



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB3866

Introduced 2/22/2021, by Rep. Joyce Mason

SYNOPSIS AS INTRODUCED:

725 ILCS 5/112A-3	from Ch. 38, par. 112A-3
750 ILCS 60/103	from Ch. 40, par. 2311-3
750 ILCS 60/Art. V heading new	
750 ILCS 60/501 new	

Amends the Illinois Domestic Violence Act of 1986 and the Protective Orders Article of the Code of Criminal Procedure of 1963. Includes economic or financial abuse in the definition of "abuse". Defines "economic or financial abuse" as controlling a person's access to economic or financial resources in a way that forces him or her to depend on the person controlling the economic or financial resources. Provides that if a victim of domestic abuse provides documentation to a debt collector that the debt or any portion of the debt is the result of economic abuse, the debt collector shall cease collection of the debt or any disputed portion of the debt owed by the consumer subjected to economic abuse.

LRB102 13669 LNS 19019 b

1 AN ACT concerning domestic violence.

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

4 Section 5. The Code of Criminal Procedure of 1963 is
5 amended by changing Section 112A-3 as follows:

6 (725 ILCS 5/112A-3) (from Ch. 38, par. 112A-3)

7 Sec. 112A-3. Definitions.

8 (a) In this Article:

9 "Advocate" means a person whose communications with the
10 victim are privileged under Section 8-802.1 or 8-802.2 of the
11 Code of Civil Procedure or Section 227 of the Illinois
12 Domestic Violence Act of 1986.

13 "Named victim" means the person named as the victim in the
14 delinquency petition or criminal prosecution.

15 "Protective order" means a domestic violence order of
16 protection, a civil no contact order, or a stalking no contact
17 order.

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

21 (1) "Abuse" means physical abuse, economic or
22 financial abuse, harassment, intimidation of a dependent,
23 interference with personal liberty or willful deprivation

1 but does not include reasonable direction of a minor child
2 by a parent or person in loco parentis.

3 (2) "Domestic violence" means abuse as described in
4 paragraph (1) of this subsection (b).

5 (2.5) "Economic or financial abuse" has the meaning
6 provided in Section 103 of the Illinois Domestic Violence Act
7 of 1986.

8 (3) "Family or household members" include spouses,
9 former spouses, parents, children, stepchildren, and other
10 persons related by blood or by present or prior marriage,
11 persons who share or formerly shared a common dwelling,
12 persons who have or allegedly have a child in common,
13 persons who share or allegedly share a blood relationship
14 through a child, persons who have or have had a dating or
15 engagement relationship, persons with disabilities and
16 their personal assistants, and caregivers as defined in
17 subsection (e) of Section 12-4.4a of the Criminal Code of
18 2012. For purposes of this paragraph (3), neither a casual
19 acquaintanceship nor ordinary fraternization between 2
20 individuals in business or social contexts shall be deemed
21 to constitute a dating relationship.

22 (4) "Harassment" means knowing conduct which is not
23 necessary to accomplish a purpose which is reasonable
24 under the circumstances; would cause a reasonable person
25 emotional distress; and does cause emotional distress to
26 the petitioner. Unless the presumption is rebutted by a

1 preponderance of the evidence, the following types of
2 conduct shall be presumed to cause emotional distress:

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

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

7 (iii) repeatedly following petitioner about in a
8 public place or places;

9 (iv) repeatedly keeping petitioner under
10 surveillance by remaining present outside his or her
11 home, school, place of employment, vehicle or other
12 place occupied by petitioner or by peering in
13 petitioner's windows;

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

23 (vi) threatening physical force, confinement or
24 restraint on one or more occasions.

25 (5) "Interference with personal liberty" means
26 committing or threatening physical abuse, harassment,

1 intimidation or willful deprivation so as to compel
2 another to engage in conduct from which she or he has a
3 right to abstain or to refrain from conduct in which she or
4 he has a right to engage.

5 (6) "Intimidation of a dependent" means subjecting a
6 person who is dependent because of age, health, or
7 disability to participation in or the witnessing of:
8 physical force against another or physical confinement or
9 restraint of another which constitutes physical abuse as
10 defined in this Article, regardless of whether the abused
11 person is a family or household member.

12 (7) "Order of protection" or "domestic violence order
13 of protection" means an ex parte or final order, granted
14 pursuant to this Article, which includes any or all of the
15 remedies authorized by Section 112A-14 of this Code.

16 (8) "Petitioner" may mean not only any named
17 petitioner for the domestic violence order of protection
18 and any named victim of abuse on whose behalf the petition
19 is brought, but also any other person protected by this
20 Article.

21 (9) "Physical abuse" includes sexual abuse and means
22 any of the following:

23 (i) knowing or reckless use of physical force,
24 confinement or restraint;

25 (ii) knowing, repeated and unnecessary sleep
26 deprivation; or

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

3 (9.3) "Respondent" in a petition for a domestic
4 violence order of protection means the defendant.

5 (9.5) "Stay away" means for the respondent to refrain
6 from both physical presence and nonphysical contact with
7 the petitioner whether direct, indirect (including, but
8 not limited to, telephone calls, mail, email, faxes, and
9 written notes), or through third parties who may or may
10 not know about the domestic violence order of protection.

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

21 (c) For the purposes of cases involving sexual offenses,
22 the following terms shall have the following meanings in this
23 Article:

24 (1) "Civil no contact order" means an ex parte or
25 final order granted under this Article, which includes a
26 remedy authorized by Section 112A-14.5 of this Code.

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

4 (3) "Non-consensual" means a lack of freely given
5 agreement.

6 (4) "Petitioner" means not only any named petitioner
7 for the civil no contact order and any named victim of
8 non-consensual sexual conduct or non-consensual sexual
9 penetration on whose behalf the petition is brought, but
10 includes any other person sought to be protected under
11 this Article.

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

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

23 (7) "Sexual penetration" means any contact, however
24 slight, between the sex organ or anus of one person by an
25 object, the sex organ, mouth or anus of another person, or
26 any intrusion, however slight, of any part of the body of

1 one person or of any animal or object into the sex organ or
2 anus of another person, including, but not limited to,
3 cunnilingus, fellatio, or anal penetration. Evidence of
4 emission of semen is not required to prove sexual
5 penetration.

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

12 (d) For the purposes of cases involving stalking offenses,
13 the following terms shall have the following meanings in this
14 Article:

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

25 (2) "Emotional distress" means significant mental
26 suffering, anxiety, or alarm.

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

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

16 (5) "Reasonable person" means a person in the
17 petitioner's circumstances with the petitioner's knowledge
18 of the respondent and the respondent's prior acts.

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

21 (7) "Stalking" means engaging in a course of conduct
22 directed at a specific person, and he or she knows or
23 should know that this course of conduct would cause a
24 reasonable person to fear for his or her safety or the
25 safety of a third person or suffer emotional distress.
26 "Stalking" does not include an exercise of the right to

1 free speech or assembly that is otherwise lawful or
2 picketing occurring at the workplace that is otherwise
3 lawful and arises out of a bona fide labor dispute,
4 including any controversy concerning wages, salaries,
5 hours, working conditions or benefits, including health
6 and welfare, sick leave, insurance, and pension or
7 retirement provisions, the making or maintaining of
8 collective bargaining agreements, and the terms to be
9 included in those agreements.

10 (8) "Stalking no contact order" means an ex parte or
11 final order granted under this Article, which includes a
12 remedy authorized by Section 112A-14.7 of this Code.

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

14 Section 10. The Illinois Domestic Violence Act of 1986 is
15 amended by changing Section 103 and by adding Article V as
16 follows:

17 (750 ILCS 60/103) (from Ch. 40, par. 2311-3)

18 Sec. 103. Definitions. For the purposes of this Act, the
19 following terms shall have the following meanings:

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

1 (2) "Adult with disabilities" means an elder adult with
2 disabilities or a high-risk adult with disabilities. A person
3 may be an adult with disabilities for purposes of this Act even
4 though he or she has never been adjudicated an incompetent
5 adult. However, no court proceeding may be initiated or
6 continued on behalf of an adult with disabilities over that
7 adult's objection, unless such proceeding is approved by his
8 or her legal guardian, if any.

9 (3) "Domestic violence" means abuse as defined in
10 paragraph (1).

11 (3.5) "Economic or financial abuse" means controlling a
12 person's access to economic or financial resources in a way
13 that forces him or her to depend on the person controlling the
14 economic or financial resources. "Economic or financial abuse"
15 includes, but is not limited to: forbidding a person to work;
16 sabotaging work or employment opportunities, including
17 stalking a person at his or her work place or causing the
18 person to lose his or her job by physically abusing him or her
19 prior to important meetings or interviews; forbidding the
20 person from attending job training or advancement
21 opportunities; controlling how all money is spent; not
22 including the person in investment or banking decisions; not
23 allowing the person access to bank accounts; withholding money
24 or giving an allowance to the person; forcing the person to
25 write bad checks or file fraudulent tax returns; running up
26 large amounts of debt on joint accounts; refusing to work or

1 contribute to shared income; withholding funds for the person
2 or children to obtain basic needs, including food and
3 medicine; hiding assets; stealing the person's identity,
4 property, or inheritance; forcing the person to work in a
5 family or shared business without pay; refusing to pay bills;
6 ruining the person's credit score; forcing the person to turn
7 over public benefits or threatening to accuse the person of
8 misusing benefits; filing false insurance claims; refusing to
9 pay or evading child support, and manipulating dissolution of
10 marriage proceedings by hiding or not disclosing assets.

11 (4) "Elder adult with disabilities" means an adult
12 prevented by advanced age from taking appropriate action to
13 protect himself or herself from abuse by a family or household
14 member.

15 (5) "Exploitation" means the illegal, including tortious,
16 use of a high-risk adult with disabilities or of the assets or
17 resources of a high-risk adult with disabilities. Exploitation
18 includes, but is not limited to, the misappropriation of
19 assets or resources of a high-risk adult with disabilities by
20 undue influence, by breach of a fiduciary relationship, by
21 fraud, deception, or extortion, or the use of such assets or
22 resources in a manner contrary to law.

23 (6) "Family or household members" include spouses, former
24 spouses, parents, children, stepchildren and other persons
25 related by blood or by present or prior marriage, persons who
26 share or formerly shared a common dwelling, persons who have

1 or allegedly have a child in common, persons who share or
2 allegedly share a blood relationship through a child, persons
3 who have or have had a dating or engagement relationship,
4 persons with disabilities and their personal assistants, and
5 caregivers as defined in Section 12-4.4a of the Criminal Code
6 of 2012. For purposes of this paragraph, neither a casual
7 acquaintanceship nor ordinary fraternization between 2
8 individuals in business or social contexts shall be deemed to
9 constitute a dating relationship. In the case of a high-risk
10 adult with disabilities, "family or household members"
11 includes any person who has the responsibility for a high-risk
12 adult as a result of a family relationship or who has assumed
13 responsibility for all or a portion of the care of a high-risk
14 adult with disabilities voluntarily, or by express or implied
15 contract, or by court order.

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

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

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

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

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

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

15 (vi) threatening physical force, confinement or
16 restraint on one or more occasions.

17 (8) "High-risk adult with disabilities" means a person
18 aged 18 or over whose physical or mental disability impairs
19 his or her ability to seek or obtain protection from abuse,
20 neglect, or exploitation.

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

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

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

7 (11) (A) "Neglect" means the failure to exercise that
8 degree of care toward a high-risk adult with disabilities
9 which a reasonable person would exercise under the
10 circumstances and includes but is not limited to:

11 (i) the failure to take reasonable steps to protect a
12 high-risk adult with disabilities from acts of abuse;

13 (ii) the repeated, careless imposition of unreasonable
14 confinement;

15 (iii) the failure to provide food, shelter, clothing,
16 and personal hygiene to a high-risk adult with
17 disabilities who requires such assistance;

18 (iv) the failure to provide medical and rehabilitative
19 care for the physical and mental health needs of a
20 high-risk adult with disabilities; or

21 (v) the failure to protect a high-risk adult with
22 disabilities from health and safety hazards.

23 (B) Nothing in this subsection (10) shall be construed to
24 impose a requirement that assistance be provided to a
25 high-risk adult with disabilities over his or her objection in
26 the absence of a court order, nor to create any new affirmative

1 duty to provide support to a high-risk adult with
2 disabilities.

3 (12) "Order of protection" means an emergency order,
4 interim order or plenary order, granted pursuant to this Act,
5 which includes any or all of the remedies authorized by
6 Section 214 of this Act.

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

11 (14) "Physical abuse" includes sexual abuse and means any
12 of the following:

13 (i) knowing or reckless use of physical force,
14 confinement or restraint;

15 (ii) knowing, repeated and unnecessary sleep
16 deprivation; or

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

19 (14.5) "Stay away" means for the respondent to refrain
20 from both physical presence and nonphysical contact with the
21 petitioner whether direct, indirect (including, but not
22 limited to, telephone calls, mail, email, faxes, and written
23 notes), or through third parties who may or may not know about
24 the order of protection.

25 (15) "Willful deprivation" means wilfully denying a person
26 who because of age, health or disability requires medication,

1 medical care, shelter, accessible shelter or services, food,
2 therapeutic device, or other physical assistance, and thereby
3 exposing that person to the risk of physical, mental or
4 emotional harm, except with regard to medical care or
5 treatment when the dependent person has expressed an intent to
6 forgo such medical care or treatment. This paragraph does not
7 create any new affirmative duty to provide support to
8 dependent persons.

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

10 (750 ILCS 60/Art. V heading new)

11 ARTICLE V

12 MISCELLANEOUS

13 (750 ILCS 60/501 new)

14 Sec. 501. Economic abuse - debt collection. If a victim of
15 domestic abuse provides documentation to a debt collector that
16 the debt or any portion of the debt is the result of economic
17 abuse, as defined in Section 103, the debt collector shall
18 cease collection of the debt or any disputed portion of the
19 debt owed by the consumer subjected to economic abuse. A
20 victim of domestic violence shall provide to the debt
21 collector documentation of the alleged conduct by the
22 perpetrator, including the perpetrator's name. Acceptable
23 documentation includes, but is not limited to:

24 (1) a statement signed by a health care provider,

1 mental health care provider, or law enforcement officer,
2 including the license number of the health care provider,
3 mental health care provider, or law enforcement officer if
4 licensed;

5 (2) a copy of a temporary order or final order of
6 protection;

7 (3) a copy of a police report prepared in response to
8 an investigation of an incident of domestic violence,
9 sexual assault, or stalking; and

10 (4) a copy of a criminal complaint, indictment, or
11 conviction for a charge of domestic violence, sexual
12 assault, or stalking.