



Rep. Stephanie A. Kifowit

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10300HB3103ham001

LRB103 30894 LNS 59287 a

1 AMENDMENT TO HOUSE BILL 3103

2 AMENDMENT NO. _____. Amend House Bill 3103 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Firearm Owners Identification Card Act is
5 amended by changing Section 1.1 as follows:

6 (430 ILCS 65/1.1)

7 Sec. 1.1. For purposes of this Act:

8 "Addicted to narcotics" means a person who has been:

9 (1) convicted of an offense involving the use or
10 possession of cannabis, a controlled substance, or
11 methamphetamine within the past year; or

12 (2) determined by the Illinois State Police to be
13 addicted to narcotics based upon federal law or federal
14 guidelines.

15 "Addicted to narcotics" does not include possession or use
16 of a prescribed controlled substance under the direction and

1 authority of a physician or other person authorized to
2 prescribe the controlled substance when the controlled
3 substance is used in the prescribed manner.

4 "Adjudicated as a person with a mental disability" means
5 the person is the subject of a determination by a court, board,
6 commission or other lawful authority that the person, as a
7 result of marked subnormal intelligence, or mental illness,
8 mental impairment, incompetency, condition, or disease:

9 (1) presents a clear and present danger to himself,
10 herself, or to others;

11 (2) lacks the mental capacity to manage his or her own
12 affairs or is adjudicated a person with a disability as
13 defined in Section 11a-2 of the Probate Act of 1975;

14 (3) is not guilty in a criminal case by reason of
15 insanity, mental disease or defect;

16 (3.5) is guilty but mentally ill, as provided in
17 Section 5-2-6 of the Unified Code of Corrections;

18 (4) is incompetent to stand trial in a criminal case;

19 (5) is not guilty by reason of lack of mental
20 responsibility under Articles 50a and 72b of the Uniform
21 Code of Military Justice, 10 U.S.C. 850a, 876b;

22 (6) is a sexually violent person under subsection (f)
23 of Section 5 of the Sexually Violent Persons Commitment
24 Act;

25 (7) is a sexually dangerous person under the Sexually
26 Dangerous Persons Act;

1 (8) is unfit to stand trial under the Juvenile Court
2 Act of 1987;

3 (9) is not guilty by reason of insanity under the
4 Juvenile Court Act of 1987;

5 (10) is subject to involuntary admission as an
6 inpatient as defined in Section 1-119 of the Mental Health
7 and Developmental Disabilities Code;

8 (11) is subject to involuntary admission as an
9 outpatient as defined in Section 1-119.1 of the Mental
10 Health and Developmental Disabilities Code;

11 (12) is subject to judicial admission as set forth in
12 Section 4-500 of the Mental Health and Developmental
13 Disabilities Code; or

14 (13) is subject to the provisions of the Interstate
15 Agreements on Sexually Dangerous Persons Act.

16 "Clear and present danger" means a person who:

17 (1) communicates a serious threat of physical violence
18 against a reasonably identifiable victim or poses a clear
19 and imminent risk of serious physical injury to himself,
20 herself, or another person as determined by a physician,
21 clinical psychologist, or qualified examiner; or

22 (2) demonstrates threatening physical or verbal
23 behavior, such as violent, suicidal, or assaultive
24 threats, actions, or other behavior, as determined by a
25 physician, clinical psychologist, qualified examiner,
26 school administrator, or law enforcement official.

1 "Clinical psychologist" has the meaning provided in
2 Section 1-103 of the Mental Health and Developmental
3 Disabilities Code.

4 "Controlled substance" means a controlled substance or
5 controlled substance analog as defined in the Illinois
6 Controlled Substances Act.

7 "Counterfeit" means to copy or imitate, without legal
8 authority, with intent to deceive.

9 "Developmental disability" means a severe, chronic
10 disability of an individual that:

11 (1) is attributable to a mental or physical impairment
12 or combination of mental and physical impairments;

13 (2) is manifested before the individual attains age
14 22;

15 (3) is likely to continue indefinitely;

16 (4) results in substantial functional limitations in 3
17 or more of the following areas of major life activity:

18 (A) Self-care.

19 (B) Receptive and expressive language.

20 (C) Learning.

21 (D) Mobility.

22 (E) Self-direction.

23 (F) Capacity for independent living.

24 (G) Economic self-sufficiency; and

25 (5) reflects the individual's need for a combination
26 and sequence of special, interdisciplinary, or generic

1 services, individualized supports, or other forms of
2 assistance that are of lifelong or extended duration and
3 are individually planned and coordinated.

4 "Federally licensed firearm dealer" means a person who is
5 licensed as a federal firearms dealer under Section 923 of the
6 federal Gun Control Act of 1968 (18 U.S.C. 923).

7 "Firearm" means any device, by whatever name known, which
8 is designed to expel a projectile or projectiles by the action
9 of an explosion, expansion of gas or escape of gas; excluding,
10 however:

11 (1) any pneumatic gun, spring gun, paint ball gun, or
12 B-B gun which expels a single globular projectile not
13 exceeding .18 inch in diameter or which has a maximum
14 muzzle velocity of less than 700 feet per second;

15 (1.1) any pneumatic gun, spring gun, paint ball gun,
16 or B-B gun which expels breakable paint balls containing
17 washable marking colors;

18 (2) any device used exclusively for signaling or
19 safety and required or recommended by the United States
20 Coast Guard or the Interstate Commerce Commission;

21 (3) any device used exclusively for the firing of stud
22 cartridges, explosive rivets or similar industrial
23 ammunition; and

24 (4) an antique firearm (other than a machine-gun)
25 which, although designed as a weapon, the Illinois State
26 Police finds by reason of the date of its manufacture,

1 value, design, and other characteristics is primarily a
2 collector's item and is not likely to be used as a weapon.

3 "Firearm ammunition" means any self-contained cartridge or
4 shotgun shell, by whatever name known, which is designed to be
5 used or adaptable to use in a firearm; excluding, however:

6 (1) any ammunition exclusively designed for use with a
7 device used exclusively for signaling or safety and
8 required or recommended by the United States Coast Guard
9 or the Interstate Commerce Commission; and

10 (2) any ammunition designed exclusively for use with a
11 stud or rivet driver or other similar industrial
12 ammunition.

13 "Gun show" means an event or function:

14 (1) at which the sale and transfer of firearms is the
15 regular and normal course of business and where 50 or more
16 firearms are displayed, offered, or exhibited for sale,
17 transfer, or exchange; or

18 (2) at which not less than 10 gun show vendors
19 display, offer, or exhibit for sale, sell, transfer, or
20 exchange firearms.

21 "Gun show" includes the entire premises provided for an
22 event or function, including parking areas for the event or
23 function, that is sponsored to facilitate the purchase, sale,
24 transfer, or exchange of firearms as described in this
25 Section. Nothing in this definition shall be construed to
26 exclude a gun show held in conjunction with competitive

1 shooting events at the World Shooting Complex sanctioned by a
2 national governing body in which the sale or transfer of
3 firearms is authorized under subparagraph (5) of paragraph (g)
4 of subsection (A) of Section 24-3 of the Criminal Code of 2012.

5 Unless otherwise expressly stated, "gun show" does not
6 include training or safety classes, competitive shooting
7 events, such as rifle, shotgun, or handgun matches, trap,
8 skeet, or sporting clays shoots, dinners, banquets, raffles,
9 or any other event where the sale or transfer of firearms is
10 not the primary course of business.

11 "Gun show promoter" means a person who organizes or
12 operates a gun show.

13 "Gun show vendor" means a person who exhibits, sells,
14 offers for sale, transfers, or exchanges any firearms at a gun
15 show, regardless of whether the person arranges with a gun
16 show promoter for a fixed location from which to exhibit,
17 sell, offer for sale, transfer, or exchange any firearm.

18 "Intellectual disability" means significantly subaverage
19 general intellectual functioning, existing concurrently with
20 deficits in adaptive behavior and manifested during the
21 developmental period, which is defined as before the age of
22 22, that adversely affects a child's educational performance.

23 "Involuntarily admitted" has the meaning as prescribed in
24 Sections 1-119 and 1-119.1 of the Mental Health and
25 Developmental Disabilities Code.

26 "Mental health facility" means any licensed private

1 hospital or hospital affiliate, institution, or facility, or
2 part thereof, and any facility, or part thereof, operated by
3 the State or a political subdivision thereof which provides
4 treatment of persons with mental illness and includes all
5 hospitals, institutions, clinics, evaluation facilities,
6 mental health centers, colleges, universities, long-term care
7 facilities, and nursing homes, or parts thereof, which provide
8 treatment of persons with mental illness whether or not the
9 primary purpose is to provide treatment of persons with mental
10 illness.

11 "National governing body" means a group of persons who
12 adopt rules and formulate policy on behalf of a national
13 firearm sporting organization.

14 "Noncitizen" means a person who is not a citizen of the
15 United States, but is a person who is a foreign-born person who
16 lives in the United States, has not been naturalized, and is
17 still a citizen of a foreign country.

18 "Patient" means:

19 (1) a person who is admitted as an inpatient or
20 resident of a public or private mental health facility for
21 mental health treatment under Chapter III of the Mental
22 Health and Developmental Disabilities Code as an informal
23 admission, a voluntary admission, a minor admission, an
24 emergency admission, or an involuntary admission, unless
25 the treatment was solely for an alcohol abuse disorder; or

26 (2) a person who voluntarily or involuntarily receives

1 mental health treatment as an out-patient or is otherwise
2 provided services by a public or private mental health
3 facility and who poses a clear and present danger to
4 himself, herself, or others.

5 "Physician" has the meaning as defined in Section 1-120 of
6 the Mental Health and Developmental Disabilities Code.

7 "Protective order" means any orders of protection issued
8 under the Illinois Domestic Violence Act of 1986, stalking no
9 contact orders issued under the Stalking No Contact Order Act,
10 civil no contact orders issued under the Civil No Contact
11 Order Act, and firearms restraining orders issued under the
12 Firearms Restraining Order Act or a substantially similar
13 order issued by the court of another state, tribe, or United
14 States territory or military judge tribunal.

15 "Qualified examiner" has the meaning provided in Section
16 1-122 of the Mental Health and Developmental Disabilities
17 Code.

18 "Sanctioned competitive shooting event" means a shooting
19 contest officially recognized by a national or state shooting
20 sport association, and includes any sight-in or practice
21 conducted in conjunction with the event.

22 "School administrator" means the person required to report
23 under the School Administrator Reporting of Mental Health
24 Clear and Present Danger Determinations Law.

25 "Stun gun or taser" has the meaning ascribed to it in
26 Section 24-1 of the Criminal Code of 2012.

1 (Source: P.A. 102-237, eff. 1-1-22; 102-538, eff. 8-20-21;
2 102-813, eff. 5-13-22; 102-890, eff. 5-19-22; 102-972, eff.
3 1-1-23; 102-1030, eff. 5-27-22; revised 12-14-22.)

4 Section 10. The Code of Criminal Procedure of 1963 is
5 amended by changing Sections 112A-4.5, 112A-23, and 112A-28 as
6 follows:

7 (725 ILCS 5/112A-4.5)

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

9 (a) A petition for a domestic violence order of protection
10 may be filed:

11 (1) by a named victim who has been abused by a family
12 or household member;

13 (2) by any person or by the State's Attorney on behalf
14 of a named victim who is a minor child or an adult who has
15 been abused by a family or household member and who,
16 because of age, health, disability, or inaccessibility,
17 cannot file the petition;

18 (3) by a State's Attorney on behalf of any minor child
19 or dependent adult in the care of the named victim, if the
20 named victim does not file a petition or request the
21 State's Attorney file the petition; or

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

24 (i) a foster parent of that child if the child has

1 been placed in the foster parent's home by the
2 Department of Children and Family Services or by
3 another state's public child welfare agency;

4 (ii) a legally appointed guardian or legally
5 appointed custodian of that child;

6 (iii) an adoptive parent of that child;

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

11 For purposes of this paragraph (a)(4), individuals who
12 would have been considered "family or household members" of
13 the child under paragraph (3) of subsection (b) of Section
14 112A-3 before a termination of the parental rights with
15 respect to the child continue to meet the definition of
16 "family or household members" of the child.

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

18 (1) by any person who is a named victim of
19 non-consensual sexual conduct or non-consensual sexual
20 penetration, including a single incident of non-consensual
21 sexual conduct or non-consensual sexual penetration;

22 (2) by a person or by the State's Attorney on behalf of
23 a named victim who is a minor child or an adult who is a
24 victim of non-consensual sexual conduct or non-consensual
25 sexual penetration but, because of age, disability,
26 health, or inaccessibility, cannot file the petition;

1 (3) by a State's Attorney on behalf of any minor child
2 who is a family or household member of the named victim, if
3 the named victim does not file a petition or request the
4 State's Attorney file the petition;

5 (4) by a service member of the Illinois National Guard
6 or any reserve military component serving within the State
7 who is a victim of non-consensual sexual conduct who has
8 also received a Military Protective Order; or

9 (5) by the Staff Judge Advocate of the Illinois
10 National Guard or any reserve military component serving
11 in the State on behalf of a named victim who is a victim of
12 non-consensual sexual conduct who has also received a
13 Military Protective Order only after receiving consent
14 from the victim, and the petition shall include a
15 statement that the victim has consented to the Staff Judge
16 Advocate filing the petition.

17 (c) A petition for a stalking no contact order may be
18 filed:

19 (1) by any person who is a named victim of stalking;

20 (2) by a person or by the State's Attorney on behalf of
21 a named victim who is a minor child or an adult who is a
22 victim of stalking but, because of age, disability,
23 health, or inaccessibility, cannot file the petition;

24 (3) by a State's Attorney on behalf of any minor child
25 who is a family or household member of the named victim, if
26 the named victim does not file a petition or request the

1 State's Attorney file the petition;

2 (4) by a service member of the Illinois National Guard
3 or any reserve military component serving within the State
4 who is a victim of non-consensual sexual conduct who has
5 also received a Military Protective Order; or

6 (5) by the Staff Judge Advocate of the Illinois
7 National Guard or any reserve military component serving
8 in the State on behalf of a named victim who is a victim of
9 non-consensual sexual conduct who has also received a
10 Military Protective Order only after receiving consent
11 from the victim, and the petition shall include a
12 statement that the victim has consented to the Staff Judge
13 Advocate filing the petition.

14 (d) The State's Attorney shall file a petition on behalf
15 of any person who may file a petition under subsections (a),
16 (b), or (c) of this Section if the person requests the State's
17 Attorney to file a petition on the person's behalf, unless the
18 State's Attorney has a good faith basis to delay filing the
19 petition. The State's Attorney shall inform the person that
20 the State's Attorney will not be filing the petition at that
21 time and that the person may file a petition or may retain an
22 attorney to file the petition. The State's Attorney may file
23 the petition at a later date.

24 (d-5) (1) A person eligible to file a petition under
25 subsection (a), (b), or (c) of this Section may retain an
26 attorney to represent the petitioner on the petitioner's

1 request for a protective order. The attorney's representation
2 is limited to matters related to the petition and relief
3 authorized under this Article.

4 (2) Advocates shall be allowed to accompany the petitioner
5 and confer with the victim, unless otherwise directed by the
6 court. Advocates are not engaged in the unauthorized practice
7 of law when providing assistance to the petitioner.

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

11 (Source: P.A. 101-81, eff. 7-12-19; 102-890, eff. 5-19-22.)

12 (725 ILCS 5/112A-23) (from Ch. 38, par. 112A-23)

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

14 (a) When violation is crime. A violation of any protective
15 order, whether issued in a civil, quasi-criminal proceeding or
16 by a military judge tribunal, shall be enforced by a criminal
17 court when:

18 (1) The respondent commits the crime of violation of a
19 domestic violence order of protection pursuant to Section
20 12-3.4 or 12-30 of the Criminal Code of 1961 or the
21 Criminal Code of 2012, by having knowingly violated:

22 (i) remedies described in paragraph (1), (2), (3),
23 (14), or (14.5) of subsection (b) of Section 112A-14
24 of this Code,

25 (ii) a remedy, which is substantially similar to

1 the remedies authorized under paragraph (1), (2), (3),
2 (14), or (14.5) of subsection (b) of Section 214 of the
3 Illinois Domestic Violence Act of 1986, in a valid
4 order of protection, which is authorized under the
5 laws of another state, tribe, or United States
6 territory, or

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

10 Prosecution for a violation of a domestic violence
11 order of protection shall not bar concurrent prosecution
12 for any other crime, including any crime that may have
13 been committed at the time of the violation of the
14 domestic violence order of protection; or

15 (2) The respondent commits the crime of child
16 abduction pursuant to Section 10-5 of the Criminal Code of
17 1961 or the Criminal Code of 2012, by having knowingly
18 violated:

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

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

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

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

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

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

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

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

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

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

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

5 (1) (Blank).

6 (2) (Blank).

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

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

11 (e) The enforcement of a protective order in civil or
12 criminal court shall not be affected by either of the
13 following:

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

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

18 (e-5) If a civil no contact order entered under subsection
19 (6) of Section 112A-20 of the Code of Criminal Procedure of
20 1963 conflicts with an order issued pursuant to the Juvenile
21 Court Act of 1987 or the Illinois Marriage and Dissolution of
22 Marriage Act, the conflicting order issued under subsection
23 (6) of Section 112A-20 of the Code of Criminal Procedure of
24 1963 shall be void.

25 (f) Circumstances. The court, when determining whether or
26 not a violation of a protective order has occurred, shall not

1 require physical manifestations of abuse on the person of the
2 victim.

3 (g) Penalties.

4 (1) Except as provided in paragraph (3) of this
5 subsection (g), where the court finds the commission of a
6 crime or contempt of court under subsection (a) or (b) of
7 this Section, the penalty shall be the penalty that
8 generally applies in such criminal or contempt
9 proceedings, and may include one or more of the following:
10 incarceration, payment of restitution, a fine, payment of
11 attorneys' fees and costs, or community service.

12 (2) The court shall hear and take into account
13 evidence of any factors in aggravation or mitigation
14 before deciding an appropriate penalty under paragraph (1)
15 of this subsection (g).

16 (3) To the extent permitted by law, the court is
17 encouraged to:

18 (i) increase the penalty for the knowing violation
19 of any protective order over any penalty previously
20 imposed by any court for respondent's violation of any
21 protective order or penal statute involving petitioner
22 as victim and respondent as defendant;

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

26 (iii) impose a minimum penalty of 48 hours

1 imprisonment for respondent's second or subsequent
2 violation of a protective order
3 unless the court explicitly finds that an increased
4 penalty or that period of imprisonment would be manifestly
5 unjust.

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

9 (i) to modify the conditions of pretrial release
10 on an underlying criminal charge pursuant to Section
11 110-6 of this Code;

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

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

18 (Source: P.A. 101-652, eff. 1-1-23; 102-184, eff. 1-1-22;
19 102-558, eff. 8-20-21; 102-813, eff. 5-13-22; 102-890, eff.
20 5-19-22.)

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 Illinois State
25 Police, daily, in the form and detail the Illinois State

1 Police requires, copies of any recorded protective orders
2 issued by the court, and any foreign protective orders,
3 including, but not limited to, an order of protection issued
4 by a military judge tribunal, filed by the clerk of the court,
5 and transmitted to the sheriff by the clerk of the court. Each
6 protective order shall be entered in the Law Enforcement
7 Agencies Data System on the same day it is issued by the court.

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

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

18 (1) any valid emergency, interim or plenary domestic
19 violence order of protection, civil no contact or stalking
20 no contact order issued in a civil proceeding; and

21 (2) any valid ex parte or final protective order
22 issued in a criminal proceeding or authorized under the
23 laws of another state, tribe, or United States territory.

24 (Source: P.A. 102-538, eff. 8-20-21; 102-890, eff. 5-19-22.)

25 Section 15. The Stalking No Contact Order Act is amended

1 by changing Section 15 as follows:

2 (740 ILCS 21/15)

3 Sec. 15. Persons protected by this Act. A petition for a
4 stalking no contact order may be filed when relief is not
5 available to the petitioner under the Illinois Domestic
6 Violence Act of 1986:

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

8 (2) by a person on behalf of a minor child or an adult
9 who is a victim of stalking but, because of age,
10 disability, health, or inaccessibility, cannot file the
11 petition;

12 (3) by an authorized agent of a workplace;

13 (4) by an authorized agent of a place of worship; ~~or~~

14 (5) by an authorized agent of a school;

15 (6) by a service member of the Illinois National Guard
16 or any reserve military component serving within the State
17 who is a victim of stalking who has also received a
18 Military Protective Order; or

19 (7) by the Staff Judge Advocate of the Illinois
20 National Guard or any reserve military component serving
21 within the State on behalf of a named victim who is a
22 victim of stalking who has also received a Military
23 Protective Order only after receiving consent from the
24 victim, and the petition shall include a statement that
25 the victim has consented to the Staff Judge Advocate

1 filing the petition.

2 (Source: P.A. 100-1000, eff. 1-1-19.)

3 Section 20. The Civil No Contact Order Act is amended by
4 changing Sections 201 and 220 as follows:

5 (740 ILCS 22/201)

6 Sec. 201. Persons protected by this Act.

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

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

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

13 (3) any employee of or volunteer at a rape crisis
14 center that is providing services to the petitioner or the
15 petitioner's family or household member; and -

16 (4) any service member of the Illinois National Guard
17 or any reserve military component serving within the State
18 who is a victim of non-consensual sexual conduct who has
19 also received a Military Protective Order.

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

21 (1) by any person who is a victim of non-consensual
22 sexual conduct or non-consensual sexual penetration,
23 including a single incident of non-consensual sexual
24 conduct or non-consensual sexual penetration;

1 (2) by a person on behalf of a minor child or an adult
2 who is a victim of non-consensual sexual conduct or
3 non-consensual sexual penetration but, because of age,
4 disability, health, or inaccessibility, cannot file the
5 petition; ~~or~~

6 (3) only after receiving consent from the victim, by
7 any family or household member of a victim of
8 non-consensual sexual conduct or non-consensual sexual
9 penetration, and the petition shall include a statement
10 that the victim has consented to the family or household
11 member filing the petition; ~~-~~

12 (4) any service member of the Illinois National Guard
13 or any reserve military component serving within the State
14 who is a victim of non-consensual sexual conduct who has
15 also received a Military Protective Order; or

16 (5) the Staff Judge Advocate of the Illinois National
17 Guard or any reserve military component serving within the
18 State on behalf of a named victim who is a victim of
19 non-consensual sexual conduct who has also received a
20 Military Protective Order only after receiving consent
21 from the victim, and the petition shall include a
22 statement that the victim has consented to the Staff Judge
23 Advocate filing the petition.

24 (Source: P.A. 102-198, eff. 1-1-22.)

25 (740 ILCS 22/220)

1 Sec. 220. Enforcement of a civil no contact order.

2 (a) Nothing in this Act shall preclude any Illinois court
3 from enforcing a valid protective order issued in another
4 state or by a military judge.

5 (b) Illinois courts may enforce civil no contact orders
6 through both criminal proceedings and civil contempt
7 proceedings, unless the action which is second in time is
8 barred by collateral estoppel or the constitutional
9 prohibition against double jeopardy.

10 (b-1) The court shall not hold a school district or
11 private or non-public school or any of its employees in civil
12 or criminal contempt unless the school district or private or
13 non-public school has been allowed to intervene.

14 (b-2) The court may hold the parents, guardian, or legal
15 custodian of a minor respondent in civil or criminal contempt
16 for a violation of any provision of any order entered under
17 this Act for conduct of the minor respondent in violation of
18 this Act if the parents, guardian, or legal custodian
19 directed, encouraged, or assisted the respondent minor in such
20 conduct.

21 (c) Criminal prosecution. A violation of any civil no
22 contact order, whether issued in a civil or criminal
23 proceeding or by a military judge, shall be enforced by a
24 criminal court when the respondent commits the crime of
25 violation of a civil no contact order pursuant to Section 219
26 by having knowingly violated:

1 (1) remedies described in Section 213 and included in
2 a civil no contact order; or

3 (2) a provision of an order, which is substantially
4 similar to provisions of Section 213, in a valid civil no
5 contact order which is authorized under the laws of
6 another state, tribe, or United States territory.

7 Prosecution for a violation of a civil no contact order
8 shall not bar a concurrent prosecution for any other crime,
9 including any crime that may have been committed at the time of
10 the violation of the civil no contact order.

11 (d) Contempt of court. A violation of any valid Illinois
12 civil no contact order, whether issued in a civil or criminal
13 proceeding, may be enforced through civil or criminal contempt
14 procedures, as appropriate, by any court with jurisdiction,
15 regardless of where the act or acts which violated the civil no
16 contact order were committed, to the extent consistent with
17 the venue provisions of this Act.

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

1 contempt or the adjudication of criminal contempt.
2 Conditions of release shall be set unless specifically
3 denied in writing.

4 (2) A petition for a rule to show cause or a petition
5 for adjudication of criminal contempt for violation of a
6 civil no contact order shall be treated as an expedited
7 proceeding.

8 (e) Actual knowledge. A civil no contact order may be
9 enforced pursuant to this Section if the respondent violates
10 the order after the respondent has actual knowledge of its
11 contents as shown through one of the following means:

12 (1) by service, delivery, or notice under Section 208;

13 (2) by notice under Section 218;

14 (3) by service of a civil no contact order under
15 Section 218; or

16 (4) by other means demonstrating actual knowledge of
17 the contents of the order.

18 (f) The enforcement of a civil no contact order in civil or
19 criminal court shall not be affected by either of the
20 following:

21 (1) the existence of a separate, correlative order,
22 entered under Section 202; or

23 (2) any finding or order entered in a conjoined
24 criminal proceeding.

25 (g) Circumstances. The court, when determining whether or
26 not a violation of a civil no contact order has occurred, shall

1 not require physical manifestations of abuse on the person of
2 the victim.

3 (h) Penalties.

4 (1) Except as provided in paragraph (3) of this
5 subsection, where the court finds the commission of a
6 crime or contempt of court under subsection (a) or (b) of
7 this Section, the penalty shall be the penalty that
8 generally applies in such criminal or contempt
9 proceedings, and may include one or more of the following:
10 incarceration, payment of restitution, a fine, payment of
11 attorneys' fees and costs, or community service.

12 (2) The court shall hear and take into account
13 evidence of any factors in aggravation or mitigation
14 before deciding an appropriate penalty under paragraph (1)
15 of this subsection.

16 (3) To the extent permitted by law, the court is
17 encouraged to:

18 (i) increase the penalty for the knowing violation
19 of any civil no contact order over any penalty
20 previously imposed by any court for respondent's
21 violation of any civil no contact order or penal
22 statute involving petitioner as victim and respondent
23 as defendant;

24 (ii) impose a minimum penalty of 24 hours
25 imprisonment for respondent's first violation of any
26 civil no contact order; and

1 (iii) impose a minimum penalty of 48 hours
2 imprisonment for respondent's second or subsequent
3 violation of a civil no contact order unless the court
4 explicitly finds that an increased penalty or that
5 period of imprisonment would be manifestly unjust.

6 (4) In addition to any other penalties imposed for a
7 violation of a civil no contact order, a criminal court
8 may consider evidence of any previous violations of a
9 civil no contact order:

10 (i) to modify the conditions of pretrial release
11 on an underlying criminal charge pursuant to Section
12 110-6 of the Code of Criminal Procedure of 1963;

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

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

19 (Source: P.A. 101-652, eff. 1-1-23.)

20 Section 25. The Illinois Domestic Violence Act of 1986 is
21 amended by changing Sections 222.5, 223, and 302 as follows:

22 (750 ILCS 60/222.5)

23 Sec. 222.5. Filing of an order of protection issued in
24 another state or other jurisdiction.

1 (a) A person entitled to protection under an order of
2 protection issued by the court of another state, tribe, or
3 United States territory or military judge tribunal may file a
4 certified copy of the order of protection with the clerk of the
5 court in a judicial circuit in which the person believes that
6 enforcement may be necessary.

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

13 (b) The clerk shall:

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

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

1 (c) Neither residence in this State nor filing of a
2 foreign order of protection, including, but not limited to, an
3 order of protection issued by a military judge tribunal, shall
4 be required for enforcement of the order by this State.
5 Failure to file the foreign order shall not be an impediment to
6 its treatment in all respects as an Illinois order of
7 protection.

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

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

12 (Source: P.A. 102-538, eff. 8-20-21; 102-890, eff. 5-19-22.)

13 (750 ILCS 60/223) (from Ch. 40, par. 2312-23)

14 Sec. 223. Enforcement of orders of protection.

15 (a) When violation is crime. A violation of any order of
16 protection, whether issued in a civil or criminal proceeding
17 or by a military judge tribunal, shall be enforced by a
18 criminal court when:

19 (1) The respondent commits the crime of violation of
20 an order of protection pursuant to Section 12-3.4 or 12-30
21 of the Criminal Code of 1961 or the Criminal Code of 2012,
22 by having knowingly violated:

23 (i) remedies described in paragraphs (1), (2),
24 (3), (14), or (14.5) of subsection (b) of Section 214
25 of this Act; or

1 (ii) a remedy, which is substantially similar to
2 the remedies authorized under paragraphs (1), (2),
3 (3), (14), and (14.5) of subsection (b) of Section 214
4 of this Act, in a valid order of protection which is
5 authorized under the laws of another state, tribe, or
6 United States territory; or

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

10 Prosecution for a violation of an order of protection
11 shall not bar concurrent prosecution for any other crime,
12 including any crime that may have been committed at the
13 time of the violation of the order of protection; or

14 (2) The respondent commits the crime of child
15 abduction pursuant to Section 10-5 of the Criminal Code of
16 1961 or the Criminal Code of 2012, by having knowingly
17 violated:

18 (i) remedies described in paragraphs (5), (6) or
19 (8) of subsection (b) of Section 214 of this Act; or

20 (ii) a remedy, which is substantially similar to
21 the remedies authorized under paragraphs (5), (6), or
22 (8) of subsection (b) of Section 214 of this Act, in a
23 valid order of protection which is authorized under
24 the laws of another state, tribe, or United States
25 territory.

26 (b) When violation is contempt of court. A violation of

1 any valid Illinois order of protection, whether issued in a
2 civil or criminal proceeding or by a military judge ~~tribunal~~,
3 may be enforced through civil or criminal contempt procedures,
4 as appropriate, by any court with jurisdiction, regardless
5 where the act or acts which violated the order of protection
6 were committed, to the extent consistent with the venue
7 provisions of this Act. Nothing in this Act shall preclude any
8 Illinois court from enforcing any valid order of protection
9 issued in another state. Illinois courts may enforce orders of
10 protection through both criminal prosecution and contempt
11 proceedings, unless the action which is second in time is
12 barred by collateral estoppel or the constitutional
13 prohibition against double jeopardy.

14 (1) In a contempt proceeding where the petition for a
15 rule to show cause sets forth facts evidencing an
16 immediate danger that the respondent will flee the
17 jurisdiction, conceal a child, or inflict physical abuse
18 on the petitioner or minor children or on dependent adults
19 in petitioner's care, the court may order the attachment
20 of the respondent without prior service of the rule to
21 show cause or the petition for a rule to show cause.
22 Conditions of release shall be set unless specifically
23 denied in writing.

24 (2) A petition for a rule to show cause for violation
25 of an order of protection shall be treated as an expedited
26 proceeding.

1 (b-1) The court shall not hold a school district or
2 private or non-public school or any of its employees in civil
3 or criminal contempt unless the school district or private or
4 non-public school has been allowed to intervene.

5 (b-2) The court may hold the parents, guardian, or legal
6 custodian of a minor respondent in civil or criminal contempt
7 for a violation of any provision of any order entered under
8 this Act for conduct of the minor respondent in violation of
9 this Act if the parents, guardian, or legal custodian
10 directed, encouraged, or assisted the respondent minor in such
11 conduct.

12 (c) Violation of custody or support orders or temporary or
13 final judgments allocating parental responsibilities. A
14 violation of remedies described in paragraphs (5), (6), (8),
15 or (9) of subsection (b) of Section 214 of this Act may be
16 enforced by any remedy provided by Section 607.5 of the
17 Illinois Marriage and Dissolution of Marriage Act. The court
18 may enforce any order for support issued under paragraph (12)
19 of subsection (b) of Section 214 in the manner provided for
20 under Parts V and VII of the Illinois Marriage and Dissolution
21 of Marriage Act.

22 (d) Actual knowledge. An order of protection may be
23 enforced pursuant to this Section if the respondent violates
24 the order after the respondent has actual knowledge of its
25 contents as shown through one of the following means:

26 (1) By service, delivery, or notice under Section 210.

1 (2) By notice under Section 210.1 or 211.

2 (3) By service of an order of protection under Section
3 222.

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

6 (e) The enforcement of an order of protection in civil or
7 criminal court shall not be affected by either of the
8 following:

9 (1) The existence of a separate, correlative order,
10 entered under Section 215.

11 (2) Any finding or order entered in a conjoined
12 criminal proceeding.

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

17 (g) Penalties.

18 (1) Except as provided in paragraph (3) of this
19 subsection, where the court finds the commission of a
20 crime or contempt of court under subsections (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.

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 order of protection over any penalty previously
8 imposed by any court for respondent's violation of any
9 order of protection or penal statute involving
10 petitioner 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 order of protection; and

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

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 an order of protection, a criminal court may
22 consider evidence of any violations of an order of
23 protection:

24 (i) to increase, revoke or modify the conditions
25 of pretrial release on an underlying criminal charge
26 pursuant to Section 110-6 of the Code of Criminal

1 Procedure of 1963;

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

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

8 (5) In addition to any other penalties, the court
9 shall impose an additional fine of \$20 as authorized by
10 Section 5-9-1.11 of the Unified Code of Corrections upon
11 any person convicted of or placed on supervision for a
12 violation of an order of protection. The additional fine
13 shall be imposed for each violation of this Section.

14 (Source: P.A. 101-652, eff. 1-1-23; 102-890, eff. 5-19-22.)

15 (750 ILCS 60/302) (from Ch. 40, par. 2313-2)

16 Sec. 302. Data maintenance by law enforcement agencies.

17 (a) All sheriffs shall furnish to the Illinois State
18 Police, on the same day as received, in the form and detail the
19 Illinois State Police requires, copies of any recorded
20 emergency, interim, or plenary orders of protection issued by
21 the court, and any foreign orders of protection, including,
22 but not limited to, an order of protection issued by a military
23 judge ~~tribunal~~, filed by the clerk of the court, and
24 transmitted to the sheriff by the clerk of the court pursuant
25 to subsection (b) of Section 222 of this Act. Each order of

1 protection shall be entered in the Law Enforcement Agencies
2 Data System on the same day it is issued by the court. If an
3 emergency order of protection was issued in accordance with
4 subsection (c) of Section 217, the order shall be entered in
5 the Law Enforcement Agencies Data System as soon as possible
6 after receipt from the clerk.

7 (b) The Illinois State Police shall maintain a complete
8 and systematic record and index of all valid and recorded
9 orders of protection issued pursuant to this Act. The data
10 shall be used to inform all dispatchers and law enforcement
11 officers at the scene of an alleged incident of abuse,
12 neglect, or exploitation or violation of an order of
13 protection of any recorded prior incident of abuse, neglect,
14 or exploitation involving the abused, neglected, or exploited
15 party and the effective dates and terms of any recorded order
16 of protection.

17 (c) The data, records and transmittals required under this
18 Section shall pertain to any valid emergency, interim or
19 plenary order of protection, whether issued in a civil or
20 criminal proceeding or authorized under the laws of another
21 state, tribe, or United States territory.

22 (Source: P.A. 102-538, eff. 8-20-21; 102-890, eff. 5-19-22.)

23 Section 99. Effective date. This Act takes effect upon
24 becoming law."