

# SB2828



## 103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB2828

Introduced 1/19/2024, by Sen. Julie A. Morrison

### SYNOPSIS AS INTRODUCED:

750 ILCS 60/220

from Ch. 40, par. 2312-20

Amends the Illinois Domestic Violence Act of 1986. Changes the duration of a plenary order in the discretion of the court to not less than 2 years nor more than 10 years (now, not to exceed 2 years). Provides that failure to state the termination date on the face of the form of a plenary order creates a plenary order with a duration of 2 years from the date of issuance.

LRB103 36689 JRC 66799 b

A BILL FOR

1 AN ACT concerning civil law.

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

4 Section 5. The Illinois Domestic Violence Act of 1986 is  
5 amended by changing Section 220 as follows:

6 (750 ILCS 60/220) (from Ch. 40, par. 2312-20)

7 Sec. 220. Duration and extension of orders.

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

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

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

15 (b) Duration of plenary orders.

16 (0.05) A plenary order of protection entered under  
17 this Act shall be valid for a fixed period of time not less  
18 than 2 years nor more than 10 years in the discretion of  
19 the court, ~~not to exceed two years.~~

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

23 (i) if entered as preliminary relief in that other

1 proceeding, until entry of final judgment in that  
2 other proceeding;

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

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

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

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 Illinois State  
21 Police records. To remove the plenary order from those  
22 records, either party shall request the clerk of the court to  
23 file a certified copy of an order stating that the specified  
24 event has occurred or that the plenary order has been vacated  
25 or modified with the Sheriff, and the Sheriff shall direct  
26 that law enforcement records shall be promptly corrected in

1 accordance 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  
10 the reason for the requested extension. An extension of a  
11 plenary order of protection may be granted, upon good cause  
12 shown, to remain in effect until the order of protection is  
13 vacated or modified. Extensions may be granted only in open  
14 court and not under the provisions of subsection (c) of  
15 Section 217, which applies only when the court is unavailable  
16 at the close of 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. Failure to state the termination  
20 date on the face of the form of a plenary order creates a  
21 plenary order with a duration of 2 years from the date of  
22 issuance.

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

1 practice.

2 (Source: P.A. 102-538, eff. 8-20-21.)