteed to the petitioner and respondent under
3 federal and State law, the availability of a transfer of the
4 respondent to another school, a change of placement or a change
5 of program of the respondent, the expense, difficulty, and
6 educational disruption that would be caused by a transfer of
7 the respondent to another school, and any other relevant facts
8 of the case. The court may order that the respondent not attend
9 the public, private, or non-public elementary, middle, or high
10 school attended by the petitioner, order that the respondent
11 accept a change of placement or program, as determined by the
12 school district or private or non-public school, or place
13 restrictions on the respondent's movements within the school
14 attended by the petitioner. The respondent bears the burden of
15 proving by a preponderance of the evidence that a transfer,
16 change of placement, or change of program of the respondent is
17 not available. The respondent also bears the burden of
18 production with respect to the expense, difficulty, and
19 educational disruption that would be caused by a transfer of
20 the respondent to another school. A transfer, change of
21 placement, or change of program is not unavailable to the
22 respondent solely on the ground that the respondent does not
23 agree with the school district's or private or non-public
24 school's transfer, change of placement, or change of program or
25 solely on the ground that the respondent fails or refuses to
26 consent to or otherwise does not take an action required to

1 effectuate a transfer, change of placement, or change of
2 program. When a court orders a respondent to stay away from the
3 public, private, or non-public school attended by the
4 petitioner and the respondent requests a transfer to another
5 attendance center within the respondent's school district or
6 private or non-public school, the school district or private or
7 non-public school shall have sole discretion to determine the
8 attendance center to which the respondent is transferred. If
9 the court order results in a transfer of the minor respondent
10 to another attendance center, a change in the respondent's
11 placement, or a change of the respondent's program, the
12 parents, guardian, or legal custodian of the respondent is
13 responsible for transportation and other costs associated with
14 the transfer or change.

15 (c) The court may order the parents, guardian, or legal
16 custodian of a minor respondent to take certain actions or to
17 refrain from taking certain actions to ensure that the
18 respondent complies with the order. If the court orders a
19 transfer of the respondent to another school, the parents or
20 legal guardians of the respondent are responsible for
21 transportation and other costs associated with the change of
22 school by the respondent.

23 (d) Denial of a remedy may not be based, in whole or in
24 part, on evidence that:

25 (1) the respondent has cause for any use of force,
26 unless that cause satisfies the standards for justifiable

1 use of force provided by Article 7 of the Criminal Code of
2 2012;

3 (2) the respondent was voluntarily intoxicated;

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

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

10 (5) the petitioner left the residence or household to
11 avoid further non-consensual sexual conduct or
12 non-consensual sexual penetration by the respondent; or

13 (6) the petitioner did not leave the residence or
14 household to avoid further non-consensual sexual conduct
15 or non-consensual sexual penetration by the respondent.

16 (e) Monetary damages are not recoverable as a remedy.

17 (725 ILCS 5/112A-14.7 new)

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

19 (a) The court may order any of the remedies listed in this
20 Section. The remedies listed in this Section shall be in
21 addition to other civil or criminal remedies available to
22 petitioner. A stalking no contact order shall order one or more
23 of the following:

24 (1) prohibit the respondent from threatening to commit
25 or committing stalking;

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

4 (3) prohibit the respondent from knowingly coming
5 within, or knowingly remaining within a specified distance
6 of the petitioner or the petitioner's residence, school,
7 daycare, or place of employment, or any specified place
8 frequented by the petitioner; however, the court may order
9 the respondent to stay away from the respondent's own
10 residence, school, or place of employment only if the
11 respondent has been provided actual notice of the
12 opportunity to appear and be heard on the petition;

13 (4) prohibit the respondent from possessing a Firearm
14 Owners Identification Card, or possessing or buying
15 firearms; and

16 (5) order other injunctive relief the court determines
17 to be necessary to protect the petitioner or third party
18 specifically named by the court.

19 (b) When the petitioner and the respondent attend the same
20 public, private, or non-public elementary, middle, or high
21 school, the court when issuing a stalking no contact order and
22 providing relief shall consider the severity of the act, any
23 continuing physical danger or emotional distress to the
24 petitioner, the educational rights guaranteed to the
25 petitioner and respondent under federal and State law, the
26 availability of a transfer of the respondent to another school,

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

1 transfer to another attendance center within the respondent's
2 school district or private or non-public school, the school
3 district or private or non-public school shall have sole
4 discretion to determine the attendance center to which the
5 respondent is transferred. If the court order results in a
6 transfer of the minor respondent to another attendance center,
7 a change in the respondent's placement, or a change of the
8 respondent's program, the parents, guardian, or legal
9 custodian of the respondent is responsible for transportation
10 and other costs associated with the transfer or change.

11 (c) The court may order the parents, guardian, or legal
12 custodian of a minor respondent to take certain actions or to
13 refrain from taking certain actions to ensure that the
14 respondent complies with the order. If the court orders a
15 transfer of the respondent to another school, the parents,
16 guardian, or legal custodian of the respondent are responsible
17 for transportation and other costs associated with the change
18 of school by the respondent.

19 (d) The court shall not hold a school district or private
20 or non-public school or any of its employees in civil or
21 criminal contempt unless the school district or private or
22 non-public school has been allowed to intervene.

23 (e) The court may hold the parents, guardian, or legal
24 custodian of a minor respondent in civil or criminal contempt
25 for a violation of any provision of any order entered under
26 this Article for conduct of the minor respondent in violation

1 of this Article if the parents, guardian, or legal custodian
2 directed, encouraged, or assisted the respondent minor in the
3 conduct.

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

5 (g) If the stalking no contact order prohibits the
6 respondent from possessing a Firearm Owner's Identification
7 Card, or possessing or buying firearms; the court shall
8 confiscate the respondent's Firearm Owner's Identification
9 Card and immediately return the card to the Department of State
10 Police Firearm Owner's Identification Card Office.

11 (725 ILCS 5/112A-15) (from Ch. 38, par. 112A-15)

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

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

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

2 (725 ILCS 5/112A-20) (from Ch. 38, par. 112A-20)

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

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

5 ~~Unless re opened or extended or voided by entry of an order of~~
6 ~~greater duration:~~

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

10 ~~(2) Interim orders shall be effective for up to 30~~
11 ~~days.~~

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

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

23 (2) if in effect in conjunction with a bond forfeiture
24 warrant, until final disposition or an additional period of
25 time not exceeding 2 years; no order of protection,

1 however, shall be terminated by a dismissal that is
2 accompanied by the issuance of a bond forfeiture warrant;

3 (3) until 2 years after the expiration of any
4 supervision, conditional discharge, probation, periodic
5 imprisonment, parole, aftercare release, or mandatory
6 supervised release for orders of protection and civil no
7 contact orders ~~and for an additional period of time~~
8 ~~thereafter not exceeding 2 years;~~ or

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

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

17 (c) Computation of time. The duration of an order of
18 protection shall not be reduced by the duration of any prior
19 order of protection.

20 (d) Law enforcement records. When a protective ~~a plenary~~
21 ~~order of protection~~ expires upon the occurrence of a specified
22 event, rather than upon a specified date as provided in
23 subsection (b), no expiration date shall be entered in
24 Department of State Police records. To remove the protective
25 ~~plenary~~ order from those records, either the petitioner or the
26 respondent party shall request the clerk of the court to file a

1 certified copy of an order stating that the specified event has
2 occurred or that the protective plenary order has been vacated
3 or modified with the sheriff, and the sheriff shall direct that
4 law enforcement records shall be promptly corrected in
5 accordance with the filed order.

6 (e) Extension of Orders. Any ~~emergency, interim or plenary~~
7 order of protection or civil no contact order that expires 2
8 years after the expiration of the defendant's sentence under
9 paragraph (2), (3), or (4) of subsection (b) of Section 112A-20
10 of this Article may be extended one or more times, as required,
11 ~~provided that the requirements of Section 112A-17, 112A-18 or~~
12 ~~112A-19, as appropriate, are satisfied.~~ The petitioner or the
13 State's Attorney on the petitioner's behalf shall file the
14 motion for an extension of the protective order in the criminal
15 case and serve the motion in accordance with Supreme Court
16 Rules 11 and 12. The court shall transfer the motion to the
17 appropriate court or division for consideration under
18 subsection (e) of Section 220 of the Illinois Domestic Violence
19 Act of 1986 or subsection (c) of Section 216 of the Civil No
20 Contact Order Act, as appropriate. ~~If the motion for extension~~
21 ~~is uncontested and petitioner seeks no modification of the~~
22 ~~order, the order may be extended on the basis of petitioner's~~
23 ~~motion or affidavit stating that there has been no material~~
24 ~~change in relevant circumstances since entry of the order and~~
25 ~~stating the reason for the requested extension. An extension of~~
26 ~~a plenary order of protection may be granted, upon good cause~~

1 ~~shown, to remain in effect until the order of protection is~~
2 ~~vacated or modified. Extensions may be granted only in open~~
3 ~~court and not under the provisions of Section 112A-17(c), which~~
4 ~~applies only when the court is unavailable at the close of~~
5 ~~business or on a court holiday.~~

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

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

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

15 (725 ILCS 5/112A-21) (from Ch. 38, par. 112A-21)

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

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

20 (1) Each remedy granted by the court, in reasonable
21 detail and not by reference to any other document, so that
22 respondent may clearly understand what he or she must do or
23 refrain from doing. Pre-printed form orders of protection
24 shall include the definitions of the types of abuse, as
25 provided in Section 112A-3. Remedies set forth in

1 pre-printed form orders shall be numbered consistently
2 with and corresponding to the numerical sequence of
3 remedies listed in Section 112A-14 (at least as of the date
4 the form orders are printed).

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

7 (b) An order of protection 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 ~~was abused by respondent,~~ and
11 that respondent is a member of the family or household of
12 each such petitioner, and the name of each other person
13 protected by the order and that such person is protected by
14 this Act.

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

17 (3) The date and time the order of protection was
18 issued, ~~whether it is an emergency, interim or plenary~~
19 ~~order and the duration of the order.~~

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

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

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

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

11 "Any knowing violation of an order of protection
12 forbidding physical abuse, harassment, intimidation,
13 interference with personal liberty, willful deprivation,
14 or entering or remaining present at specified places when
15 the protected person is present, or granting exclusive
16 possession of the residence or household, or granting a
17 stay away order is a Class A misdemeanor. Grant of
18 exclusive possession of the residence or household shall
19 constitute notice forbidding trespass to land. Any knowing
20 violation of an order awarding legal custody or physical
21 care of a child or prohibiting removal or concealment of a
22 child may be a Class 4 felony. Any willful violation of any
23 order is contempt of court. Any violation may result in
24 fine or imprisonment."

25 (d) (Blank). ~~An emergency order of protection shall state,~~
26 ~~"This Order of Protection is enforceable, even without~~

1 ~~registration, in all 50 states, the District of Columbia,~~
2 ~~tribal lands, and the U.S. territories pursuant to the Violence~~
3 ~~Against Women Act (18 U.S.C. 2265). Violating this Order of~~
4 ~~Protection may subject the respondent to federal charges and~~
5 ~~punishment (18 U.S.C. 2261-2262)."~~

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

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

17 (725 ILCS 5/112A-21.5 new)

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

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

23 (b) A civil no contact order shall further state the
24 following:

25 (1) The name of each petitioner that the court finds is

1 a victim of a charged offense and the name of each other
2 person protected by the civil no contact order.

3 (2) The date and time the civil no contact order was
4 issued.

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

7 "Any knowing violation of a civil no contact order is a
8 Class A misdemeanor. Any second or subsequent violation is
9 a Class 4 felony."

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

14 (725 ILCS 5/112A-21.7 new)

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

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

21 (b) A stalking no contact order shall further state the
22 following:

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

25 (2) The date and time the stalking no contact order was

1 issued.

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

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

7 "This Stalking No Contact Order is enforceable, even
8 without registration, in all 50 states, the District of
9 Columbia, tribal lands, and the U.S. territories under the
10 Violence Against Women Act (18 U.S.C. 2265)."

11 (725 ILCS 5/112A-22) (from Ch. 38, par. 112A-22)
12 Sec. 112A-22. Notice of orders.

13 (a) Entry and issuance. Upon issuance of any order of
14 protection, the clerk shall immediately, ~~or on the next court~~
15 ~~day if an emergency order is issued in accordance with~~
16 ~~subsection (c) of Section 112A-17,~~ (i) enter the order on the
17 record and file it in accordance with the circuit court
18 procedures and (ii) provide a file stamped copy of the order to
19 respondent, ~~if present,~~ and to petitioner, if present, and to
20 the State's Attorney. If the victim is not present the State's
21 Attorney shall (i) as soon as practicable notify the petitioner
22 the order has been entered and (ii) provide a file stamped copy
23 of the order to the petitioner within 3 days.

24 (b) Filing with sheriff. The clerk of the issuing judge
25 shall, ~~or the petitioner may,~~ on the same day that a protective

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

22 (c) (Blank). ~~Service by sheriff. Unless respondent was~~
23 ~~present in court when the order was issued, the sheriff, other~~
24 ~~law enforcement official or special process server shall~~
25 ~~promptly serve that order upon respondent and file proof of~~
26 ~~such service, in the manner provided for service of process in~~

1 ~~civil proceedings. Instead of serving the order upon the~~
2 ~~respondent, however, the sheriff, other law enforcement~~
3 ~~official, special process server, or other persons defined in~~
4 ~~Section 112A-22.10 may serve the respondent with a short form~~
5 ~~notification as provided in Section 112A 22.10. If process has~~
6 ~~not yet been served upon the respondent, it shall be served~~
7 ~~with the order or short form notification if such service is~~
8 ~~made by the sheriff, other law enforcement official, or special~~
9 ~~process server.~~

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

21 (d) (Blank). ~~Extensions, modifications and revocations.~~
22 ~~Any order extending, modifying or revoking any order of~~
23 ~~protection shall be promptly recorded, issued and served as~~
24 ~~provided in this Section.~~

25 (e) Notice to health care facilities and health care
26 practitioners. Upon the request of the petitioner, the clerk of

1 the circuit court shall send a certified copy of the protective
2 order ~~of protection~~ to any specified health care facility or
3 health care practitioner requested by the petitioner at the
4 mailing address provided by the petitioner.

5 (f) Disclosure by health care facilities and health care
6 practitioners. After receiving a certified copy of a protective
7 order ~~an order of protection~~ that prohibits a respondent's
8 access to records, no health care facility or health care
9 practitioner shall allow a respondent access to the records of
10 any child who is a protected person under the protective order
11 ~~of protection~~, or release information in those records to the
12 respondent, unless the order has expired or the respondent
13 shows a certified copy of the court order vacating the
14 corresponding protective order ~~of protection~~ that was sent to
15 the health care facility or practitioner. Nothing in this
16 Section shall be construed to require health care facilities or
17 health care practitioners to alter procedures related to
18 billing and payment. The health care facility or health care
19 practitioner may file the copy of the protective order ~~of~~
20 ~~protection~~ in the records of a child who is a protected person
21 under the protective order ~~of protection~~, or may employ any
22 other method to identify the records to which a respondent is
23 prohibited access. No health care facility or health care
24 practitioner shall be civilly or professionally liable for
25 reliance on a copy of a protective order ~~an order of~~
26 ~~protection~~, except for willful and wanton misconduct.

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

22 (h) Disclosure by schools. After receiving a certified copy
23 of a protective order ~~an order of protection~~ that prohibits a
24 respondent's access to records, neither a day-care facility,
25 pre-school, pre-kindergarten, public or private school,
26 college, or university nor its employees shall allow a

1 respondent access to a protected child's records or release
2 information in those records to the respondent. The school
3 shall file the copy of the protective order ~~of protection~~ in
4 the records of a child who is a protected person under the
5 order ~~of protection~~. When a child who is a protected person
6 under the protective order ~~of protection~~ transfers to another
7 day-care facility, pre-school, pre-kindergarten, public or
8 private school, college, or university, the institution from
9 which the child is transferring may, at the request of the
10 petitioner, provide, within 24 hours of the transfer, written
11 notice of the protective order ~~of protection~~, along with a
12 certified copy of the order, to the institution to which the
13 child is transferring.

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

16 (725 ILCS 5/112A-22.3 new)

17 Sec. 112A-22.3. Withdrawal or dismissal of charges or
18 petition.

19 (a) Voluntary dismissal or withdrawal of any delinquency
20 petition or criminal prosecution or a finding of not guilty
21 shall not require dismissal or vacation of the protective
22 order; instead, at the request of the petitioner, in the
23 discretion of the State's Attorney, or on the court's motion,
24 it may be treated as an independent action and, if necessary
25 and appropriate, transferred to a different court or division.

1 Dismissal of any delinquency petition or criminal prosecution
2 shall not affect the validity of any previously issued
3 protective order.

4 (b) Withdrawal or dismissal of any petition for a
5 protective order shall operate as a dismissal without
6 prejudice.

7 (725 ILCS 5/112A-23) (from Ch. 38, par. 112A-23)

8 Sec. 112A-23. Enforcement of protective orders ~~of~~
9 ~~protection.~~

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

13 (1) The respondent commits the crime of violation of an
14 order of protection pursuant to Section 12-3.4 or 12-30 of
15 the Criminal Code of 1961 or the Criminal Code of 2012, by
16 having knowingly violated:

17 (i) remedies described in paragraphs (1), (2),
18 (3), (14), or (14.5) of subsection (b) of Section
19 112A-14,

20 (ii) a remedy, which is substantially similar to
21 the remedies authorized under paragraphs (1), (2),
22 (3), (14) or (14.5) of subsection (b) of Section 214 of
23 the Illinois Domestic Violence Act of 1986, in a valid
24 order of protection, which is authorized under the laws
25 of another state, tribe or United States territory,

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

4 Prosecution for a violation of an order of protection
5 shall not bar concurrent prosecution for any other crime,
6 including any crime that may have been committed at the
7 time of the violation of the order of protection; or

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

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

13 (ii) a remedy, which is substantially similar to
14 the remedies authorized under paragraphs (1), (5),
15 (6), or (8) of subsection (b) of Section 214 of the
16 Illinois Domestic Violence Act of 1986, in a valid
17 order of protection, which is authorized under the laws
18 of another state, tribe or United States territory.

19 (3) The respondent commits the crime of violation of a
20 civil no contact order when the respondent violates Section
21 12-3.8 of the Criminal Code of 2012. Prosecution for a
22 violation of a civil no contact order shall not bar
23 concurrent prosecution for any other crime, including any
24 crime that may have been committed at the time of the
25 violation of the civil no contact order.

26 (4) The respondent commits the crime of violation of a

1 stalking no contact order when the respondent violates
2 Section 12-3.9 of the Criminal Code of 2012. Prosecution
3 for a violation of a stalking no contact order shall not
4 bar concurrent prosecution for any other crime, including
5 any crime that may have been committed at the time of the
6 violation of the stalking no contact order.

7 (b) When violation is contempt of court. A violation of any
8 valid protective order ~~of protection~~, whether issued in a civil
9 or criminal proceeding, may be enforced through civil or
10 criminal contempt procedures, as appropriate, by any court with
11 jurisdiction, regardless where the act or acts which violated
12 the protective order ~~of protection~~ were committed, to the
13 extent consistent with the venue provisions of this Article.
14 Nothing in this Article shall preclude any Illinois court from
15 enforcing any valid protective order ~~of protection~~ issued in
16 another state. Illinois courts may enforce protective orders ~~of~~
17 ~~protection~~ through both criminal prosecution and contempt
18 proceedings, unless the action which is second in time is
19 barred by collateral estoppel or the constitutional
20 prohibition against double jeopardy.

21 (1) In a contempt proceeding where the petition for a
22 rule to show cause sets forth facts evidencing an immediate
23 danger that the respondent will flee the jurisdiction,
24 conceal a child, or inflict physical abuse on the
25 petitioner or minor children or on dependent adults in
26 petitioner's care, the court may order the attachment of

1 the respondent without prior service of the rule to show
2 cause or the petition for a rule to show cause. Bond shall
3 be set unless specifically denied in writing.

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

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

16 (d) Actual knowledge. A protective order ~~An order of~~
17 ~~protection~~ may be enforced pursuant to this Section if the
18 respondent violates the order after respondent has actual
19 knowledge of its contents as shown through one of the following
20 means:

21 (1) (Blank). ~~By service, delivery, or notice under~~
22 ~~Section 112A-10.~~

23 (2) (Blank). ~~By notice under Section 112A-11.~~

24 (3) By service of an order of protection under Section
25 112A-22.

26 (4) By other means demonstrating actual knowledge of

1 the contents of the order.

2 (e) The enforcement of an order of protection in civil or
3 criminal court shall not be affected by either of the
4 following:

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

7 (2) Any finding or order entered in a conjoined
8 criminal proceeding.

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

13 (g) Penalties.

14 (1) Except as provided in paragraph (3) of this
15 subsection, where the court finds the commission of a crime
16 or contempt of court under subsections (a) or (b) of this
17 Section, the penalty shall be the penalty that generally
18 applies in such criminal or contempt proceedings, and may
19 include one or more of the following: incarceration,
20 payment of restitution, a fine, payment of attorneys' fees
21 and costs, or community service.

22 (2) The court shall hear and take into account evidence
23 of any factors in aggravation or mitigation before deciding
24 an appropriate penalty under paragraph (1) of this
25 subsection.

26 (3) To the extent permitted by law, the court is

1 encouraged to:

2 (i) increase the penalty for the knowing violation
3 of any protective order ~~of protection~~ over any penalty
4 previously imposed by any court for respondent's
5 violation of any protective order ~~of protection~~ or
6 penal statute involving petitioner as victim and
7 respondent as defendant;

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

11 (iii) impose a minimum penalty of 48 hours
12 imprisonment for respondent's second or subsequent
13 violation of a protective order ~~an order of protection~~
14 unless the court explicitly finds that an increased penalty
15 or that period of imprisonment would be manifestly unjust.

16 (4) In addition to any other penalties imposed for a
17 violation of a protective order ~~an order of protection~~, a
18 criminal court may consider evidence of any violations of a
19 protective order ~~an order of protection~~:

20 (i) to increase, revoke or modify the bail bond on
21 an underlying criminal charge pursuant to Section
22 110-6;

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

26 (iii) to revoke or modify a sentence of periodic

1 imprisonment, pursuant to Section 5-7-2 of the Unified
2 Code of Corrections.

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

4 (725 ILCS 5/112A-24) (from Ch. 38, par. 112A-24)
5 Sec. 112A-24. Modification, ~~and~~ re-opening, and extension
6 of orders.

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

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

15 (2) Otherwise, by adding any remedy authorized by
16 Section 112A-14, 112A-14.5, or 112A-14.7 which was:

17 (i) reserved in that protective order ~~of~~
18 ~~protection~~;

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

21 (iii) denied on procedural grounds, but not on the
22 merits.

23 (a-5) A petitioner or the State's Attorney on the
24 petitioner's behalf may file a motion to vacate or modify a
25 permanent stalking no contact order 2 years or more after the

1 expiration of the defendant's sentence. The motion shall be
2 served in accordance with Supreme Court Rules 11 and 12.

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

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

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

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

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

26 (e) (Blank). ~~If the emergency or interim order granted~~

1 ~~petitioner exclusive possession of the residence and the~~
2 ~~petition of respondent seeks to re-open or vacate that grant,~~
3 ~~the court shall set a date for hearing within 14 days on all~~
4 ~~issues relating to exclusive possession. Under no~~
5 ~~circumstances shall a court continue a hearing concerning~~
6 ~~exclusive possession beyond the 14th day except by agreement of~~
7 ~~the parties. Other issues raised by the pleadings may be~~
8 ~~consolidated for the hearing if neither party nor the court~~
9 ~~objects.~~

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

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

14 (725 ILCS 5/112A-25) (from Ch. 38, par. 112A-25)

15 Sec. 112A-25. Immunity from Prosecution. Any individual or
16 organization acting in good faith to report the abuse of any
17 person 60 years of age or older or to do any of the following in
18 complying with the provisions of this Article shall not be
19 subject to criminal prosecution or civil liability as a result
20 of such action: providing any information to the appropriate
21 law enforcement agency, providing that the giving of any
22 information does not violate any privilege of confidentiality
23 under law; assisting in any investigation; assisting in the
24 preparation of any materials for distribution under this
25 Article; or by providing services ordered under a protective

1 order ~~an order of protection~~.

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

3 (725 ILCS 5/112A-26) (from Ch. 38, par. 112A-26)

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

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

15 (b) The law enforcement officer may verify the existence of
16 a protective ~~an order of protection~~ by telephone or radio
17 communication with his or her law enforcement agency or by
18 referring to the copy of the order provided by petitioner or
19 respondent.

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

21 (725 ILCS 5/112A-28) (from Ch. 38, par. 112A-28)

22 Sec. 112A-28. Data maintenance by law enforcement
23 agencies.

24 (a) All sheriffs shall furnish to the Department of State

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

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

21 (c) The data, records and transmittals required under this
22 Section shall pertain to:

23 (1) any valid emergency, interim or plenary order of
24 protection, civil no contact or stalking no contact order
25 ~~whether~~ issued in a civil proceeding; and

26 (2) ~~or~~ any valid protective order issued in a criminal

1 proceeding or authorized under the laws of another state,
2 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 Section
16 217 of the Illinois Domestic Violence Act of 1986
17 ~~subsection (c) of Section 112A-17~~. When a victim of abuse
18 chooses to leave the scene of the offense, it shall be
19 presumed that it is in the best interests of any minors or
20 dependents in the victim's care to remain with the victim
21 or a person designated by the victim, rather than to remain
22 with the abusing party.

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

26 (1) Make a police report of the investigation of any

1 bona fide allegation of an incident of abuse and the
2 disposition of the investigation, in accordance with
3 subsection (a) of Section 112A-29;

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

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

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

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

20 (725 ILCS 5/112A-1 rep.)

21 (725 ILCS 5/112A-2 rep.)

22 (725 ILCS 5/112A-6 rep.)

23 (725 ILCS 5/112A-7 rep.)

24 (725 ILCS 5/112A-10 rep.)

25 (725 ILCS 5/112A-11 rep.)

- 1 (725 ILCS 5/112A-13 rep.)
2 (725 ILCS 5/112A-17 rep.)
3 (725 ILCS 5/112A-18 rep.)
4 (725 ILCS 5/112A-19 rep.)
5 (725 ILCS 5/112A-22.5 rep.)
6 (725 ILCS 5/112A-22.10 rep.)

7 Section 10. The Code of Criminal Procedure of 1963 is
8 amended by repealing Sections 112A-1, 112A-2, 112A-6, 112A-7,
9 112A-10, 112A-11, 112A-13, 112A-17, 112A-18, 112A-19,
10 112A-22.5, and 112A-22.10.

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

13 (725 ILCS 120/4.5)

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

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

1 (a-5) When law enforcement authorities re-open a closed
2 case to resume investigating, they shall provide notice of the
3 re-opening of the case, except where the State's Attorney
4 determines that disclosure of such information would
5 unreasonably interfere with the investigation.

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

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

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

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

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

26 (4) shall assist in having any stolen or other personal

1 property held by law enforcement authorities for
2 evidentiary or other purposes returned as expeditiously as
3 possible, pursuant to the procedures set out in Section
4 115-9 of the Code of Criminal Procedure of 1963;

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

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

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

20 (8) (blank);

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

26 (9) shall inform the victim of the right to have

1 present at all court proceedings, subject to the rules of
2 evidence and confidentiality, an advocate and other
3 support person of the victim's choice;

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

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

22 (10) at the sentencing shall make a good faith attempt
23 to explain the minimum amount of time during which the
24 defendant may actually be physically imprisoned. The
25 Office of the State's Attorney shall further notify the
26 crime victim of the right to request from the Prisoner

1 Review Board or Department of Juvenile Justice information
2 concerning the release of the defendant;

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

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

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

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

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

1 consulted with the victim prior to making an offer or
2 entering into plea negotiations with the defendant, the
3 Office of the State's Attorney shall notify the victim of
4 the offer or the negotiations within 2 business days and
5 confer with the victim;

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

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

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

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

1 (c) The court shall ensure that the rights of the victim
2 are afforded.

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

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

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

24 (3) Standing. The victim has standing to assert the
25 rights enumerated in subsection (a) of Article I, Section
26 8.1 of the Illinois Constitution and the statutory rights

1 under Section 4 of this Act in any court exercising
2 jurisdiction over the criminal case. The prosecuting
3 attorney, a victim, or the victim's retained attorney may
4 assert the victim's rights. The defendant in the criminal
5 case has no standing to assert a right of the victim in any
6 court proceeding, including on appeal.

7 (4) Assertion of and enforcement of rights.

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

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

1 case outside the presence of the jury.

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

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

17 (5) Violation of rights and remedies.

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

24 (B) The appropriate remedy shall include only
25 actions necessary to provide the victim the right to
26 which the victim was entitled and may include reopening

1 previously held proceedings; however, in no event
2 shall the court vacate a conviction. Any remedy shall
3 be tailored to provide the victim an appropriate remedy
4 without violating any constitutional right of the
5 defendant. In no event shall the appropriate remedy be
6 a new trial, damages, or costs.

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

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

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

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

24 (10) Right to notice of court proceedings. If the
25 victim is not present at a court proceeding in which a
26 right of the victim is at issue, the court shall ask the

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

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

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

12 (12) Right to Restitution.

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

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

1 shall file and serve within 60 days after sentencing a
2 proposed judgment for restitution and a notice that
3 includes information concerning the identity of any
4 victims or other persons seeking restitution, whether
5 any victim or other person expressly declines
6 restitution, the nature and amount of any damages
7 together with any supporting documentation, a
8 restitution amount recommendation, and the names of
9 any co-defendants and their case numbers. Within 30
10 days after receipt of the proposed judgment for
11 restitution, the defendant shall file any objection to
12 the proposed judgment, a statement of grounds for the
13 objection, and a financial statement. If the defendant
14 does not file an objection, the court may enter the
15 judgment for restitution without further proceedings.
16 If the defendant files an objection and either party
17 requests a hearing, the court shall schedule a hearing.

18 (13) Access to presentence reports.

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

24 (i) the defendant's mental history and
25 condition;

26 (ii) any evaluation prepared under subsection

1 (b) or (b-5) of Section 5-3-2; and

2 (iii) the name, address, phone number, and
3 other personal information about any other victim.

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

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

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

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

1 right in the proceeding to which the appeal relates.

2 (15) Limitation on appellate relief. In no case shall
3 an appellate court provide a new trial to remedy the
4 violation of a victim's right.

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

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

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

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

24 (3) In the event of an escape from State custody, the
25 Department of Corrections or the Department of Juvenile Justice
26 immediately shall notify the Prisoner Review Board of the

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

10 (4) The victim of the crime for which the prisoner has been
11 sentenced shall receive reasonable written notice not less than
12 30 days prior to the parole hearing or target aftercare release
13 date and may submit, in writing, on film, videotape or other
14 electronic means or in the form of a recording prior to the
15 parole hearing or target aftercare release date or in person at
16 the parole hearing or aftercare release protest hearing or if a
17 victim of a violent crime, by calling the toll-free number
18 established in subsection (f) of this Section, information for
19 consideration by the Prisoner Review Board or Department of
20 Juvenile Justice. The victim shall be notified within 7 days
21 after the prisoner has been granted parole or aftercare release
22 and shall be informed of the right to inspect the registry of
23 parole decisions, established under subsection (g) of Section
24 3-3-5 of the Unified Code of Corrections. The provisions of
25 this paragraph (4) are subject to the Open Parole Hearings Act.

26 (5) If a statement is presented under Section 6, the

1 Prisoner Review Board or Department of Juvenile Justice shall
2 inform the victim of any order of discharge pursuant to Section
3 3-2.5-85 or 3-3-8 of the Unified Code of Corrections.

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

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

23 (8) When a defendant has been convicted of a sex offense as
24 defined in Section 2 of the Sex Offender Registration Act and
25 has been sentenced to the Department of Corrections or the
26 Department of Juvenile Justice, the Prisoner Review Board or

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

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

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

1 of a violent crime to present that information to the Board.
2 (Source: P.A. 98-372, eff. 1-1-14; 98-558, eff. 1-1-14; 98-756,
3 eff. 7-16-14; 99-413, eff. 8-20-15; 99-628, eff. 1-1-17.)

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

6 (740 ILCS 21/20)

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

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

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

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

1 ~~delinquency petition on file and the alleged victim is a~~
2 ~~person protected by this Act, and (ii) the petition, which~~
3 ~~is filed by the State's Attorney, names a victim of the~~
4 ~~alleged crime as a petitioner.~~

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

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

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

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

1 (740 ILCS 21/105)

2 Sec. 105. Duration and extension of orders.

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

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

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

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

23 ~~(3) permanent if a judgment of conviction for stalking~~
24 ~~is entered.~~

25 (c) Any emergency or plenary order may be extended one or
26 more times, as required, provided that the requirements of

1 Section 95 or 100, as appropriate, are satisfied. If the motion
2 for extension is uncontested and the petitioner seeks no
3 modification of the order, the order may be extended on the
4 basis of the petitioner's motion or affidavit stating that
5 there has been no material change in relevant circumstances
6 since entry of the order and stating the reason for the
7 requested extension. Extensions may be granted only in open
8 court and not under the provisions of subsection (c) of Section
9 95, which applies only when the court is unavailable at the
10 close of business or on a court holiday.

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

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

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

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

21 (740 ILCS 22/202)

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

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

24 (1) independently, by filing a petition for a civil no

1 contact order in any civil court, unless specific courts
2 are designated by local rule or order; or

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

20 (b) Withdrawal or dismissal of any petition for a civil no
21 contact order prior to adjudication where the petitioner is
22 represented by the State shall operate as a dismissal without
23 prejudice. No action for a civil no contact order shall be
24 dismissed because the respondent is being prosecuted for a
25 crime against the petitioner. For any action commenced under
26 item (2) of subsection (a) of this Section, dismissal of the

1 conjoined case (or a finding of not guilty) shall not require
2 dismissal of the action for a civil no contact order; instead,
3 it may be treated as an independent action and, if necessary
4 and appropriate, transferred to a different court or division.

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

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

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

14 (740 ILCS 22/216)

15 Sec. 216. Duration and extension of orders.

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

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

25 ~~follows:~~

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

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

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

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

21 (c) Any emergency or plenary order may be extended one or
22 more times, as required, provided that the requirements of
23 Section 214 or 215, as appropriate, are satisfied. If the
24 motion for extension is uncontested and the petitioner seeks no
25 modification of the order, the order may be extended on the
26 basis of the petitioner's motion or affidavit stating that

1 there has been no material change in relevant circumstances
2 since entry of the order and stating the reason for the
3 requested extension. Extensions may be granted only in open
4 court and not under the provisions of subsection (c) of Section
5 214, which applies only when the court is unavailable at the
6 close of business or on a court holiday.

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

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

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

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

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

20 (750 ILCS 60/202) (from Ch. 40, par. 2312-2)

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

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

24 (1) Independently: By filing a petition for an order of

1 protection in any civil court, unless specific courts are
2 designated by local rule or order.

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

20 (3) In conjunction with a delinquency petition or a
21 criminal prosecution as provided in Section 112A-20 of the
22 Code of Criminal Procedure of 1963. ~~By filing a petition~~
23 ~~for an order of protection, under the same case number as~~
24 ~~the delinquency petition or criminal prosecution, to be~~
25 ~~granted during pre trial release of a defendant, with any~~
26 ~~dispositional order issued under Section 5-710 of the~~

1 ~~Juvenile Court Act of 1987 or as a condition of release,~~
2 ~~supervision, conditional discharge, probation, periodic~~
3 ~~imprisonment, parole, aftercare release, or mandatory~~
4 ~~supervised release, or in conjunction with imprisonment or~~
5 ~~a bond forfeiture warrant; provided that:~~

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

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

13 (b) Filing, certification, and service fees. No fee shall
14 be charged by the clerk for filing, amending, vacating,
15 certifying, or photocopying petitions or orders; or for issuing
16 alias summons; or for any related filing service. No fee shall
17 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 (c) Dismissal and consolidation. Withdrawal or dismissal
21 of any petition for an order of protection prior to
22 adjudication where the petitioner is represented by the State
23 shall operate as a dismissal without prejudice. No action for
24 an order of protection shall be dismissed because the
25 respondent is being prosecuted for a crime against the
26 petitioner. An independent action may be consolidated with

1 another civil proceeding, as provided by paragraph (2) of
2 subsection (a) of this Section. For any action commenced under
3 paragraph (2) or (3) of subsection (a) of this Section,
4 dismissal of the conjoined case (or a finding of not guilty)
5 shall not require dismissal of the action for the order of
6 protection; instead, it may be treated as an independent action
7 and, if necessary and appropriate, transferred to a different
8 court or division. Dismissal of any conjoined case shall not
9 affect the validity of any previously issued order of
10 protection, and thereafter subsections (b)(1) and (b)(2) of
11 Section 220 shall be inapplicable to such order.

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

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

1 (1) As used in this subsection:

2 (A) "Electronic means" means any method of
3 transmission of information between computers or other
4 machines designed for the purpose of sending or
5 receiving electronic transmission and that allows for
6 the recipient of information to reproduce the
7 information received in a tangible medium of
8 expression.

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

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

23 (2) Any pilot program under this subsection (e) shall
24 be developed by the administrative director or his or her
25 delegate in consultation with at least one local
26 organization providing assistance to domestic violence

1 victims. The program plan shall include but not be limited
2 to:

3 (A) identification of agencies equipped with or
4 that have access to an independent audio-visual system
5 and electronic means for filing documents; and

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

11 (C) identification of the existing resources
12 available in local family courts for the
13 implementation and oversight of the pilot program; and

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

19 (E) a timeline for implementation and a plan for
20 informing the public about the availability of the
21 program; and

22 (F) a description of the data to be collected in
23 order to evaluate and make recommendations for
24 improvements to the pilot program.

25 (3) In conjunction with an electronic appearance, any
26 petitioner for an ex parte temporary order of protection

1 may, using the assistance of a trained advocate if
2 necessary, commence the proceedings by filing a petition by
3 electronic means.

4 (A) A petitioner who is seeking an ex parte
5 temporary order of protection using an electronic
6 appearance must file a petition in advance of the
7 appearance and may do so electronically.

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

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

24 (4) Appearances.

25 (A) All electronic appearances by a petitioner
26 seeking an ex parte temporary order of protection under

1 this subsection (e) are strictly voluntary and the
2 court shall obtain the consent of the petitioner on the
3 record at the commencement of each appearance.

4 (B) Electronic appearances under this subsection
5 (e) shall be recorded and preserved for transcription.
6 Documentary evidence, if any, referred to by a party or
7 witness or the court may be transmitted and submitted
8 and introduced by electronic means.

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

11 (750 ILCS 60/220) (from Ch. 40, par. 2312-20)

12 Sec. 220. Duration and extension of orders.

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

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

18 (2) Interim orders shall be effective for up to 30
19 days.

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

22 (0.05) A plenary order of protection entered under this
23 Act shall be valid for a fixed period of time, not to
24 exceed two years.

25 (1) A plenary order of protection entered in

1 conjunction with another civil proceeding shall remain in
2 effect as follows:

3 (i) if entered as preliminary relief in that other
4 proceeding, until entry of final judgment in that other
5 proceeding;

6 (ii) if incorporated into the final judgment in
7 that other proceeding, until the order of protection is
8 vacated or modified; or

9 (iii) if incorporated in an order for involuntary
10 commitment, until termination of both the involuntary
11 commitment and any voluntary commitment, or for a fixed
12 period of time not exceeding 2 years.

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

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

24 ~~(ii) if in effect in conjunction with a bond~~
25 ~~forfeiture warrant, until final disposition or an~~
26 ~~additional period of time not exceeding 2 years; no~~

1 ~~order of protection, however, shall be terminated by a~~
2 ~~dismissal that is accompanied by the issuance of a bond~~
3 ~~forfeiture warrant;~~

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

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

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

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

1 with the filed order.

2 (e) Extension of orders. Any emergency, interim or plenary
3 order may be extended one or more times, as required, provided
4 that the requirements of Section 217, 218 or 219, as
5 appropriate, are satisfied. If the motion for extension is
6 uncontested and petitioner seeks no modification of the order,
7 the order may be extended on the basis of petitioner's motion
8 or affidavit stating that there has been no material change in
9 relevant circumstances since entry of the order and stating the
10 reason for the requested extension. An extension of a plenary
11 order of protection may be granted, upon good cause shown, to
12 remain in effect until the order of protection is vacated or
13 modified. Extensions may be granted only in open court and not
14 under the provisions of subsection (c) of Section 217, which
15 applies only when the court is unavailable at the close of
16 business or on a court holiday.

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

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

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