

1 AN ACT concerning courts.

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

4 Section 5. The State Finance Act is amended by changing  
5 Section 6b-4 as follows:

6 (30 ILCS 105/6b-4) (from Ch. 127, par. 142b4)

7 Sec. 6b-4. On the second Monday of every month, the  
8 Director of Public Health shall certify to the State  
9 Comptroller and the State Treasurer the amount generated by  
10 the issuance of commemorative birth certificates under  
11 subsection (14) of Section 25 of the Vital Records Act in  
12 excess of the costs incurred in issuing the documents. Within  
13 15 days of receipt of the certification required by this  
14 Section, the State Comptroller and the State Treasurer shall  
15 transfer from the General Revenue Fund, one-half of the amount  
16 certified as being received from the issuance of commemorative  
17 birth certificates to the Child Abuse Prevention Fund and  
18 one-half of the amount to the Domestic Violence Shelter and  
19 Service Fund.

20 The State Treasurer shall deposit into the Domestic  
21 Violence Shelter and Service Fund each assessment received  
22 under the Criminal and Traffic Assessment Act.

23 In addition to any other amounts deposited into the

1 Domestic Violence Shelter and Service Fund, the State  
2 Treasurer shall deposit into the Fund all moneys donated to  
3 the State by private individuals or entities for purposes for  
4 which moneys in the Fund may be used as provided in this  
5 paragraph. Subject to appropriation, the Department of Human  
6 Services shall use moneys in the Fund to make grants to defray  
7 the reasonable and necessary travel expenses of victims of  
8 domestic violence who were members of the United States Armed  
9 Forces when the domestic violence occurred and who have been  
10 discharged from the United States Armed Forces to participate  
11 and travel to domestic violence proceedings. Military  
12 personnel may qualify for and have access to moneys from the  
13 Fund for the purposes set forth in this paragraph. The  
14 Department shall adopt rules necessary for making grants under  
15 this paragraph. County Veterans Assistance Commissions and  
16 organizations described in Section 501(c)(19) of the Internal  
17 Revenue Code of 1986 may receive grants under this paragraph.

18 The State Treasurer shall deposit into the Sexual Assault  
19 Services Fund and the Domestic Violence Shelter and Service  
20 Fund each of those fines received from circuit clerks under  
21 Section 5-9-1.7 of the Unified Code of Corrections in  
22 accordance with the provisions of that Section.

23 (Source: P.A. 100-987, eff. 7-1-19.)

24 Section 10. The Code of Criminal Procedure of 1963 is  
25 amended by changing Sections 112A-6.1 and 112A-23 as follows:

1 (725 ILCS 5/112A-6.1)

2 Sec. 112A-6.1. Application of rules of civil procedure;  
3 criminal law.

4 (a) Any proceeding to obtain, modify, re-open, or appeal a  
5 protective order and service of pleadings and notices shall be  
6 governed by the rules of civil procedure of this State. The  
7 Code of Civil Procedure and Supreme Court and local court  
8 rules applicable to civil proceedings shall apply, except as  
9 otherwise provided by law. Civil law on venue, discovery, and  
10 penalties for untrue statements shall not apply to protective  
11 order proceedings heard under this Article.

12 (b) Criminal law on discovery, venue, and penalties for  
13 untrue statements apply to protective order proceedings under  
14 this Article.

15 (c) Court proceedings related to the entry of a protective  
16 order and the determination of remedies shall not be used to  
17 obtain discovery that would not otherwise be available in a  
18 criminal prosecution or juvenile delinquency case.

19 (c) The Supreme Court of Illinois may adopt rules that  
20 promote the use of attorneys serving on a pro bono basis to  
21 represent victims under this Article.

22 (Source: P.A. 100-597, eff. 6-29-18.)

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

24 Sec. 112A-23. Enforcement of protective orders.

1 (a) When violation is crime. A violation of any protective  
2 order, whether issued in a civil, quasi-criminal proceeding or  
3 by a military judge or by a military commander of the United  
4 States Armed Forces, shall be enforced by a criminal court  
5 when:

6 (1) The respondent commits the crime of violation of a  
7 domestic violence order of protection pursuant to Section  
8 12-3.4 or 12-30 of the Criminal Code of 1961 or the  
9 Criminal Code of 2012, by having knowingly violated:

10 (i) remedies described in paragraph (1), (2), (3),  
11 (14), or (14.5) of subsection (b) of Section 112A-14  
12 of this Code,

13 (ii) a remedy, which is substantially similar to  
14 the remedies authorized under paragraph (1), (2), (3),  
15 (14), or (14.5) 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  
18 laws of another state, tribe, or United States  
19 territory, or

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

23 Prosecution for a violation of a domestic violence  
24 order of protection shall not bar concurrent prosecution  
25 for any other crime, including any crime that may have  
26 been committed at the time of the violation of the

1 domestic violence order of protection; or

2 (2) The respondent commits the crime of child  
3 abduction pursuant to Section 10-5 of the Criminal Code of  
4 1961 or the Criminal Code of 2012, by having knowingly  
5 violated:

6 (i) remedies described in paragraph (5), (6), or  
7 (8) of subsection (b) of Section 112A-14 of this Code,  
8 or

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

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

23 (4) The respondent commits the crime of violation of a  
24 stalking no contact order when the respondent violates  
25 Section 12-3.9 of the Criminal Code of 2012. Prosecution  
26 for a violation of a stalking no contact order shall not

1 bar concurrent prosecution for any other crime, including  
2 any crime that may have been committed at the time of the  
3 violation of the stalking no contact order.

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

19 (1) In a contempt proceeding where the petition for a  
20 rule to show cause sets forth facts evidencing an  
21 immediate danger that the respondent will flee the  
22 jurisdiction, conceal a child, or inflict physical abuse  
23 on the petitioner or minor children or on dependent adults  
24 in petitioner's care, the court may order the attachment  
25 of the respondent without prior service of the rule to  
26 show cause or the petition for a rule to show cause. Bond

1 shall be set unless specifically denied in writing.

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

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

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

19 (1) (Blank).

20 (2) (Blank).

21 (3) By service of a protective order under subsection  
22 (f) of Section 112A-17.5 or Section 112A-22 of this Code.

23 (4) By other means demonstrating actual knowledge of  
24 the contents of the order.

25 (e) The enforcement of a protective order in civil or  
26 criminal court shall not be affected by either of the

1 following:

2 (1) The existence of a separate, correlative order  
3 entered under Section 112A-15 of this Code.

4 (2) Any finding or order entered in a conjoined  
5 criminal proceeding.

6 (e-5) If a civil no contact order entered under subsection  
7 (6) of Section 112A-20 of the Code of Criminal Procedure of  
8 1963 conflicts with an order issued pursuant to the Juvenile  
9 Court Act of 1987 or the Illinois Marriage and Dissolution of  
10 Marriage Act, the conflicting order issued under subsection  
11 (6) of Section 112A-20 of the Code of Criminal Procedure of  
12 1963 shall be void.

13 (f) Circumstances. The court, when determining whether or  
14 not a violation of a protective order has occurred, shall not  
15 require physical manifestations of abuse on the person of the  
16 victim.

17 (g) Penalties.

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

26 (2) The court shall hear and take into account



1 evidence of any factors in aggravation or mitigation  
2 before deciding an appropriate penalty under paragraph (1)  
3 of this subsection (g).

4 (3) To the extent permitted by law, the court is  
5 encouraged to:

6 (i) increase the penalty for the knowing violation  
7 of any protective order over any penalty previously  
8 imposed by any court for respondent's violation of any  
9 protective order or penal statute involving petitioner  
10 as victim and respondent as defendant;

11 (ii) impose a minimum penalty of 24 hours  
12 imprisonment for respondent's first violation of any  
13 protective order; and

14 (iii) impose a minimum penalty of 48 hours  
15 imprisonment for respondent's second or subsequent  
16 violation of a protective order

17 unless the court explicitly finds that an increased  
18 penalty or that period of imprisonment would be manifestly  
19 unjust.

20 (4) In addition to any other penalties imposed for a  
21 violation of a protective order, a criminal court may  
22 consider evidence of any violations of a protective order:

23 (i) to modify the conditions of pretrial release  
24 on an underlying criminal charge pursuant to Section  
25 110-6 of this Code;

26 (ii) to revoke or modify an order of probation,

1 conditional discharge, or supervision, pursuant to  
2 Section 5-6-4 of the Unified Code of Corrections;

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

6 (Source: P.A. 102-184, eff. 1-1-22; 102-558, eff. 8-20-21;  
7 102-813, eff. 5-13-22; 102-890, eff. 5-19-22; 103-407, eff.  
8 7-28-23.)

9 Section 15. The Illinois Domestic Violence Act of 1986 is  
10 amended by changing Sections 205 and 222.5 as follows:

11 (750 ILCS 60/205) (from Ch. 40, par. 2312-5)

12 Sec. 205. Application of rules of civil procedure;  
13 Domestic abuse advocates.

14 (a) Any proceeding to obtain, modify, reopen or appeal an  
15 order of protection, whether commenced alone or in conjunction  
16 with a civil or criminal proceeding, shall be governed by the  
17 rules of civil procedure of this State. The standard of proof  
18 in such a proceeding is proof by a preponderance of the  
19 evidence, whether the proceeding is heard in criminal or civil  
20 court. The Code of Civil Procedure and Supreme Court and local  
21 court rules applicable to civil proceedings, as now or  
22 hereafter amended, shall apply, except as otherwise provided  
23 by this law.

24 (b) (1) In all circuit court proceedings under this Act,

1 domestic abuse advocates shall be allowed to attend and sit at  
2 counsel table and confer with the victim, unless otherwise  
3 directed by the court.

4 (2) In criminal proceedings in circuit courts, domestic  
5 abuse advocates shall be allowed to accompany the victim and  
6 confer with the victim, unless otherwise directed by the  
7 court.

8 (3) Court administrators shall allow domestic abuse  
9 advocates to assist victims of domestic violence in the  
10 preparation of petitions for orders of protection.

11 (4) Domestic abuse advocates are not engaged in the  
12 unauthorized practice of law when providing assistance of the  
13 types specified in this subsection (b).

14 (c) The Supreme Court of Illinois may adopt rules that  
15 promote the use of attorneys serving on a pro bono basis to  
16 represent victims under this Act.

17 (Source: P.A. 87-1186; 87-1255; 88-45.)

18 (750 ILCS 60/222.5)

19 Sec. 222.5. Filing of an order of protection issued in  
20 another state or other jurisdiction.

21 (a) A person entitled to protection under an order of  
22 protection issued by the court of another state, tribe, or  
23 United States territory or military judge or by a military  
24 commander of the United States Armed Forces may file a  
25 certified copy of the order of protection with the clerk of the

1 court in a judicial circuit in which the person believes that  
2 enforcement may be necessary.

3 (a-5) The Illinois National Guard shall file a certified  
4 copy of any military order of protection with the clerk of the  
5 court in a judicial circuit in which the person entitled to  
6 protection resides or if the person entitled to protection is  
7 not a State resident, in a judicial circuit in which it is  
8 believed that enforcement may be necessary.

9 (b) The clerk shall:

10 (1) treat the foreign order of protection, including,  
11 but not limited to, an order of protection issued by a  
12 military judge or by a military commander of the United  
13 States Armed Forces, in the same manner as a judgment of  
14 the circuit court for any county of this State in  
15 accordance with the provisions of the Uniform Enforcement  
16 of Foreign Judgments Act, except that the clerk shall not  
17 mail notice of the filing of the foreign order to the  
18 respondent named in the order; and

19 (2) on the same day that a foreign order of protection  
20 is filed, file a certified copy of that order with the  
21 sheriff or other law enforcement officials charged with  
22 maintaining Illinois State Police records as set forth in  
23 Section 222 of this Act.

24 (c) Neither residence in this State nor filing of a  
25 foreign order of protection, including, but not limited to, an  
26 order of protection issued by a military judge or by a military

1 commander of the United States Armed Forces, shall be required  
2 for enforcement of the order by this State. Failure to file the  
3 foreign order shall not be an impediment to its treatment in  
4 all respects as an Illinois order of protection.

5 (d) The clerk shall not charge a fee to file a foreign  
6 order of protection under this Section.

7 (e) The sheriff shall inform the Illinois State Police as  
8 set forth in Section 302 of this Act.

9 (Source: P.A. 102-538, eff. 8-20-21; 102-890, eff. 5-19-22;  
10 103-407, eff. 7-28-23.)