



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB3574

Introduced 2/9/2024, by Sen. Erica Harriss

SYNOPSIS AS INTRODUCED:

See Index

Amends the Stalking No Contact Order Act. Changes the short title of the Act to the Stalking or Harassment No Contact Order Act. Defines "harassment" as violence or threats of violence or death, including a single act, directed at a specific person that would cause a reasonable person to (i) fear for the person's safety, the safety of a workplace, school, or place of worship, or the safety of a third person or (ii) suffer emotional distress. Changes the term "stalking no contact order" to "stalking or harassment no contact order". Makes conforming changes in the following Acts: the Criminal Identification Act; the Firearm Owners Identification Card Act; the Criminal Code of 2012; the Code of Criminal Procedure of 1963; the Rights of Crime Victims and Witnesses Act; the Unified Code of Corrections; the Code of Civil Procedure; the Civil No Contact Order Act; the Crime Victims Compensation Act; the Illinois Domestic Violence Act of 1986; the Address Confidentiality for Victims of Domestic Violence, Sexual Assault, Human Trafficking, or Stalking Act; the Domestic Violence Fatality Review Act; and the Illinois Human Rights Act. Makes other changes.

LRB103 34161 LNS 63981 b

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 Criminal Identification Act is amended by
5 changing Section 5.2 as follows:

6 (20 ILCS 2630/5.2)

7 (Text of Section before amendment by P.A. 103-35)

8 Sec. 5.2. Expungement, sealing, and immediate sealing.

9 (a) General Provisions.

10 (1) Definitions. In this Act, words and phrases have
11 the meanings set forth in this subsection, except when a
12 particular context clearly requires a different meaning.

13 (A) The following terms shall have the meanings
14 ascribed to them in the following Sections of the
15 Unified Code of Corrections:

16 Business Offense, Section 5-1-2.

17 Charge, Section 5-1-3.

18 Court, Section 5-1-6.

19 Defendant, Section 5-1-7.

20 Felony, Section 5-1-9.

21 Imprisonment, Section 5-1-10.

22 Judgment, Section 5-1-12.

23 Misdemeanor, Section 5-1-14.

1 Offense, Section 5-1-15.
2 Parole, Section 5-1-16.
3 Petty Offense, Section 5-1-17.
4 Probation, Section 5-1-18.
5 Sentence, Section 5-1-19.
6 Supervision, Section 5-1-21.
7 Victim, Section 5-1-22.

8 (B) As used in this Section, "charge not initiated
9 by arrest" means a charge (as defined by Section 5-1-3
10 of the Unified Code of Corrections) brought against a
11 defendant where the defendant is not arrested prior to
12 or as a direct result of the charge.

13 (C) "Conviction" means a judgment of conviction or
14 sentence entered upon a plea of guilty or upon a
15 verdict or finding of guilty of an offense, rendered
16 by a legally constituted jury or by a court of
17 competent jurisdiction authorized to try the case
18 without a jury. An order of supervision successfully
19 completed by the petitioner is not a conviction. An
20 order of qualified probation (as defined in subsection
21 (a) (1) (J)) successfully completed by the petitioner is
22 not a conviction. An order of supervision or an order
23 of qualified probation that is terminated
24 unsatisfactorily is a conviction, unless the
25 unsatisfactory termination is reversed, vacated, or
26 modified and the judgment of conviction, if any, is

1 reversed or vacated.

2 (D) "Criminal offense" means a petty offense,
3 business offense, misdemeanor, felony, or municipal
4 ordinance violation (as defined in subsection
5 (a)(1)(H)). As used in this Section, a minor traffic
6 offense (as defined in subsection (a)(1)(G)) shall not
7 be considered a criminal offense.

8 (E) "Expunge" means to physically destroy the
9 records or return them to the petitioner and to
10 obliterate the petitioner's name from any official
11 index or public record, or both. Nothing in this Act
12 shall require the physical destruction of the circuit
13 court file, but such records relating to arrests or
14 charges, or both, ordered expunged shall be impounded
15 as required by subsections (d)(9)(A)(ii) and
16 (d)(9)(B)(ii).

17 (F) As used in this Section, "last sentence" means
18 the sentence, order of supervision, or order of
19 qualified probation (as defined by subsection
20 (a)(1)(J)), for a criminal offense (as defined by
21 subsection (a)(1)(D)) that terminates last in time in
22 any jurisdiction, regardless of whether the petitioner
23 has included the criminal offense for which the
24 sentence or order of supervision or qualified
25 probation was imposed in his or her petition. If
26 multiple sentences, orders of supervision, or orders

1 of qualified probation terminate on the same day and
2 are last in time, they shall be collectively
3 considered the "last sentence" regardless of whether
4 they were ordered to run concurrently.

5 (G) "Minor traffic offense" means a petty offense,
6 business offense, or Class C misdemeanor under the
7 Illinois Vehicle Code or a similar provision of a
8 municipal or local ordinance.

9 (G-5) "Minor Cannabis Offense" means a violation
10 of Section 4 or 5 of the Cannabis Control Act
11 concerning not more than 30 grams of any substance
12 containing cannabis, provided the violation did not
13 include a penalty enhancement under Section 7 of the
14 Cannabis Control Act and is not associated with an
15 arrest, conviction or other disposition for a violent
16 crime as defined in subsection (c) of Section 3 of the
17 Rights of Crime Victims and Witnesses Act.

18 (H) "Municipal ordinance violation" means an
19 offense defined by a municipal or local ordinance that
20 is criminal in nature and with which the petitioner
21 was charged or for which the petitioner was arrested
22 and released without charging.

23 (I) "Petitioner" means an adult or a minor
24 prosecuted as an adult who has applied for relief
25 under this Section.

26 (J) "Qualified probation" means an order of

1 probation under Section 10 of the Cannabis Control
2 Act, Section 410 of the Illinois Controlled Substances
3 Act, Section 70 of the Methamphetamine Control and
4 Community Protection Act, Section 5-6-3.3 or 5-6-3.4
5 of the Unified Code of Corrections, Section
6 12-4.3(b) (1) and (2) of the Criminal Code of 1961 (as
7 those provisions existed before their deletion by
8 Public Act 89-313), Section 10-102 of the Illinois
9 Alcoholism and Other Drug Dependency Act, Section
10 40-10 of the Substance Use Disorder Act, or Section 10
11 of the Steroid Control Act. For the purpose of this
12 Section, "successful completion" of an order of
13 qualified probation under Section 10-102 of the
14 Illinois Alcoholism and Other Drug Dependency Act and
15 Section 40-10 of the Substance Use Disorder Act means
16 that the probation was terminated satisfactorily and
17 the judgment of conviction was vacated.

18 (K) "Seal" means to physically and electronically
19 maintain the records, unless the records would
20 otherwise be destroyed due to age, but to make the
21 records unavailable without a court order, subject to
22 the exceptions in Sections 12 and 13 of this Act. The
23 petitioner's name shall also be obliterated from the
24 official index required to be kept by the circuit
25 court clerk under Section 16 of the Clerks of Courts
26 Act, but any index issued by the circuit court clerk

1 before the entry of the order to seal shall not be
2 affected.

3 (L) "Sexual offense committed against a minor"
4 includes, but is not limited to, the offenses of
5 indecent solicitation of a child or criminal sexual
6 abuse when the victim of such offense is under 18 years
7 of age.

8 (M) "Terminate" as it relates to a sentence or
9 order of supervision or qualified probation includes
10 either satisfactory or unsatisfactory termination of
11 the sentence, unless otherwise specified in this
12 Section. A sentence is terminated notwithstanding any
13 outstanding financial legal obligation.

14 (2) Minor Traffic Offenses. Orders of supervision or
15 convictions for minor traffic offenses shall not affect a
16 petitioner's eligibility to expunge or seal records
17 pursuant to this Section.

18 (2.5) Commencing 180 days after July 29, 2016 (the
19 effective date of Public Act 99-697), the law enforcement
20 agency issuing the citation shall automatically expunge,
21 on or before January 1 and July 1 of each year, the law
22 enforcement records of a person found to have committed a
23 civil law violation of subsection (a) of Section 4 of the
24 Cannabis Control Act or subsection (c) of Section 3.5 of
25 the Drug Paraphernalia Control Act in the law enforcement
26 agency's possession or control and which contains the

1 final satisfactory disposition which pertain to the person
2 issued a citation for that offense. The law enforcement
3 agency shall provide by rule the process for access,
4 review, and to confirm the automatic expungement by the
5 law enforcement agency issuing the citation. Commencing
6 180 days after July 29, 2016 (the effective date of Public
7 Act 99-697), the clerk of the circuit court shall expunge,
8 upon order of the court, or in the absence of a court order
9 on or before January 1 and July 1 of each year, the court
10 records of a person found in the circuit court to have
11 committed a civil law violation of subsection (a) of
12 Section 4 of the Cannabis Control Act or subsection (c) of
13 Section 3.5 of the Drug Paraphernalia Control Act in the
14 clerk's possession or control and which contains the final
15 satisfactory disposition which pertain to the person
16 issued a citation for any of those offenses.

17 (3) Exclusions. Except as otherwise provided in
18 subsections (b) (5), (b) (6), (b) (8), (e), (e-5), and (e-6)
19 of this Section, the court shall not order:

20 (A) the sealing or expungement of the records of
21 arrests or charges not initiated by arrest that result
22 in an order of supervision for or conviction of: (i)
23 any sexual offense committed against a minor; (ii)
24 Section 11-501 of the Illinois Vehicle Code or a
25 similar provision of a local ordinance; or (iii)
26 Section 11-503 of the Illinois Vehicle Code or a

1 similar provision of a local ordinance, unless the
2 arrest or charge is for a misdemeanor violation of
3 subsection (a) of Section 11-503 or a similar
4 provision of a local ordinance, that occurred prior to
5 the offender reaching the age of 25 years and the
6 offender has no other conviction for violating Section
7 11-501 or 11-503 of the Illinois Vehicle Code or a
8 similar provision of a local ordinance.

9 (B) the sealing or expungement of records of minor
10 traffic offenses (as defined in subsection (a)(1)(G)),
11 unless the petitioner was arrested and released
12 without charging.

13 (C) the sealing of the records of arrests or
14 charges not initiated by arrest which result in an
15 order of supervision or a conviction for the following
16 offenses:

17 (i) offenses included in Article 11 of the
18 Criminal Code of 1961 or the Criminal Code of 2012
19 or a similar provision of a local ordinance,
20 except Section 11-14 and a misdemeanor violation
21 of Section 11-30 of the Criminal Code of 1961 or
22 the Criminal Code of 2012, or a similar provision
23 of a local ordinance;

24 (ii) Section 11-1.50, 12-3.4, 12-15, 12-30,
25 26-5, or 48-1 of the Criminal Code of 1961 or the
26 Criminal Code of 2012, or a similar provision of a

1 local ordinance;

2 (iii) Section 12-3.1 or 12-3.2 of the Criminal
3 Code of 1961 or the Criminal Code of 2012, or
4 Section 125 of the Stalking or Harassment No
5 Contact Order Act, or Section 219 of the Civil No
6 Contact Order Act, or a similar provision of a
7 local ordinance;

8 (iv) Class A misdemeanors or felony offenses
9 under the Humane Care for Animals Act; or

10 (v) any offense or attempted offense that
11 would subject a person to registration under the
12 Sex Offender Registration Act.

13 (D) (blank).

14 (b) Expungement.

15 (1) A petitioner may petition the circuit court to
16 expunge the records of his or her arrests and charges not
17 initiated by arrest when each arrest or charge not
18 initiated by arrest sought to be expunged resulted in: (i)
19 acquittal, dismissal, or the petitioner's release without
20 charging, unless excluded by subsection (a)(3)(B); (ii) a
21 conviction which was vacated or reversed, unless excluded
22 by subsection (a)(3)(B); (iii) an order of supervision and
23 such supervision was successfully completed by the
24 petitioner, unless excluded by subsection (a)(3)(A) or
25 (a)(3)(B); or (iv) an order of qualified probation (as
26 defined in subsection (a)(1)(J)) and such probation was

1 successfully completed by the petitioner.

2 (1.5) When a petitioner seeks to have a record of
3 arrest expunged under this Section, and the offender has
4 been convicted of a criminal offense, the State's Attorney
5 may object to the expungement on the grounds that the
6 records contain specific relevant information aside from
7 the mere fact of the arrest.

8 (2) Time frame for filing a petition to expunge.

9 (A) When the arrest or charge not initiated by
10 arrest sought to be expunged resulted in an acquittal,
11 dismissal, the petitioner's release without charging,
12 or the reversal or vacation of a conviction, there is
13 no waiting period to petition for the expungement of
14 such records.

15 (B) When the arrest or charge not initiated by
16 arrest sought to be expunged resulted in an order of
17 supervision, successfully completed by the petitioner,
18 the following time frames will apply:

19 (i) Those arrests or charges that resulted in
20 orders of supervision under Section 3-707, 3-708,
21 3-710, or 5-401.3 of the Illinois Vehicle Code or
22 a similar provision of a local ordinance, or under
23 Section 11-1.50, 12-3.2, or 12-15 of the Criminal
24 Code of 1961 or the Criminal Code of 2012, or a
25 similar provision of a local ordinance, shall not
26 be eligible for expungement until 5 years have

1 passed following the satisfactory termination of
2 the supervision.

3 (i-5) Those arrests or charges that resulted
4 in orders of supervision for a misdemeanor
5 violation of subsection (a) of Section 11-503 of
6 the Illinois Vehicle Code or a similar provision
7 of a local ordinance, that occurred prior to the
8 offender reaching the age of 25 years and the
9 offender has no other conviction for violating
10 Section 11-501 or 11-503 of the Illinois Vehicle
11 Code or a similar provision of a local ordinance
12 shall not be eligible for expungement until the
13 petitioner has reached the age of 25 years.

14 (ii) Those arrests or charges that resulted in
15 orders of supervision for any other offenses shall
16 not be eligible for expungement until 2 years have
17 passed following the satisfactory termination of
18 the supervision.

19 (C) When the arrest or charge not initiated by
20 arrest sought to be expunged resulted in an order of
21 qualified probation, successfully completed by the
22 petitioner, such records shall not be eligible for
23 expungement until 5 years have passed following the
24 satisfactory termination of the probation.

25 (3) Those records maintained by the Illinois State
26 Police for persons arrested prior to their 17th birthday

1 shall be expunged as provided in Section 5-915 of the
2 Juvenile Court Act of 1987.

3 (4) Whenever a person has been arrested for or
4 convicted of any offense, in the name of a person whose
5 identity he or she has stolen or otherwise come into
6 possession of, the aggrieved person from whom the identity
7 was stolen or otherwise obtained without authorization,
8 upon learning of the person having been arrested using his
9 or her identity, may, upon verified petition to the chief
10 judge of the circuit wherein the arrest was made, have a
11 court order entered nunc pro tunc by the Chief Judge to
12 correct the arrest record, conviction record, if any, and
13 all official records of the arresting authority, the
14 Illinois State Police, other criminal justice agencies,
15 the prosecutor, and the trial court concerning such
16 arrest, if any, by removing his or her name from all such
17 records in connection with the arrest and conviction, if
18 any, and by inserting in the records the name of the
19 offender, if known or ascertainable, in lieu of the
20 aggrieved's name. The records of the circuit court clerk
21 shall be sealed until further order of the court upon good
22 cause shown and the name of the aggrieved person
23 obliterated on the official index required to be kept by
24 the circuit court clerk under Section 16 of the Clerks of
25 Courts Act, but the order shall not affect any index
26 issued by the circuit court clerk before the entry of the

1 order. Nothing in this Section shall limit the Illinois
2 State Police or other criminal justice agencies or
3 prosecutors from listing under an offender's name the
4 false names he or she has used.

5 (5) Whenever a person has been convicted of criminal
6 sexual assault, aggravated criminal sexual assault,
7 predatory criminal sexual assault of a child, criminal
8 sexual abuse, or aggravated criminal sexual abuse, the
9 victim of that offense may request that the State's
10 Attorney of the county in which the conviction occurred
11 file a verified petition with the presiding trial judge at
12 the petitioner's trial to have a court order entered to
13 seal the records of the circuit court clerk in connection
14 with the proceedings of the trial court concerning that
15 offense. However, the records of the arresting authority
16 and the Illinois State Police concerning the offense shall
17 not be sealed. The court, upon good cause shown, shall
18 make the records of the circuit court clerk in connection
19 with the proceedings of the trial court concerning the
20 offense available for public inspection.

21 (6) If a conviction has been set aside on direct
22 review or on collateral attack and the court determines by
23 clear and convincing evidence that the petitioner was
24 factually innocent of the charge, the court that finds the
25 petitioner factually innocent of the charge shall enter an
26 expungement order for the conviction for which the

1 petitioner has been determined to be innocent as provided
2 in subsection (b) of Section 5-5-4 of the Unified Code of
3 Corrections.

4 (7) Nothing in this Section shall prevent the Illinois
5 State Police from maintaining all records of any person
6 who is admitted to probation upon terms and conditions and
7 who fulfills those terms and conditions pursuant to
8 Section 10 of the Cannabis Control Act, Section 410 of the
9 Illinois Controlled Substances Act, Section 70 of the
10 Methamphetamine Control and Community Protection Act,
11 Section 5-6-3.3 or 5-6-3.4 of the Unified Code of
12 Corrections, Section 12-4.3 or subdivision (b)(1) of
13 Section 12-3.05 of the Criminal Code of 1961 or the
14 Criminal Code of 2012, Section 10-102 of the Illinois
15 Alcoholism and Other Drug Dependency Act, Section 40-10 of
16 the Substance Use Disorder Act, or Section 10 of the
17 Steroid Control Act.

18 (8) If the petitioner has been granted a certificate
19 of innocence under Section 2-702 of the Code of Civil
20 Procedure, the court that grants the certificate of
21 innocence shall also enter an order expunging the
22 conviction for which the petitioner has been determined to
23 be innocent as provided in subsection (h) of Section 2-702
24 of the Code of Civil Procedure.

25 (c) Sealing.

26 (1) Applicability. Notwithstanding any other provision

1 of this Act to the contrary, and cumulative with any
2 rights to expungement of criminal records, this subsection
3 authorizes the sealing of criminal records of adults and
4 of minors prosecuted as adults. Subsection (g) of this
5 Section provides for immediate sealing of certain records.

6 (2) Eligible Records. The following records may be
7 sealed:

8 (A) All arrests resulting in release without
9 charging;

10 (B) Arrests or charges not initiated by arrest
11 resulting in acquittal, dismissal, or conviction when
12 the conviction was reversed or vacated, except as
13 excluded by subsection (a) (3) (B);

14 (C) Arrests or charges not initiated by arrest
15 resulting in orders of supervision, including orders
16 of supervision for municipal ordinance violations,
17 successfully completed by the petitioner, unless
18 excluded by subsection (a) (3);

19 (D) Arrests or charges not initiated by arrest
20 resulting in convictions, including convictions on
21 municipal ordinance violations, unless excluded by
22 subsection (a) (3);

23 (E) Arrests or charges not initiated by arrest
24 resulting in orders of first offender probation under
25 Section 10 of the Cannabis Control Act, Section 410 of
26 the Illinois Controlled Substances Act, Section 70 of

1 the Methamphetamine Control and Community Protection
2 Act, or Section 5-6-3.3 of the Unified Code of
3 Corrections; and

4 (F) Arrests or charges not initiated by arrest
5 resulting in felony convictions unless otherwise
6 excluded by subsection (a) paragraph (3) of this
7 Section.

8 (3) When Records Are Eligible to Be Sealed. Records
9 identified as eligible under subsection (c)(2) may be
10 sealed as follows:

11 (A) Records identified as eligible under
12 subsections (c)(2)(A) and (c)(2)(B) may be sealed at
13 any time.

14 (B) Except as otherwise provided in subparagraph
15 (E) of this paragraph (3), records identified as
16 eligible under subsection (c)(2)(C) may be sealed 2
17 years after the termination of petitioner's last
18 sentence (as defined in subsection (a)(1)(F)).

19 (C) Except as otherwise provided in subparagraph
20 (E) of this paragraph (3), records identified as
21 eligible under subsections (c)(2)(D), (c)(2)(E), and
22 (c)(2)(F) may be sealed 3 years after the termination
23 of the petitioner's last sentence (as defined in
24 subsection (a)(1)(F)). Convictions requiring public
25 registration under the Arsonist Registration Act, the
26 Sex Offender Registration Act, or the Murderer and

1 Violent Offender Against Youth Registration Act may
2 not be sealed until the petitioner is no longer
3 required to register under that relevant Act.

4 (D) Records identified in subsection
5 (a) (3) (A) (iii) may be sealed after the petitioner has
6 reached the age of 25 years.

7 (E) Records identified as eligible under
8 subsection (c) (2) (C), (c) (2) (D), (c) (2) (E), or
9 (c) (2) (F) may be sealed upon termination of the
10 petitioner's last sentence if the petitioner earned a
11 high school diploma, associate's degree, career
12 certificate, vocational technical certification, or
13 bachelor's degree, or passed the high school level
14 Test of General Educational Development, during the
15 period of his or her sentence or mandatory supervised
16 release. This subparagraph shall apply only to a
17 petitioner who has not completed the same educational
18 goal prior to the period of his or her sentence or
19 mandatory supervised release. If a petition for
20 sealing eligible records filed under this subparagraph
21 is denied by the court, the time periods under
22 subparagraph (B) or (C) shall apply to any subsequent
23 petition for sealing filed by the petitioner.

24 (4) Subsequent felony convictions. A person may not
25 have subsequent felony conviction records sealed as
26 provided in this subsection (c) if he or she is convicted

1 of any felony offense after the date of the sealing of
2 prior felony convictions as provided in this subsection
3 (c). The court may, upon conviction for a subsequent
4 felony offense, order the unsealing of prior felony
5 conviction records previously ordered sealed by the court.

6 (5) Notice of eligibility for sealing. Upon entry of a
7 disposition for an eligible record under this subsection
8 (c), the petitioner shall be informed by the court of the
9 right to have the records sealed and the procedures for
10 the sealing of the records.

11 (d) Procedure. The following procedures apply to
12 expungement under subsections (b), (e), and (e-6) and sealing
13 under subsections (c) and (e-5):

14 (1) Filing the petition. Upon becoming eligible to
15 petition for the expungement or sealing of records under
16 this Section, the petitioner shall file a petition
17 requesting the expungement or sealing of records with the
18 clerk of the court where the arrests occurred or the
19 charges were brought, or both. If arrests occurred or
20 charges were brought in multiple jurisdictions, a petition
21 must be filed in each such jurisdiction. The petitioner
22 shall pay the applicable fee, except no fee shall be
23 required if the petitioner has obtained a court order
24 waiving fees under Supreme Court Rule 298 or it is
25 otherwise waived.

26 (1.5) County fee waiver pilot program. From August 9,

1 2019 (the effective date of Public Act 101-306) through
2 December 31, 2020, in a county of 3,000,000 or more
3 inhabitants, no fee shall be required to be paid by a
4 petitioner if the records sought to be expunged or sealed
5 were arrests resulting in release without charging or
6 arrests or charges not initiated by arrest resulting in
7 acquittal, dismissal, or conviction when the conviction
8 was reversed or vacated, unless excluded by subsection
9 (a)(3)(B). The provisions of this paragraph (1.5), other
10 than this sentence, are inoperative on and after January
11 1, 2022.

12 (2) Contents of petition. The petition shall be
13 verified and shall contain the petitioner's name, date of
14 birth, current address and, for each arrest or charge not
15 initiated by arrest sought to be sealed or expunged, the
16 case number, the date of arrest (if any), the identity of
17 the arresting authority, and such other information as the
18 court may require. During the pendency of the proceeding,
19 the petitioner shall promptly notify the circuit court
20 clerk of any change of his or her address. If the
21 petitioner has received a certificate of eligibility for
22 sealing from the Prisoner Review Board under paragraph
23 (10) of subsection (a) of Section 3-3-2 of the Unified
24 Code of Corrections, the certificate shall be attached to
25 the petition.

26 (3) Drug test. The petitioner must attach to the

1 petition proof that the petitioner has taken within 30
2 days before the filing of the petition a test showing the
3 absence within his or her body of all illegal substances
4 as defined by the Illinois Controlled Substances Act and
5 the Methamphetamine Control and Community Protection Act
6 if he or she is petitioning to:

7 (A) seal felony records under clause (c) (2) (E);

8 (B) seal felony records for a violation of the
9 Illinois Controlled Substances Act, the
10 Methamphetamine Control and Community Protection Act,
11 or the Cannabis Control Act under clause (c) (2) (F);

12 (C) seal felony records under subsection (e-5); or

13 (D) expunge felony records of a qualified
14 probation under clause (b) (1) (iv).

15 (4) Service of petition. The circuit court clerk shall
16 promptly serve a copy of the petition and documentation to
17 support the petition under subsection (e-5) or (e-6) on
18 the State's Attorney or prosecutor charged with the duty
19 of prosecuting the offense, the Illinois State Police, the
20 arresting agency and the chief legal officer of the unit
21 of local government effecting the arrest.

22 (5) Objections.

23 (A) Any party entitled to notice of the petition
24 may file an objection to the petition. All objections
25 shall be in writing, shall be filed with the circuit
26 court clerk, and shall state with specificity the

1 basis of the objection. Whenever a person who has been
2 convicted of an offense is granted a pardon by the
3 Governor which specifically authorizes expungement, an
4 objection to the petition may not be filed.

5 (B) Objections to a petition to expunge or seal
6 must be filed within 60 days of the date of service of
7 the petition.

8 (6) Entry of order.

9 (A) The Chief Judge of the circuit wherein the
10 charge was brought, any judge of that circuit
11 designated by the Chief Judge, or in counties of less
12 than 3,000,000 inhabitants, the presiding trial judge
13 at the petitioner's trial, if any, shall rule on the
14 petition to expunge or seal as set forth in this
15 subsection (d) (6).

16 (B) Unless the State's Attorney or prosecutor, the
17 Illinois State Police, the arresting agency, or the
18 chief legal officer files an objection to the petition
19 to expunge or seal within 60 days from the date of
20 service of the petition, the court shall enter an
21 order granting or denying the petition.

22 (C) Notwithstanding any other provision of law,
23 the court shall not deny a petition for sealing under
24 this Section because the petitioner has not satisfied
25 an outstanding legal financial obligation established,
26 imposed, or originated by a court, law enforcement

1 agency, or a municipal, State, county, or other unit
2 of local government, including, but not limited to,
3 any cost, assessment, fine, or fee. An outstanding
4 legal financial obligation does not include any court
5 ordered restitution to a victim under Section 5-5-6 of
6 the Unified Code of Corrections, unless the
7 restitution has been converted to a civil judgment.
8 Nothing in this subparagraph (C) waives, rescinds, or
9 abrogates a legal financial obligation or otherwise
10 eliminates or affects the right of the holder of any
11 financial obligation to pursue collection under
12 applicable federal, State, or local law.

13 (D) Notwithstanding any other provision of law,
14 the court shall not deny a petition to expunge or seal
15 under this Section because the petitioner has
16 submitted a drug test taken within 30 days before the
17 filing of the petition to expunge or seal that
18 indicates a positive test for the presence of cannabis
19 within the petitioner's body. In this subparagraph
20 (D), "cannabis" has the meaning ascribed to it in
21 Section 3 of the Cannabis Control Act.

22 (7) Hearings. If an objection is filed, the court
23 shall set a date for a hearing and notify the petitioner
24 and all parties entitled to notice of the petition of the
25 hearing date at least 30 days prior to the hearing. Prior
26 to the hearing, the State's Attorney shall consult with

1 the Illinois State Police as to the appropriateness of the
2 relief sought in the petition to expunge or seal. At the
3 hearing, the court shall hear evidence on whether the
4 petition should or should not be granted, and shall grant
5 or deny the petition to expunge or seal the records based
6 on the evidence presented at the hearing. The court may
7 consider the following:

8 (A) the strength of the evidence supporting the
9 defendant's conviction;

10 (B) the reasons for retention of the conviction
11 records by the State;

12 (C) the petitioner's age, criminal record history,
13 and employment history;

14 (D) the period of time between the petitioner's
15 arrest on the charge resulting in the conviction and
16 the filing of the petition under this Section; and

17 (E) the specific adverse consequences the
18 petitioner may be subject to if the petition is
19 denied.

20 (8) Service of order. After entering an order to
21 expunge or seal records, the court must provide copies of
22 the order to the Illinois State Police, in a form and
23 manner prescribed by the Illinois State Police, to the
24 petitioner, to the State's Attorney or prosecutor charged
25 with the duty of prosecuting the offense, to the arresting
26 agency, to the chief legal officer of the unit of local

1 government effecting the arrest, and to such other
2 criminal justice agencies as may be ordered by the court.

3 (9) Implementation of order.

4 (A) Upon entry of an order to expunge records
5 pursuant to subsection (b) (2) (A) or (b) (2) (B) (ii), or
6 both:

7 (i) the records shall be expunged (as defined
8 in subsection (a) (1) (E)) by the arresting agency,
9 the Illinois State Police, and any other agency as
10 ordered by the court, within 60 days of the date of
11 service of the order, unless a motion to vacate,
12 modify, or reconsider the order is filed pursuant
13 to paragraph (12) of subsection (d) of this
14 Section;

15 (ii) the records of the circuit court clerk
16 shall be impounded until further order of the
17 court upon good cause shown and the name of the
18 petitioner obliterated on the official index
19 required to be kept by the circuit court clerk
20 under Section 16 of the Clerks of Courts Act, but
21 the order shall not affect any index issued by the
22 circuit court clerk before the entry of the order;
23 and

24 (iii) in response to an inquiry for expunged
25 records, the court, the Illinois State Police, or
26 the agency receiving such inquiry, shall reply as

1 it does in response to inquiries when no records
2 ever existed.

3 (B) Upon entry of an order to expunge records
4 pursuant to subsection (b) (2) (B) (i) or (b) (2) (C), or
5 both:

6 (i) the records shall be expunged (as defined
7 in subsection (a) (1) (E)) by the arresting agency
8 and any other agency as ordered by the court,
9 within 60 days of the date of service of the order,
10 unless a motion to vacate, modify, or reconsider
11 the order is filed pursuant to paragraph (12) of
12 subsection (d) of this Section;

13 (ii) the records of the circuit court clerk
14 shall be impounded until further order of the
15 court upon good cause shown and the name of the
16 petitioner obliterated on the official index
17 required to be kept by the circuit court clerk
18 under Section 16 of the Clerks of Courts Act, but
19 the order shall not affect any index issued by the
20 circuit court clerk before the entry of the order;

21 (iii) the records shall be impounded by the
22 Illinois State Police within 60 days of the date
23 of service of the order as ordered by the court,
24 unless a motion to vacate, modify, or reconsider
25 the order is filed pursuant to paragraph (12) of
26 subsection (d) of this Section;

1 (iv) records impounded by the Illinois State
2 Police may be disseminated by the Illinois State
3 Police only as required by law or to the arresting
4 authority, the State's Attorney, and the court
5 upon a later arrest for the same or a similar
6 offense or for the purpose of sentencing for any
7 subsequent felony, and to the Department of
8 Corrections upon conviction for any offense; and

9 (v) in response to an inquiry for such records
10 from anyone not authorized by law to access such
11 records, the court, the Illinois State Police, or
12 the agency receiving such inquiry shall reply as
13 it does in response to inquiries when no records
14 ever existed.

15 (B-5) Upon entry of an order to expunge records
16 under subsection (e-6):

17 (i) the records shall be expunged (as defined
18 in subsection (a)(1)(E)) by the arresting agency
19 and any other agency as ordered by the court,
20 within 60 days of the date of service of the order,
21 unless a motion to vacate, modify, or reconsider
22 the order is filed under paragraph (12) of
23 subsection (d) of this Section;

24 (ii) the records of the circuit court clerk
25 shall be impounded until further order of the
26 court upon good cause shown and the name of the

1 petitioner obliterated on the official index
2 required to be kept by the circuit court clerk
3 under Section 16 of the Clerks of Courts Act, but
4 the order shall not affect any index issued by the
5 circuit court clerk before the entry of the order;

6 (iii) the records shall be impounded by the
7 Illinois State Police within 60 days of the date
8 of service of the order as ordered by the court,
9 unless a motion to vacate, modify, or reconsider
10 the order is filed under paragraph (12) of
11 subsection (d) of this Section;

12 (iv) records impounded by the Illinois State
13 Police may be disseminated by the Illinois State
14 Police only as required by law or to the arresting
15 authority, the State's Attorney, and the court
16 upon a later arrest for the same or a similar
17 offense or for the purpose of sentencing for any
18 subsequent felony, and to the Department of
19 Corrections upon conviction for any offense; and

20 (v) in response to an inquiry for these
21 records from anyone not authorized by law to
22 access the records, the court, the Illinois State
23 Police, or the agency receiving the inquiry shall
24 reply as it does in response to inquiries when no
25 records ever existed.

26 (C) Upon entry of an order to seal records under

1 subsection (c), the arresting agency, any other agency
2 as ordered by the court, the Illinois State Police,
3 and the court shall seal the records (as defined in
4 subsection (a)(1)(K)). In response to an inquiry for
5 such records, from anyone not authorized by law to
6 access such records, the court, the Illinois State
7 Police, or the agency receiving such inquiry shall
8 reply as it does in response to inquiries when no
9 records ever existed.

10 (D) The Illinois State Police shall send written
11 notice to the petitioner of its compliance with each
12 order to expunge or seal records within 60 days of the
13 date of service of that order or, if a motion to
14 vacate, modify, or reconsider is filed, within 60 days
15 of service of the order resolving the motion, if that
16 order requires the Illinois State Police to expunge or
17 seal records. In the event of an appeal from the
18 circuit court order, the Illinois State Police shall
19 send written notice to the petitioner of its
20 compliance with an Appellate Court or Supreme Court
21 judgment to expunge or seal records within 60 days of
22 the issuance of the court's mandate. The notice is not
23 required while any motion to vacate, modify, or
24 reconsider, or any appeal or petition for
25 discretionary appellate review, is pending.

26 (E) Upon motion, the court may order that a sealed

1 judgment or other court record necessary to
2 demonstrate the amount of any legal financial
3 obligation due and owing be made available for the
4 limited purpose of collecting any legal financial
5 obligations owed by the petitioner that were
6 established, imposed, or originated in the criminal
7 proceeding for which those records have been sealed.
8 The records made available under this subparagraph (E)
9 shall not be entered into the official index required
10 to be kept by the circuit court clerk under Section 16
11 of the Clerks of Courts Act and shall be immediately
12 re-impounded upon the collection of the outstanding
13 financial obligations.

14 (F) Notwithstanding any other provision of this
15 Section, a circuit court clerk may access a sealed
16 record for the limited purpose of collecting payment
17 for any legal financial obligations that were
18 established, imposed, or originated in the criminal
19 proceedings for which those records have been sealed.

20 (10) Fees. The Illinois State Police may charge the
21 petitioner a fee equivalent to the cost of processing any
22 order to expunge or seal records. Notwithstanding any
23 provision of the Clerks of Courts Act to the contrary, the
24 circuit court clerk may charge a fee equivalent to the
25 cost associated with the sealing or expungement of records
26 by the circuit court clerk. From the total filing fee

1 collected for the petition to seal or expunge, the circuit
2 court clerk shall deposit \$10 into the Circuit Court Clerk
3 Operation and Administrative Fund, to be used to offset
4 the costs incurred by the circuit court clerk in
5 performing the additional duties required to serve the
6 petition to seal or expunge on all parties. The circuit
7 court clerk shall collect and remit the Illinois State
8 Police portion of the fee to the State Treasurer and it
9 shall be deposited in the State Police Services Fund. If
10 the record brought under an expungement petition was
11 previously sealed under this Section, the fee for the
12 expungement petition for that same record shall be waived.

13 (11) Final Order. No court order issued under the
14 expungement or sealing provisions of this Section shall
15 become final for purposes of appeal until 30 days after
16 service of the order on the petitioner and all parties
17 entitled to notice of the petition.

18 (12) Motion to Vacate, Modify, or Reconsider. Under
19 Section 2-1203 of the Code of Civil Procedure, the
20 petitioner or any party entitled to notice may file a
21 motion to vacate, modify, or reconsider the order granting
22 or denying the petition to expunge or seal within 60 days
23 of service of the order. If filed more than 60 days after
24 service of the order, a petition to vacate, modify, or
25 reconsider shall comply with subsection (c) of Section
26 2-1401 of the Code of Civil Procedure. Upon filing of a

1 motion to vacate, modify, or reconsider, notice of the
2 motion shall be served upon the petitioner and all parties
3 entitled to notice of the petition.

4 (13) Effect of Order. An order granting a petition
5 under the expungement or sealing provisions of this
6 Section shall not be considered void because it fails to
7 comply with the provisions of this Section or because of
8 any error asserted in a motion to vacate, modify, or
9 reconsider. The circuit court retains jurisdiction to
10 determine whether the order is voidable and to vacate,
11 modify, or reconsider its terms based on a motion filed
12 under paragraph (12) of this subsection (d).

13 (14) Compliance with Order Granting Petition to Seal
14 Records. Unless a court has entered a stay of an order
15 granting a petition to seal, all parties entitled to
16 notice of the petition must fully comply with the terms of
17 the order within 60 days of service of the order even if a
18 party is seeking relief from the order through a motion
19 filed under paragraph (12) of this subsection (d) or is
20 appealing the order.

21 (15) Compliance with Order Granting Petition to
22 Expunge Records. While a party is seeking relief from the
23 order granting the petition to expunge through a motion
24 filed under paragraph (12) of this subsection (d) or is
25 appealing the order, and unless a court has entered a stay
26 of that order, the parties entitled to notice of the

1 petition must seal, but need not expunge, the records
2 until there is a final order on the motion for relief or,
3 in the case of an appeal, the issuance of that court's
4 mandate.

5 (16) The changes to this subsection (d) made by Public
6 Act 98-163 apply to all petitions pending on August 5,
7 2013 (the effective date of Public Act 98-163) and to all
8 orders ruling on a petition to expunge or seal on or after
9 August 5, 2013 (the effective date of Public Act 98-163).

10 (e) Whenever a person who has been convicted of an offense
11 is granted a pardon by the Governor which specifically
12 authorizes expungement, he or she may, upon verified petition
13 to the Chief Judge of the circuit where the person had been
14 convicted, any judge of the circuit designated by the Chief
15 Judge, or in counties of less than 3,000,000 inhabitants, the
16 presiding trial judge at the defendant's trial, have a court
17 order entered expunging the record of arrest from the official
18 records of the arresting authority and order that the records
19 of the circuit court clerk and the Illinois State Police be
20 sealed until further order of the court upon good cause shown
21 or as otherwise provided herein, and the name of the defendant
22 obliterated from the official index requested to be kept by
23 the circuit court clerk under Section 16 of the Clerks of
24 Courts Act in connection with the arrest and conviction for
25 the offense for which he or she had been pardoned but the order
26 shall not affect any index issued by the circuit court clerk

1 before the entry of the order. All records sealed by the
2 Illinois State Police may be disseminated by the Illinois
3 State Police only to the arresting authority, the State's
4 Attorney, and the court upon a later arrest for the same or
5 similar offense or for the purpose of sentencing for any
6 subsequent felony. Upon conviction for any subsequent offense,
7 the Department of Corrections shall have access to all sealed
8 records of the Illinois State Police pertaining to that
9 individual. Upon entry of the order of expungement, the
10 circuit court clerk shall promptly mail a copy of the order to
11 the person who was pardoned.

12 (e-5) Whenever a person who has been convicted of an
13 offense is granted a certificate of eligibility for sealing by
14 the Prisoner Review Board which specifically authorizes
15 sealing, he or she may, upon verified petition to the Chief
16 Judge of the circuit where the person had been convicted, any
17 judge of the circuit designated by the Chief Judge, or in
18 counties of less than 3,000,000 inhabitants, the presiding
19 trial judge at the petitioner's trial, have a court order
20 entered sealing the record of arrest from the official records
21 of the arresting authority and order that the records of the
22 circuit court clerk and the Illinois State Police be sealed
23 until further order of the court upon good cause shown or as
24 otherwise provided herein, and the name of the petitioner
25 obliterated from the official index requested to be kept by
26 the circuit court clerk under Section 16 of the Clerks of

1 Courts Act in connection with the arrest and conviction for
2 the offense for which he or she had been granted the
3 certificate but the order shall not affect any index issued by
4 the circuit court clerk before the entry of the order. All
5 records sealed by the Illinois State Police may be
6 disseminated by the Illinois State Police only as required by
7 this Act or to the arresting authority, a law enforcement
8 agency, the State's Attorney, and the court upon a later
9 arrest for the same or similar offense or for the purpose of
10 sentencing for any subsequent felony. Upon conviction for any
11 subsequent offense, the Department of Corrections shall have
12 access to all sealed records of the Illinois State Police
13 pertaining to that individual. Upon entry of the order of
14 sealing, the circuit court clerk shall promptly mail a copy of
15 the order to the person who was granted the certificate of
16 eligibility for sealing.

17 (e-6) Whenever a person who has been convicted of an
18 offense is granted a certificate of eligibility for
19 expungement by the Prisoner Review Board which specifically
20 authorizes expungement, he or she may, upon verified petition
21 to the Chief Judge of the circuit where the person had been
22 convicted, any judge of the circuit designated by the Chief
23 Judge, or in counties of less than 3,000,000 inhabitants, the
24 presiding trial judge at the petitioner's trial, have a court
25 order entered expunging the record of arrest from the official
26 records of the arresting authority and order that the records

1 of the circuit court clerk and the Illinois State Police be
2 sealed until further order of the court upon good cause shown
3 or as otherwise provided herein, and the name of the
4 petitioner obliterated from the official index requested to be
5 kept by the circuit court clerk under Section 16 of the Clerks
6 of Courts Act in connection with the arrest and conviction for
7 the offense for which he or she had been granted the
8 certificate but the order shall not affect any index issued by
9 the circuit court clerk before the entry of the order. All
10 records sealed by the Illinois State Police may be
11 disseminated by the Illinois State Police only as required by
12 this Act or to the arresting authority, a law enforcement
13 agency, the State's Attorney, and the court upon a later
14 arrest for the same or similar offense or for the purpose of
15 sentencing for any subsequent felony. Upon conviction for any
16 subsequent offense, the Department of Corrections shall have
17 access to all expunged records of the Illinois State Police
18 pertaining to that individual. Upon entry of the order of
19 expungement, the circuit court clerk shall promptly mail a
20 copy of the order to the person who was granted the certificate
21 of eligibility for expungement.

22 (f) Subject to available funding, the Illinois Department
23 of Corrections shall conduct a study of the impact of sealing,
24 especially on employment and recidivism rates, utilizing a
25 random sample of those who apply for the sealing of their
26 criminal records under Public Act 93-211. At the request of

1 the Illinois Department of Corrections, records of the
2 Illinois Department of Employment Security shall be utilized
3 as appropriate to assist in the study. The study shall not
4 disclose any data in a manner that would allow the
5 identification of any particular individual or employing unit.
6 The study shall be made available to the General Assembly no
7 later than September 1, 2010.

8 (g) Immediate Sealing.

9 (1) Applicability. Notwithstanding any other provision
10 of this Act to the contrary, and cumulative with any
11 rights to expungement or sealing of criminal records, this
12 subsection authorizes the immediate sealing of criminal
13 records of adults and of minors prosecuted as adults.

14 (2) Eligible Records. Arrests or charges not initiated
15 by arrest resulting in acquittal or dismissal with
16 prejudice, except as excluded by subsection (a)(3)(B),
17 that occur on or after January 1, 2018 (the effective date
18 of Public Act 100-282), may be sealed immediately if the
19 petition is filed with the circuit court clerk on the same
20 day and during the same hearing in which the case is
21 disposed.

22 (3) When Records are Eligible to be Immediately
23 Sealed. Eligible records under paragraph (2) of this
24 subsection (g) may be sealed immediately after entry of
25 the final disposition of a case, notwithstanding the
26 disposition of other charges in the same case.

1 (4) Notice of Eligibility for Immediate Sealing. Upon
2 entry of a disposition for an eligible record under this
3 subsection (g), the defendant shall be informed by the
4 court of his or her right to have eligible records
5 immediately sealed and the procedure for the immediate
6 sealing of these records.

7 (5) Procedure. The following procedures apply to
8 immediate sealing under this subsection (g).

9 (A) Filing the Petition. Upon entry of the final
10 disposition of the case, the defendant's attorney may
11 immediately petition the court, on behalf of the
12 defendant, for immediate sealing of eligible records
13 under paragraph (2) of this subsection (g) that are
14 entered on or after January 1, 2018 (the effective
15 date of Public Act 100-282). The immediate sealing
16 petition may be filed with the circuit court clerk
17 during the hearing in which the final disposition of
18 the case is entered. If the defendant's attorney does
19 not file the petition for immediate sealing during the
20 hearing, the defendant may file a petition for sealing
21 at any time as authorized under subsection (c) (3) (A).

22 (B) Contents of Petition. The immediate sealing
23 petition shall be verified and shall contain the
24 petitioner's name, date of birth, current address, and
25 for each eligible record, the case number, the date of
26 arrest if applicable, the identity of the arresting

1 authority if applicable, and other information as the
2 court may require.

3 (C) Drug Test. The petitioner shall not be
4 required to attach proof that he or she has passed a
5 drug test.

6 (D) Service of Petition. A copy of the petition
7 shall be served on the State's Attorney in open court.
8 The petitioner shall not be required to serve a copy of
9 the petition on any other agency.

10 (E) Entry of Order. The presiding trial judge
11 shall enter an order granting or denying the petition
12 for immediate sealing during the hearing in which it
13 is filed. Petitions for immediate sealing shall be
14 ruled on in the same hearing in which the final
15 disposition of the case is entered.

16 (F) Hearings. The court shall hear the petition
17 for immediate sealing on the same day and during the
18 same hearing in which the disposition is rendered.

19 (G) Service of Order. An order to immediately seal
20 eligible records shall be served in conformance with
21 subsection (d) (8).

22 (H) Implementation of Order. An order to
23 immediately seal records shall be implemented in
24 conformance with subsections (d) (9) (C) and (d) (9) (D).

25 (I) Fees. The fee imposed by the circuit court
26 clerk and the Illinois State Police shall comply with

1 paragraph (1) of subsection (d) of this Section.

2 (J) Final Order. No court order issued under this
3 subsection (g) shall become final for purposes of
4 appeal until 30 days after service of the order on the
5 petitioner and all parties entitled to service of the
6 order in conformance with subsection (d) (8).

7 (K) Motion to Vacate, Modify, or Reconsider. Under
8 Section 2-1203 of the Code of Civil Procedure, the
9 petitioner, State's Attorney, or the Illinois State
10 Police may file a motion to vacate, modify, or
11 reconsider the order denying the petition to
12 immediately seal within 60 days of service of the
13 order. If filed more than 60 days after service of the
14 order, a petition to vacate, modify, or reconsider
15 shall comply with subsection (c) of Section 2-1401 of
16 the Code of Civil Procedure.

17 (L) Effect of Order. An order granting an
18 immediate sealing petition shall not be considered
19 void because it fails to comply with the provisions of
20 this Section or because of an error asserted in a
21 motion to vacate, modify, or reconsider. The circuit
22 court retains jurisdiction to determine whether the
23 order is voidable, and to vacate, modify, or
24 reconsider its terms based on a motion filed under
25 subparagraph (L) of this subsection (g).

26 (M) Compliance with Order Granting Petition to

1 Seal Records. Unless a court has entered a stay of an
2 order granting a petition to immediately seal, all
3 parties entitled to service of the order must fully
4 comply with the terms of the order within 60 days of
5 service of the order.

6 (h) Sealing; trafficking victims.

7 (1) A trafficking victim as defined by paragraph (10)
8 of subsection (a) of Section 10-9 of the Criminal Code of
9 2012 shall be eligible to petition for immediate sealing
10 of his or her criminal record upon the completion of his or
11 her last sentence if his or her participation in the
12 underlying offense was a direct result of human
13 trafficking under Section 10-9 of the Criminal Code of
14 2012 or a severe form of trafficking under the federal
15 Trafficking Victims Protection Act.

16 (2) A petitioner under this subsection (h), in
17 addition to the requirements provided under paragraph (4)
18 of subsection (d) of this Section, shall include in his or
19 her petition a clear and concise statement that: (A) he or
20 she was a victim of human trafficking at the time of the
21 offense; and (B) that his or her participation in the
22 offense was a direct result of human trafficking under
23 Section 10-9 of the Criminal Code of 2012 or a severe form
24 of trafficking under the federal Trafficking Victims
25 Protection Act.

26 (3) If an objection is filed alleging that the

1 petitioner is not entitled to immediate sealing under this
2 subsection (h), the court shall conduct a hearing under
3 paragraph (7) of subsection (d) of this Section and the
4 court shall determine whether the petitioner is entitled
5 to immediate sealing under this subsection (h). A
6 petitioner is eligible for immediate relief under this
7 subsection (h) if he or she shows, by a preponderance of
8 the evidence, that: (A) he or she was a victim of human
9 trafficking at the time of the offense; and (B) that his or
10 her participation in the offense was a direct result of
11 human trafficking under Section 10-9 of the Criminal Code
12 of 2012 or a severe form of trafficking under the federal
13 Trafficking Victims Protection Act.

14 (i) Minor Cannabis Offenses under the Cannabis Control
15 Act.

16 (1) Expungement of Arrest Records of Minor Cannabis
17 Offenses.

18 (A) The Illinois State Police and all law
19 enforcement agencies within the State shall
20 automatically expunge all criminal history records of
21 an arrest, charge not initiated by arrest, order of
22 supervision, or order of qualified probation for a
23 Minor Cannabis Offense committed prior to June 25,
24 2019 (the effective date of Public Act 101-27) if:

25 (i) One year or more has elapsed since the
26 date of the arrest or law enforcement interaction

1 documented in the records; and

2 (ii) No criminal charges were filed relating
3 to the arrest or law enforcement interaction or
4 criminal charges were filed and subsequently
5 dismissed or vacated or the arrestee was
6 acquitted.

7 (B) If the law enforcement agency is unable to
8 verify satisfaction of condition (ii) in paragraph
9 (A), records that satisfy condition (i) in paragraph
10 (A) shall be automatically expunged.

11 (C) Records shall be expunged by the law
12 enforcement agency under the following timelines:

13 (i) Records created prior to June 25, 2019
14 (the effective date of Public Act 101-27), but on
15 or after January 1, 2013, shall be automatically
16 expunged prior to January 1, 2021;

17 (ii) Records created prior to January 1, 2013,
18 but on or after January 1, 2000, shall be
19 automatically expunged prior to January 1, 2023;

20 (iii) Records created prior to January 1, 2000
21 shall be automatically expunged prior to January
22 1, 2025.

23 In response to an inquiry for expunged records,
24 the law enforcement agency receiving such inquiry
25 shall reply as it does in response to inquiries when no
26 records ever existed; however, it shall provide a

1 certificate of disposition or confirmation that the
2 record was expunged to the individual whose record was
3 expunged if such a record exists.

4 (D) Nothing in this Section shall be construed to
5 restrict or modify an individual's right to have that
6 individual's records expunged except as otherwise may
7 be provided in this Act, or diminish or abrogate any
8 rights or remedies otherwise available to the
9 individual.

10 (2) Pardons Authorizing Expungement of Minor Cannabis
11 Offenses.

12 (A) Upon June 25, 2019 (the effective date of
13 Public Act 101-27), the Department of State Police
14 shall review all criminal history record information
15 and identify all records that meet all of the
16 following criteria:

17 (i) one or more convictions for a Minor
18 Cannabis Offense;

19 (ii) the conviction identified in paragraph
20 (2)(A)(i) did not include a penalty enhancement
21 under Section 7 of the Cannabis Control Act; and

22 (iii) the conviction identified in paragraph
23 (2)(A)(i) is not associated with a conviction for
24 a violent crime as defined in subsection (c) of
25 Section 3 of the Rights of Crime Victims and
26 Witnesses Act.

1 (B) Within 180 days after June 25, 2019 (the
2 effective date of Public Act 101-27), the Department
3 of State Police shall notify the Prisoner Review Board
4 of all such records that meet the criteria established
5 in paragraph (2) (A).

6 (i) The Prisoner Review Board shall notify the
7 State's Attorney of the county of conviction of
8 each record identified by State Police in
9 paragraph (2) (A) that is classified as a Class 4
10 felony. The State's Attorney may provide a written
11 objection to the Prisoner Review Board on the sole
12 basis that the record identified does not meet the
13 criteria established in paragraph (2) (A). Such an
14 objection must be filed within 60 days or by such
15 later date set by the Prisoner Review Board in the
16 notice after the State's Attorney received notice
17 from the Prisoner Review Board.

18 (ii) In response to a written objection from a
19 State's Attorney, the Prisoner Review Board is
20 authorized to conduct a non-public hearing to
21 evaluate the information provided in the
22 objection.

23 (iii) The Prisoner Review Board shall make a
24 confidential and privileged recommendation to the
25 Governor as to whether to grant a pardon
26 authorizing expungement for each of the records

1 identified by the Department of State Police as
2 described in paragraph (2) (A).

3 (C) If an individual has been granted a pardon
4 authorizing expungement as described in this Section,
5 the Prisoner Review Board, through the Attorney
6 General, shall file a petition for expungement with
7 the Chief Judge of the circuit or any judge of the
8 circuit designated by the Chief Judge where the
9 individual had been convicted. Such petition may
10 include more than one individual. Whenever an
11 individual who has been convicted of an offense is
12 granted a pardon by the Governor that specifically
13 authorizes expungement, an objection to the petition
14 may not be filed. Petitions to expunge under this
15 subsection (i) may include more than one individual.
16 Within 90 days of the filing of such a petition, the
17 court shall enter an order expunging the records of
18 arrest from the official records of the arresting
19 authority and order that the records of the circuit
20 court clerk and the Illinois State Police be expunged
21 and the name of the defendant obliterated from the
22 official index requested to be kept by the circuit
23 court clerk under Section 16 of the Clerks of Courts
24 Act in connection with the arrest and conviction for
25 the offense for which the individual had received a
26 pardon but the order shall not affect any index issued

1 by the circuit court clerk before the entry of the
2 order. Upon entry of the order of expungement, the
3 circuit court clerk shall promptly provide a copy of
4 the order and a certificate of disposition to the
5 individual who was pardoned to the individual's last
6 known address or by electronic means (if available) or
7 otherwise make it available to the individual upon
8 request.

9 (D) Nothing in this Section is intended to
10 diminish or abrogate any rights or remedies otherwise
11 available to the individual.

12 (3) Any individual may file a motion to vacate and
13 expunge a conviction for a misdemeanor or Class 4 felony
14 violation of Section 4 or Section 5 of the Cannabis
15 Control Act. Motions to vacate and expunge under this
16 subsection (i) may be filed with the circuit court, Chief
17 Judge of a judicial circuit or any judge of the circuit
18 designated by the Chief Judge. The circuit court clerk
19 shall promptly serve a copy of the motion to vacate and
20 expunge, and any supporting documentation, on the State's
21 Attorney or prosecutor charged with the duty of
22 prosecuting the offense. When considering such a motion to
23 vacate and expunge, a court shall consider the following:
24 the reasons to retain the records provided by law
25 enforcement, the petitioner's age, the petitioner's age at
26 the time of offense, the time since the conviction, and

1 the specific adverse consequences if denied. An individual
2 may file such a petition after the completion of any
3 non-financial sentence or non-financial condition imposed
4 by the conviction. Within 60 days of the filing of such
5 motion, a State's Attorney may file an objection to such a
6 petition along with supporting evidence. If a motion to
7 vacate and expunge is granted, the records shall be
8 expunged in accordance with subparagraphs (d)(8) and
9 (d)(9)(A) of this Section. An agency providing civil legal
10 aid, as defined by Section 15 of the Public Interest
11 Attorney Assistance Act, assisting individuals seeking to
12 file a motion to vacate and expunge under this subsection
13 may file motions to vacate and expunge with the Chief
14 Judge of a judicial circuit or any judge of the circuit
15 designated by the Chief Judge, and the motion may include
16 more than one individual. Motions filed by an agency
17 providing civil legal aid concerning more than one
18 individual may be prepared, presented, and signed
19 electronically.

20 (4) Any State's Attorney may file a motion to vacate
21 and expunge a conviction for a misdemeanor or Class 4
22 felony violation of Section 4 or Section 5 of the Cannabis
23 Control Act. Motions to vacate and expunge under this
24 subsection (i) may be filed with the circuit court, Chief
25 Judge of a judicial circuit or any judge of the circuit
26 designated by the Chief Judge, and may include more than

1 one individual. Motions filed by a State's Attorney
2 concerning more than one individual may be prepared,
3 presented, and signed electronically. When considering
4 such a motion to vacate and expunge, a court shall
5 consider the following: the reasons to retain the records
6 provided by law enforcement, the individual's age, the
7 individual's age at the time of offense, the time since
8 the conviction, and the specific adverse consequences if
9 denied. Upon entry of an order granting a motion to vacate
10 and expunge records pursuant to this Section, the State's
11 Attorney shall notify the Prisoner Review Board within 30
12 days. Upon entry of the order of expungement, the circuit
13 court clerk shall promptly provide a copy of the order and
14 a certificate of disposition to the individual whose
15 records will be expunged to the individual's last known
16 address or by electronic means (if available) or otherwise
17 make available to the individual upon request. If a motion
18 to vacate and expunge is granted, the records shall be
19 expunged in accordance with subparagraphs (d)(8) and
20 (d)(9)(A) of this Section.

21 (5) In the public interest, the State's Attorney of a
22 county has standing to file motions to vacate and expunge
23 pursuant to this Section in the circuit court with
24 jurisdiction over the underlying conviction.

25 (6) If a person is arrested for a Minor Cannabis
26 Offense as defined in this Section before June 25, 2019

1 (the effective date of Public Act 101-27) and the person's
2 case is still pending but a sentence has not been imposed,
3 the person may petition the court in which the charges are
4 pending for an order to summarily dismiss those charges
5 against him or her, and expunge all official records of
6 his or her arrest, plea, trial, conviction, incarceration,
7 supervision, or expungement. If the court determines, upon
8 review, that: (A) the person was arrested before June 25,
9 2019 (the effective date of Public Act 101-27) for an
10 offense that has been made eligible for expungement; (B)
11 the case is pending at the time; and (C) the person has not
12 been sentenced of the minor cannabis violation eligible
13 for expungement under this subsection, the court shall
14 consider the following: the reasons to retain the records
15 provided by law enforcement, the petitioner's age, the
16 petitioner's age at the time of offense, the time since
17 the conviction, and the specific adverse consequences if
18 denied. If a motion to dismiss and expunge is granted, the
19 records shall be expunged in accordance with subparagraph
20 (d) (9) (A) of this Section.

21 (7) A person imprisoned solely as a result of one or
22 more convictions for Minor Cannabis Offenses under this
23 subsection (i) shall be released from incarceration upon
24 the issuance of an order under this subsection.

25 (8) The Illinois State Police shall allow a person to
26 use the access and review process, established in the

1 Illinois State Police, for verifying that his or her
2 records relating to Minor Cannabis Offenses of the
3 Cannabis Control Act eligible under this Section have been
4 expunged.

5 (9) No conviction vacated pursuant to this Section
6 shall serve as the basis for damages for time unjustly
7 served as provided in the Court of Claims Act.

8 (10) Effect of Expungement. A person's right to
9 expunge an expungeable offense shall not be limited under
10 this Section. The effect of an order of expungement shall
11 be to restore the person to the status he or she occupied
12 before the arrest, charge, or conviction.

13 (11) Information. The Illinois State Police shall post
14 general information on its website about the expungement
15 process described in this subsection (i).

16 (j) Felony Prostitution Convictions.

17 (1) Any individual may file a motion to vacate and
18 expunge a conviction for a prior Class 4 felony violation
19 of prostitution. Motions to vacate and expunge under this
20 subsection (j) may be filed with the circuit court, Chief
21 Judge of a judicial circuit, or any judge of the circuit
22 designated by the Chief Judge. When considering the motion
23 to vacate and expunge, a court shall consider the
24 following:

25 (A) the reasons to retain the records provided by
26 law enforcement;

1 (B) the petitioner's age;
2 (C) the petitioner's age at the time of offense;
3 and

4 (D) the time since the conviction, and the
5 specific adverse consequences if denied. An individual
6 may file the petition after the completion of any
7 sentence or condition imposed by the conviction.
8 Within 60 days of the filing of the motion, a State's
9 Attorney may file an objection to the petition along
10 with supporting evidence. If a motion to vacate and
11 expunge is granted, the records shall be expunged in
12 accordance with subparagraph (d)(9)(A) of this
13 Section. An agency providing civil legal aid, as
14 defined in Section 15 of the Public Interest Attorney
15 Assistance Act, assisting individuals seeking to file
16 a motion to vacate and expunge under this subsection
17 may file motions to vacate and expunge with the Chief
18 Judge of a judicial circuit or any judge of the circuit
19 designated by the Chief Judge, and the motion may
20 include more than one individual.

21 (2) Any State's Attorney may file a motion to vacate
22 and expunge a conviction for a Class 4 felony violation of
23 prostitution. Motions to vacate and expunge under this
24 subsection (j) may be filed with the circuit court, Chief
25 Judge of a judicial circuit, or any judge of the circuit
26 court designated by the Chief Judge, and may include more

1 than one individual. When considering the motion to vacate
2 and expunge, a court shall consider the following reasons:

3 (A) the reasons to retain the records provided by
4 law enforcement;

5 (B) the petitioner's age;

6 (C) the petitioner's age at the time of offense;

7 (D) the time since the conviction; and

8 (E) the specific adverse consequences if denied.

9 If the State's Attorney files a motion to vacate and
10 expunge records for felony prostitution convictions
11 pursuant to this Section, the State's Attorney shall
12 notify the Prisoner Review Board within 30 days of the
13 filing. If a motion to vacate and expunge is granted, the
14 records shall be expunged in accordance with subparagraph
15 (d) (9) (A) of this Section.

16 (3) In the public interest, the State's Attorney of a
17 county has standing to file motions to vacate and expunge
18 pursuant to this Section in the circuit court with
19 jurisdiction over the underlying conviction.

20 (4) The Illinois State Police shall allow a person to
21 use the access and review process, established in the
22 Illinois State Police, for verifying that his or her
23 records relating to felony prostitution eligible under
24 this Section have been expunged.

25 (5) No conviction vacated pursuant to this Section
26 shall serve as the basis for damages for time unjustly

1 served as provided in the Court of Claims Act.

2 (6) Effect of Expungement. A person's right to expunge
3 an expungeable offense shall not be limited under this
4 Section. The effect of an order of expungement shall be to
5 restore the person to the status he or she occupied before
6 the arrest, charge, or conviction.

7 (7) Information. The Illinois State Police shall post
8 general information on its website about the expungement
9 process described in this subsection (j).

10 (Source: P.A. 101-27, eff. 6-25-19; 101-81, eff. 7-12-19;
11 101-159, eff. 1-1-20; 101-306, eff. 8-9-19; 101-593, eff.
12 12-4-19; 101-645, eff. 6-26-20; 102-145, eff. 7-23-21;
13 102-558, 8-20-21; 102-639, eff. 8-27-21; 102-813, eff.
14 5-13-22; 102-933, eff. 1-1-23; 130-154, eff. 6-30-23.)

15 (Text of Section after amendment by P.A. 103-35)
16 Sec. 5.2. Expungement, sealing, and immediate sealing.

17 (a) General Provisions.

18 (1) Definitions. In this Act, words and phrases have
19 the meanings set forth in this subsection, except when a
20 particular context clearly requires a different meaning.

21 (A) The following terms shall have the meanings
22 ascribed to them in the following Sections of the
23 Unified Code of Corrections:

24 Business Offense, Section 5-1-2.

25 Charge, Section 5-1-3.

1 Court, Section 5-1-6.
2 Defendant, Section 5-1-7.
3 Felony, Section 5-1-9.
4 Imprisonment, Section 5-1-10.
5 Judgment, Section 5-1-12.
6 Misdemeanor, Section 5-1-14.
7 Offense, Section 5-1-15.
8 Parole, Section 5-1-16.
9 Petty Offense, Section 5-1-17.
10 Probation, Section 5-1-18.
11 Sentence, Section 5-1-19.
12 Supervision, Section 5-1-21.
13 Victim, Section 5-1-22.

14 (B) As used in this Section, "charge not initiated
15 by arrest" means a charge (as defined by Section 5-1-3
16 of the Unified Code of Corrections) brought against a
17 defendant where the defendant is not arrested prior to
18 or as a direct result of the charge.

19 (C) "Conviction" means a judgment of conviction or
20 sentence entered upon a plea of guilty or upon a
21 verdict or finding of guilty of an offense, rendered
22 by a legally constituted jury or by a court of
23 competent jurisdiction authorized to try the case
24 without a jury. An order of supervision successfully
25 completed by the petitioner is not a conviction. An
26 order of qualified probation (as defined in subsection

1 (a) (1) (J)) successfully completed by the petitioner is
2 not a conviction. An order of supervision or an order
3 of qualified probation that is terminated
4 unsatisfactorily is a conviction, unless the
5 unsatisfactory termination is reversed, vacated, or
6 modified and the judgment of conviction, if any, is
7 reversed or vacated.

8 (D) "Criminal offense" means a petty offense,
9 business offense, misdemeanor, felony, or municipal
10 ordinance violation (as defined in subsection
11 (a) (1) (H)). As used in this Section, a minor traffic
12 offense (as defined in subsection (a) (1) (G)) shall not
13 be considered a criminal offense.

14 (E) "Expunge" means to physically destroy the
15 records or return them to the petitioner and to
16 obliterate the petitioner's name from any official
17 index or public record, or both. Nothing in this Act
18 shall require the physical destruction of the circuit
19 court file, but such records relating to arrests or
20 charges, or both, ordered expunged shall be impounded
21 as required by subsections (d) (9) (A) (ii) and
22 (d) (9) (B) (ii).

23 (F) As used in this Section, "last sentence" means
24 the sentence, order of supervision, or order of
25 qualified probation (as defined by subsection
26 (a) (1) (J)), for a criminal offense (as defined by

1 subsection (a)(1)(D)) that terminates last in time in
2 any jurisdiction, regardless of whether the petitioner
3 has included the criminal offense for which the
4 sentence or order of supervision or qualified
5 probation was imposed in his or her petition. If
6 multiple sentences, orders of supervision, or orders
7 of qualified probation terminate on the same day and
8 are last in time, they shall be collectively
9 considered the "last sentence" regardless of whether
10 they were ordered to run concurrently.

11 (G) "Minor traffic offense" means a petty offense,
12 business offense, or Class C misdemeanor under the
13 Illinois Vehicle Code or a similar provision of a
14 municipal or local ordinance.

15 (G-5) "Minor Cannabis Offense" means a violation
16 of Section 4 or 5 of the Cannabis Control Act
17 concerning not more than 30 grams of any substance
18 containing cannabis, provided the violation did not
19 include a penalty enhancement under Section 7 of the
20 Cannabis Control Act and is not associated with an
21 arrest, conviction or other disposition for a violent
22 crime as defined in subsection (c) of Section 3 of the
23 Rights of Crime Victims and Witnesses Act.

24 (H) "Municipal ordinance violation" means an
25 offense defined by a municipal or local ordinance that
26 is criminal in nature and with which the petitioner

1 was charged or for which the petitioner was arrested
2 and released without charging.

3 (I) "Petitioner" means an adult or a minor
4 prosecuted as an adult who has applied for relief
5 under this Section.

6 (J) "Qualified probation" means an order of
7 probation under Section 10 of the Cannabis Control
8 Act, Section 410 of the Illinois Controlled Substances
9 Act, Section 70 of the Methamphetamine Control and
10 Community Protection Act, Section 5-6-3.3 or 5-6-3.4
11 of the Unified Code of Corrections, Section
12 12-4.3(b)(1) and (2) of the Criminal Code of 1961 (as
13 those provisions existed before their deletion by
14 Public Act 89-313), Section 10-102 of the Illinois
15 Alcoholism and Other Drug Dependency Act, Section
16 40-10 of the Substance Use Disorder Act, or Section 10
17 of the Steroid Control Act. For the purpose of this
18 Section, "successful completion" of an order of
19 qualified probation under Section 10-102 of the
20 Illinois Alcoholism and Other Drug Dependency Act and
21 Section 40-10 of the Substance Use Disorder Act means
22 that the probation was terminated satisfactorily and
23 the judgment of conviction was vacated.

24 (K) "Seal" means to physically and electronically
25 maintain the records, unless the records would
26 otherwise be destroyed due to age, but to make the

1 records unavailable without a court order, subject to
2 the exceptions in Sections 12 and 13 of this Act. The
3 petitioner's name shall also be obliterated from the
4 official index required to be kept by the circuit
5 court clerk under Section 16 of the Clerks of Courts
6 Act, but any index issued by the circuit court clerk
7 before the entry of the order to seal shall not be
8 affected.

9 (L) "Sexual offense committed against a minor"
10 includes, but is not limited to, the offenses of
11 indecent solicitation of a child or criminal sexual
12 abuse when the victim of such offense is under 18 years
13 of age.

14 (M) "Terminate" as it relates to a sentence or
15 order of supervision or qualified probation includes
16 either satisfactory or unsatisfactory termination of
17 the sentence, unless otherwise specified in this
18 Section. A sentence is terminated notwithstanding any
19 outstanding financial legal obligation.

20 (2) Minor Traffic Offenses. Orders of supervision or
21 convictions for minor traffic offenses shall not affect a
22 petitioner's eligibility to expunge or seal records
23 pursuant to this Section.

24 (2.5) Commencing 180 days after July 29, 2016 (the
25 effective date of Public Act 99-697), the law enforcement
26 agency issuing the citation shall automatically expunge,

1 on or before January 1 and July 1 of each year, the law
2 enforcement records of a person found to have committed a
3 civil law violation of subsection (a) of Section 4 of the
4 Cannabis Control Act or subsection (c) of Section 3.5 of
5 the Drug Paraphernalia Control Act in the law enforcement
6 agency's possession or control and which contains the
7 final satisfactory disposition which pertain to the person
8 issued a citation for that offense. The law enforcement
9 agency shall provide by rule the process for access,
10 review, and to confirm the automatic expungement by the
11 law enforcement agency issuing the citation. Commencing
12 180 days after July 29, 2016 (the effective date of Public
13 Act 99-697), the clerk of the circuit court shall expunge,
14 upon order of the court, or in the absence of a court order
15 on or before January 1 and July 1 of each year, the court
16 records of a person found in the circuit court to have
17 committed a civil law violation of subsection (a) of
18 Section 4 of the Cannabis Control Act or subsection (c) of
19 Section 3.5 of the Drug Paraphernalia Control Act in the
20 clerk's possession or control and which contains the final
21 satisfactory disposition which pertain to the person
22 issued a citation for any of those offenses.

23 (3) Exclusions. Except as otherwise provided in
24 subsections (b) (5), (b) (6), (b) (8), (e), (e-5), and (e-6)
25 of this Section, the court shall not order:

26 (A) the sealing or expungement of the records of

1 arrests or charges not initiated by arrest that result
2 in an order of supervision for or conviction of: (i)
3 any sexual offense committed against a minor; (ii)
4 Section 11-501 of the Illinois Vehicle Code or a
5 similar provision of a local ordinance; or (iii)
6 Section 11-503 of the Illinois Vehicle Code or a
7 similar provision of a local ordinance, unless the
8 arrest or charge is for a misdemeanor violation of
9 subsection (a) of Section 11-503 or a similar
10 provision of a local ordinance, that occurred prior to
11 the offender reaching the age of 25 years and the
12 offender has no other conviction for violating Section
13 11-501 or 11-503 of the Illinois Vehicle Code or a
14 similar provision of a local ordinance.

15 (B) the sealing or expungement of records of minor
16 traffic offenses (as defined in subsection (a)(1)(G)),
17 unless the petitioner was arrested and released
18 without charging.

19 (C) the sealing of the records of arrests or
20 charges not initiated by arrest which result in an
21 order of supervision or a conviction for the following
22 offenses:

23 (i) offenses included in Article 11 of the
24 Criminal Code of 1961 or the Criminal Code of 2012
25 or a similar provision of a local ordinance,
26 except Section 11-14 and a misdemeanor violation

1 of Section 11-30 of the Criminal Code of 1961 or
2 the Criminal Code of 2012, or a similar provision
3 of a local ordinance;

4 (ii) Section 11-1.50, 12-3.4, 12-15, 12-30,
5 26-5, or 48-1 of the Criminal Code of 1961 or the
6 Criminal Code of 2012, or a similar provision of a
7 local ordinance;

8 (iii) Section 12-3.1 or 12-3.2 of the Criminal
9 Code of 1961 or the Criminal Code of 2012, or
10 Section 125 of the Stalking or Harassment No
11 Contact Order Act, or Section 219 of the Civil No
12 Contact Order Act, or a similar provision of a
13 local ordinance;

14 (iv) Class A misdemeanors or felony offenses
15 under the Humane Care for Animals Act; or

16 (v) any offense or attempted offense that
17 would subject a person to registration under the
18 Sex Offender Registration Act.

19 (D) (blank).

20 (b) Expungement.

21 (1) A petitioner may petition the circuit court to
22 expunge the records of his or her arrests and charges not
23 initiated by arrest when each arrest or charge not
24 initiated by arrest sought to be expunged resulted in: (i)
25 acquittal, dismissal, or the petitioner's release without
26 charging, unless excluded by subsection (a) (3) (B); (ii) a

1 conviction which was vacated or reversed, unless excluded
2 by subsection (a) (3) (B); (iii) an order of supervision and
3 such supervision was successfully completed by the
4 petitioner, unless excluded by subsection (a) (3) (A) or
5 (a) (3) (B); or (iv) an order of qualified probation (as
6 defined in subsection (a) (1) (J)) and such probation was
7 successfully completed by the petitioner.

8 (1.5) When a petitioner seeks to have a record of
9 arrest expunged under this Section, and the offender has
10 been convicted of a criminal offense, the State's Attorney
11 may object to the expungement on the grounds that the
12 records contain specific relevant information aside from
13 the mere fact of the arrest.

14 (2) Time frame for filing a petition to expunge.

15 (A) When the arrest or charge not initiated by
16 arrest sought to be expunged resulted in an acquittal,
17 dismissal, the petitioner's release without charging,
18 or the reversal or vacation of a conviction, there is
19 no waiting period to petition for the expungement of
20 such records.

21 (B) When the arrest or charge not initiated by
22 arrest sought to be expunged resulted in an order of
23 supervision, successfully completed by the petitioner,
24 the following time frames will apply:

25 (i) Those arrests or charges that resulted in
26 orders of supervision under Section 3-707, 3-708,

1 3-710, or 5-401.3 of the Illinois Vehicle Code or
2 a similar provision of a local ordinance, or under
3 Section 11-1.50, 12-3.2, or 12-15 of the Criminal
4 Code of 1961 or the Criminal Code of 2012, or a
5 similar provision of a local ordinance, shall not
6 be eligible for expungement until 5 years have
7 passed following the satisfactory termination of
8 the supervision.

9 (i-5) Those arrests or charges that resulted
10 in orders of supervision for a misdemeanor
11 violation of subsection (a) of Section 11-503 of
12 the Illinois Vehicle Code or a similar provision
13 of a local ordinance, that occurred prior to the
14 offender reaching the age of 25 years and the
15 offender has no other conviction for violating
16 Section 11-501 or 11-503 of the Illinois Vehicle
17 Code or a similar provision of a local ordinance
18 shall not be eligible for expungement until the
19 petitioner has reached the age of 25 years.

20 (ii) Those arrests or charges that resulted in
21 orders of supervision for any other offenses shall
22 not be eligible for expungement until 2 years have
23 passed following the satisfactory termination of
24 the supervision.

25 (C) When the arrest or charge not initiated by
26 arrest sought to be expunged resulted in an order of

1 qualified probation, successfully completed by the
2 petitioner, such records shall not be eligible for
3 expungement until 5 years have passed following the
4 satisfactory termination of the probation.

5 (3) Those records maintained by the Illinois State
6 Police for persons arrested prior to their 17th birthday
7 shall be expunged as provided in Section 5-915 of the
8 Juvenile Court Act of 1987.

9 (4) Whenever a person has been arrested for or
10 convicted of any offense, in the name of a person whose
11 identity he or she has stolen or otherwise come into
12 possession of, the aggrieved person from whom the identity
13 was stolen or otherwise obtained without authorization,
14 upon learning of the person having been arrested using his
15 or her identity, may, upon verified petition to the chief
16 judge of the circuit wherein the arrest was made, have a
17 court order entered nunc pro tunc by the Chief Judge to
18 correct the arrest record, conviction record, if any, and
19 all official records of the arresting authority, the
20 Illinois State Police, other criminal justice agencies,
21 the prosecutor, and the trial court concerning such
22 arrest, if any, by removing his or her name from all such
23 records in connection with the arrest and conviction, if
24 any, and by inserting in the records the name of the
25 offender, if known or ascertainable, in lieu of the
26 aggrieved's name. The records of the circuit court clerk

1 shall be sealed until further order of the court upon good
2 cause shown and the name of the aggrieved person
3 obliterated on the official index required to be kept by
4 the circuit court clerk under Section 16 of the Clerks of
5 Courts Act, but the order shall not affect any index
6 issued by the circuit court clerk before the entry of the
7 order. Nothing in this Section shall limit the Illinois
8 State Police or other criminal justice agencies or
9 prosecutors from listing under an offender's name the
10 false names he or she has used.

11 (5) Whenever a person has been convicted of criminal
12 sexual assault, aggravated criminal sexual assault,
13 predatory criminal sexual assault of a child, criminal
14 sexual abuse, or aggravated criminal sexual abuse, the
15 victim of that offense may request that the State's
16 Attorney of the county in which the conviction occurred
17 file a verified petition with the presiding trial judge at
18 the petitioner's trial to have a court order entered to
19 seal the records of the circuit court clerk in connection
20 with the proceedings of the trial court concerning that
21 offense. However, the records of the arresting authority
22 and the Illinois State Police concerning the offense shall
23 not be sealed. The court, upon good cause shown, shall
24 make the records of the circuit court clerk in connection
25 with the proceedings of the trial court concerning the
26 offense available for public inspection.

1 (6) If a conviction has been set aside on direct
2 review or on collateral attack and the court determines by
3 clear and convincing evidence that the petitioner was
4 factually innocent of the charge, the court that finds the
5 petitioner factually innocent of the charge shall enter an
6 expungement order for the conviction for which the
7 petitioner has been determined to be innocent as provided
8 in subsection (b) of Section 5-5-4 of the Unified Code of
9 Corrections.

10 (7) Nothing in this Section shall prevent the Illinois
11 State Police from maintaining all records of any person
12 who is admitted to probation upon terms and conditions and
13 who fulfills those terms and conditions pursuant to
14 Section 10 of the Cannabis Control Act, Section 410 of the
15 Illinois Controlled Substances Act, Section 70 of the
16 Methamphetamine Control and Community Protection Act,
17 Section 5-6-3.3 or 5-6-3.4 of the Unified Code of
18 Corrections, Section 12-4.3 or subdivision (b)(1) of
19 Section 12-3.05 of the Criminal Code of 1961 or the
20 Criminal Code of 2012, Section 10-102 of the Illinois
21 Alcoholism and Other Drug Dependency Act, Section 40-10 of
22 the Substance Use Disorder Act, or Section 10 of the
23 Steroid Control Act.

24 (8) If the petitioner has been granted a certificate
25 of innocence under Section 2-702 of the Code of Civil
26 Procedure, the court that grants the certificate of

1 innocence shall also enter an order expunging the
2 conviction for which the petitioner has been determined to
3 be innocent as provided in subsection (h) of Section 2-702
4 of the Code of Civil Procedure.

5 (c) Sealing.

6 (1) Applicability. Notwithstanding any other provision
7 of this Act to the contrary, and cumulative with any
8 rights to expungement of criminal records, this subsection
9 authorizes the sealing of criminal records of adults and
10 of minors prosecuted as adults. Subsection (g) of this
11 Section provides for immediate sealing of certain records.

12 (2) Eligible Records. The following records may be
13 sealed:

14 (A) All arrests resulting in release without
15 charging;

16 (B) Arrests or charges not initiated by arrest
17 resulting in acquittal, dismissal, or conviction when
18 the conviction was reversed or vacated, except as
19 excluded by subsection (a) (3) (B);

20 (C) Arrests or charges not initiated by arrest
21 resulting in orders of supervision, including orders
22 of supervision for municipal ordinance violations,
23 successfully completed by the petitioner, unless
24 excluded by subsection (a) (3);

25 (D) Arrests or charges not initiated by arrest
26 resulting in convictions, including convictions on

1 municipal ordinance violations, unless excluded by
2 subsection (a) (3);

3 (E) Arrests or charges not initiated by arrest
4 resulting in orders of first offender probation under
5 Section 10 of the Cannabis Control Act, Section 410 of
6 the Illinois Controlled Substances Act, Section 70 of
7 the Methamphetamine Control and Community Protection
8 Act, or Section 5-6-3.3 of the Unified Code of
9 Corrections; and

10 (F) Arrests or charges not initiated by arrest
11 resulting in felony convictions unless otherwise
12 excluded by subsection (a) paragraph (3) of this
13 Section.

14 (3) When Records Are Eligible to Be Sealed. Records
15 identified as eligible under subsection (c)(2) may be
16 sealed as follows:

17 (A) Records identified as eligible under
18 subsections (c)(2)(A) and (c)(2)(B) may be sealed at
19 any time.

20 (B) Except as otherwise provided in subparagraph
21 (E) of this paragraph (3), records identified as
22 eligible under subsection (c)(2)(C) may be sealed 2
23 years after the termination of petitioner's last
24 sentence (as defined in subsection (a)(1)(F)).

25 (C) Except as otherwise provided in subparagraph
26 (E) of this paragraph (3), records identified as

1 eligible under subsections (c)(2)(D), (c)(2)(E), and
2 (c)(2)(F) may be sealed 3 years after the termination
3 of the petitioner's last sentence (as defined in
4 subsection (a)(1)(F)). Convictions requiring public
5 registration under the Arsonist Registration Act, the
6 Sex Offender Registration Act, or the Murderer and
7 Violent Offender Against Youth Registration Act may
8 not be sealed until the petitioner is no longer
9 required to register under that relevant Act.

10 (D) Records identified in subsection
11 (a)(3)(A)(iii) may be sealed after the petitioner has
12 reached the age of 25 years.

13 (E) Records identified as eligible under
14 subsection (c)(2)(C), (c)(2)(D), (c)(2)(E), or
15 (c)(2)(F) may be sealed upon termination of the
16 petitioner's last sentence if the petitioner earned a
17 high school diploma, associate's degree, career
18 certificate, vocational technical certification, or
19 bachelor's degree, or passed the high school level
20 Test of General Educational Development, during the
21 period of his or her sentence or mandatory supervised
22 release. This subparagraph shall apply only to a
23 petitioner who has not completed the same educational
24 goal prior to the period of his or her sentence or
25 mandatory supervised release. If a petition for
26 sealing eligible records filed under this subparagraph

1 is denied by the court, the time periods under
2 subparagraph (B) or (C) shall apply to any subsequent
3 petition for sealing filed by the petitioner.

4 (4) Subsequent felony convictions. A person may not
5 have subsequent felony conviction records sealed as
6 provided in this subsection (c) if he or she is convicted
7 of any felony offense after the date of the sealing of
8 prior felony convictions as provided in this subsection
9 (c). The court may, upon conviction for a subsequent
10 felony offense, order the unsealing of prior felony
11 conviction records previously ordered sealed by the court.

12 (5) Notice of eligibility for sealing. Upon entry of a
13 disposition for an eligible record under this subsection
14 (c), the petitioner shall be informed by the court of the
15 right to have the records sealed and the procedures for
16 the sealing of the records.

17 (d) Procedure. The following procedures apply to
18 expungement under subsections (b), (e), and (e-6) and sealing
19 under subsections (c) and (e-5):

20 (1) Filing the petition. Upon becoming eligible to
21 petition for the expungement or sealing of records under
22 this Section, the petitioner shall file a petition
23 requesting the expungement or sealing of records with the
24 clerk of the court where the arrests occurred or the
25 charges were brought, or both. If arrests occurred or
26 charges were brought in multiple jurisdictions, a petition

1 must be filed in each such jurisdiction. The petitioner
2 shall pay the applicable fee, except no fee shall be
3 required if the petitioner has obtained a court order
4 waiving fees under Supreme Court Rule 298 or it is
5 otherwise waived.

6 (1.5) County fee waiver pilot program. From August 9,
7 2019 (the effective date of Public Act 101-306) through
8 December 31, 2020, in a county of 3,000,000 or more
9 inhabitants, no fee shall be required to be paid by a
10 petitioner if the records sought to be expunged or sealed
11 were arrests resulting in release without charging or
12 arrests or charges not initiated by arrest resulting in
13 acquittal, dismissal, or conviction when the conviction
14 was reversed or vacated, unless excluded by subsection
15 (a)(3)(B). The provisions of this paragraph (1.5), other
16 than this sentence, are inoperative on and after January
17 1, 2022.

18 (2) Contents of petition. The petition shall be
19 verified and shall contain the petitioner's name, date of
20 birth, current address and, for each arrest or charge not
21 initiated by arrest sought to be sealed or expunged, the
22 case number, the date of arrest (if any), the identity of
23 the arresting authority, and such other information as the
24 court may require. During the pendency of the proceeding,
25 the petitioner shall promptly notify the circuit court
26 clerk of any change of his or her address. If the

1 petitioner has received a certificate of eligibility for
2 sealing from the Prisoner Review Board under paragraph
3 (10) of subsection (a) of Section 3-3-2 of the Unified
4 Code of Corrections, the certificate shall be attached to
5 the petition.

6 (3) Drug test. The petitioner must attach to the
7 petition proof that the petitioner has taken within 30
8 days before the filing of the petition a test showing the
9 absence within his or her body of all illegal substances
10 as defined by the Illinois Controlled Substances Act and
11 the Methamphetamine Control and Community Protection Act
12 if he or she is petitioning to:

13 (A) seal felony records under clause (c) (2) (E);

14 (B) seal felony records for a violation of the
15 Illinois Controlled Substances Act, the
16 Methamphetamine Control and Community Protection Act,
17 or the Cannabis Control Act under clause (c) (2) (F);

18 (C) seal felony records under subsection (e-5); or

19 (D) expunge felony records of a qualified
20 probation under clause (b) (1) (iv).

21 (4) Service of petition. The circuit court clerk shall
22 promptly serve a copy of the petition and documentation to
23 support the petition under subsection (e-5) or (e-6) on
24 the State's Attorney or prosecutor charged with the duty
25 of prosecuting the offense, the Illinois State Police, the
26 arresting agency and the chief legal officer of the unit

1 of local government effecting the arrest.

2 (5) Objections.

3 (A) Any party entitled to notice of the petition
4 may file an objection to the petition. All objections
5 shall be in writing, shall be filed with the circuit
6 court clerk, and shall state with specificity the
7 basis of the objection. Whenever a person who has been
8 convicted of an offense is granted a pardon by the
9 Governor which specifically authorizes expungement, an
10 objection to the petition may not be filed.

11 (B) Objections to a petition to expunge or seal
12 must be filed within 60 days of the date of service of
13 the petition.

14 (6) Entry of order.

15 (A) The Chief Judge of the circuit wherein the
16 charge was brought, any judge of that circuit
17 designated by the Chief Judge, or in counties of less
18 than 3,000,000 inhabitants, the presiding trial judge
19 at the petitioner's trial, if any, shall rule on the
20 petition to expunge or seal as set forth in this
21 subsection (d) (6).

22 (B) Unless the State's Attorney or prosecutor, the
23 Illinois State Police, the arresting agency, or the
24 chief legal officer files an objection to the petition
25 to expunge or seal within 60 days from the date of
26 service of the petition, the court shall enter an

1 order granting or denying the petition.

2 (C) Notwithstanding any other provision of law,
3 the court shall not deny a petition for sealing under
4 this Section because the petitioner has not satisfied
5 an outstanding legal financial obligation established,
6 imposed, or originated by a court, law enforcement
7 agency, or a municipal, State, county, or other unit
8 of local government, including, but not limited to,
9 any cost, assessment, fine, or fee. An outstanding
10 legal financial obligation does not include any court
11 ordered restitution to a victim under Section 5-5-6 of
12 the Unified Code of Corrections, unless the
13 restitution has been converted to a civil judgment.
14 Nothing in this subparagraph (C) waives, rescinds, or
15 abrogates a legal financial obligation or otherwise
16 eliminates or affects the right of the holder of any
17 financial obligation to pursue collection under
18 applicable federal, State, or local law.

19 (D) Notwithstanding any other provision of law,
20 the court shall not deny a petition to expunge or seal
21 under this Section because the petitioner has
22 submitted a drug test taken within 30 days before the
23 filing of the petition to expunge or seal that
24 indicates a positive test for the presence of cannabis
25 within the petitioner's body. In this subparagraph
26 (D), "cannabis" has the meaning ascribed to it in

1 Section 3 of the Cannabis Control Act.

2 (7) Hearings. If an objection is filed, the court
3 shall set a date for a hearing and notify the petitioner
4 and all parties entitled to notice of the petition of the
5 hearing date at least 30 days prior to the hearing. Prior
6 to the hearing, the State's Attorney shall consult with
7 the Illinois State Police as to the appropriateness of the
8 relief sought in the petition to expunge or seal. At the
9 hearing, the court shall hear evidence on whether the
10 petition should or should not be granted, and shall grant
11 or deny the petition to expunge or seal the records based
12 on the evidence presented at the hearing. The court may
13 consider the following:

14 (A) the strength of the evidence supporting the
15 defendant's conviction;

16 (B) the reasons for retention of the conviction
17 records by the State;

18 (C) the petitioner's age, criminal record history,
19 and employment history;

20 (D) the period of time between the petitioner's
21 arrest on the charge resulting in the conviction and
22 the filing of the petition under this Section; and

23 (E) the specific adverse consequences the
24 petitioner may be subject to if the petition is
25 denied.

26 (8) Service of order. After entering an order to

1 expunge or seal records, the court must provide copies of
2 the order to the Illinois State Police, in a form and
3 manner prescribed by the Illinois State Police, to the
4 petitioner, to the State's Attorney or prosecutor charged
5 with the duty of prosecuting the offense, to the arresting
6 agency, to the chief legal officer of the unit of local
7 government effecting the arrest, and to such other
8 criminal justice agencies as may be ordered by the court.

9 (9) Implementation of order.

10 (A) Upon entry of an order to expunge records
11 pursuant to subsection (b) (2) (A) or (b) (2) (B) (ii), or
12 both:

13 (i) the records shall be expunged (as defined
14 in subsection (a) (1) (E)) by the arresting agency,
15 the Illinois State Police, and any other agency as
16 ordered by the court, within 60 days of the date of
17 service of the order, unless a motion to vacate,
18 modify, or reconsider the order is filed pursuant
19 to paragraph (12) of subsection (d) of this
20 Section;

21 (ii) the records of the circuit court clerk
22 shall be impounded until further order of the
23 court upon good cause shown and the name of the
24 petitioner obliterated on the official index
25 required to be kept by the circuit court clerk
26 under Section 16 of the Clerks of Courts Act, but

1 the order shall not affect any index issued by the
2 circuit court clerk before the entry of the order;
3 and

4 (iii) in response to an inquiry for expunged
5 records, the court, the Illinois State Police, or
6 the agency receiving such inquiry, shall reply as
7 it does in response to inquiries when no records
8 ever existed.

9 (B) Upon entry of an order to expunge records
10 pursuant to subsection (b) (2) (B) (i) or (b) (2) (C), or
11 both:

12 (i) the records shall be expunged (as defined
13 in subsection (a) (1) (E)) by the arresting agency
14 and any other agency as ordered by the court,
15 within 60 days of the date of service of the order,
16 unless a motion to vacate, modify, or reconsider
17 the order is filed pursuant to paragraph (12) of
18 subsection (d) of this Section;

19 (ii) the records of the circuit court clerk
20 shall be impounded until further order of the
21 court upon good cause shown and the name of the
22 petitioner obliterated on the official index
23 required to be kept by the circuit court clerk
24 under Section 16 of the Clerks of Courts Act, but
25 the order shall not affect any index issued by the
26 circuit court clerk before the entry of the order;

1 (iii) the records shall be impounded by the
2 Illinois State Police within 60 days of the date
3 of service of the order as ordered by the court,
4 unless a motion to vacate, modify, or reconsider
5 the order is filed pursuant to paragraph (12) of
6 subsection (d) of this Section;

7 (iv) records impounded by the Illinois State
8 Police may be disseminated by the Illinois State
9 Police only as required by law or to the arresting
10 authority, the State's Attorney, and the court
11 upon a later arrest for the same or a similar
12 offense or for the purpose of sentencing for any
13 subsequent felony, and to the Department of
14 Corrections upon conviction for any offense; and

15 (v) in response to an inquiry for such records
16 from anyone not authorized by law to access such
17 records, the court, the Illinois State Police, or
18 the agency receiving such inquiry shall reply as
19 it does in response to inquiries when no records
20 ever existed.

21 (B-5) Upon entry of an order to expunge records
22 under subsection (e-6):

23 (i) the records shall be expunged (as defined
24 in subsection (a)(1)(E)) by the arresting agency
25 and any other agency as ordered by the court,
26 within 60 days of the date of service of the order,

1 unless a motion to vacate, modify, or reconsider
2 the order is filed under paragraph (12) of
3 subsection (d) of this Section;

4 (ii) the records of the circuit court clerk
5 shall be impounded until further order of the
6 court upon good cause shown and the name of the
7 petitioner obliterated on the official index
8 required to be kept by the circuit court clerk
9 under Section 16 of the Clerks of Courts Act, but
10 the order shall not affect any index issued by the
11 circuit court clerk before the entry of the order;

12 (iii) the records shall be impounded by the
13 Illinois State Police within 60 days of the date
14 of service of the order as ordered by the court,
15 unless a motion to vacate, modify, or reconsider
16 the order is filed under paragraph (12) of
17 subsection (d) of this Section;

18 (iv) records impounded by the Illinois State
19 Police may be disseminated by the Illinois State
20 Police only as required by law or to the arresting
21 authority, the State's Attorney, and the court
22 upon a later arrest for the same or a similar
23 offense or for the purpose of sentencing for any
24 subsequent felony, and to the Department of
25 Corrections upon conviction for any offense; and

26 (v) in response to an inquiry for these

1 records from anyone not authorized by law to
2 access the records, the court, the Illinois State
3 Police, or the agency receiving the inquiry shall
4 reply as it does in response to inquiries when no
5 records ever existed.

6 (C) Upon entry of an order to seal records under
7 subsection (c), the arresting agency, any other agency
8 as ordered by the court, the Illinois State Police,
9 and the court shall seal the records (as defined in
10 subsection (a)(1)(K)). In response to an inquiry for
11 such records, from anyone not authorized by law to
12 access such records, the court, the Illinois State
13 Police, or the agency receiving such inquiry shall
14 reply as it does in response to inquiries when no
15 records ever existed.

16 (D) The Illinois State Police shall send written
17 notice to the petitioner of its compliance with each
18 order to expunge or seal records within 60 days of the
19 date of service of that order or, if a motion to
20 vacate, modify, or reconsider is filed, within 60 days
21 of service of the order resolving the motion, if that
22 order requires the Illinois State Police to expunge or
23 seal records. In the event of an appeal from the
24 circuit court order, the Illinois State Police shall
25 send written notice to the petitioner of its
26 compliance with an Appellate Court or Supreme Court

1 judgment to expunge or seal records within 60 days of
2 the issuance of the court's mandate. The notice is not
3 required while any motion to vacate, modify, or
4 reconsider, or any appeal or petition for
5 discretionary appellate review, is pending.

6 (E) Upon motion, the court may order that a sealed
7 judgment or other court record necessary to
8 demonstrate the amount of any legal financial
9 obligation due and owing be made available for the
10 limited purpose of collecting any legal financial
11 obligations owed by the petitioner that were
12 established, imposed, or originated in the criminal
13 proceeding for which those records have been sealed.
14 The records made available under this subparagraph (E)
15 shall not be entered into the official index required
16 to be kept by the circuit court clerk under Section 16
17 of the Clerks of Courts Act and shall be immediately
18 re-impounded upon the collection of the outstanding
19 financial obligations.

20 (F) Notwithstanding any other provision of this
21 Section, a circuit court clerk may access a sealed
22 record for the limited purpose of collecting payment
23 for any legal financial obligations that were
24 established, imposed, or originated in the criminal
25 proceedings for which those records have been sealed.

26 (10) Fees. The Illinois State Police may charge the

1 petitioner a fee equivalent to the cost of processing any
2 order to expunge or seal records. Notwithstanding any
3 provision of the Clerks of Courts Act to the contrary, the
4 circuit court clerk may charge a fee equivalent to the
5 cost associated with the sealing or expungement of records
6 by the circuit court clerk. From the total filing fee
7 collected for the petition to seal or expunge, the circuit
8 court clerk shall deposit \$10 into the Circuit Court Clerk
9 Operation and Administrative Fund, to be used to offset
10 the costs incurred by the circuit court clerk in
11 performing the additional duties required to serve the
12 petition to seal or expunge on all parties. The circuit
13 court clerk shall collect and remit the Illinois State
14 Police portion of the fee to the State Treasurer and it
15 shall be deposited in the State Police Services Fund. If
16 the record brought under an expungement petition was
17 previously sealed under this Section, the fee for the
18 expungement petition for that same record shall be waived.

19 (11) Final Order. No court order issued under the
20 expungement or sealing provisions of this Section shall
21 become final for purposes of appeal until 30 days after
22 service of the order on the petitioner and all parties
23 entitled to notice of the petition.

24 (12) Motion to Vacate, Modify, or Reconsider. Under
25 Section 2-1203 of the Code of Civil Procedure, the
26 petitioner or any party entitled to notice may file a

1 motion to vacate, modify, or reconsider the order granting
2 or denying the petition to expunge or seal within 60 days
3 of service of the order. If filed more than 60 days after
4 service of the order, a petition to vacate, modify, or
5 reconsider shall comply with subsection (c) of Section
6 2-1401 of the Code of Civil Procedure. Upon filing of a
7 motion to vacate, modify, or reconsider, notice of the
8 motion shall be served upon the petitioner and all parties
9 entitled to notice of the petition.

10 (13) Effect of Order. An order granting a petition
11 under the expungement or sealing provisions of this
12 Section shall not be considered void because it fails to
13 comply with the provisions of this Section or because of
14 any error asserted in a motion to vacate, modify, or
15 reconsider. The circuit court retains jurisdiction to
16 determine whether the order is voidable and to vacate,
17 modify, or reconsider its terms based on a motion filed
18 under paragraph (12) of this subsection (d).

19 (14) Compliance with Order Granting Petition to Seal
20 Records. Unless a court has entered a stay of an order
21 granting a petition to seal, all parties entitled to
22 notice of the petition must fully comply with the terms of
23 the order within 60 days of service of the order even if a
24 party is seeking relief from the order through a motion
25 filed under paragraph (12) of this subsection (d) or is
26 appealing the order.

1 (15) Compliance with Order Granting Petition to
2 Expunge Records. While a party is seeking relief from the
3 order granting the petition to expunge through a motion
4 filed under paragraph (12) of this subsection (d) or is
5 appealing the order, and unless a court has entered a stay
6 of that order, the parties entitled to notice of the
7 petition must seal, but need not expunge, the records
8 until there is a final order on the motion for relief or,
9 in the case of an appeal, the issuance of that court's
10 mandate.

11 (16) The changes to this subsection (d) made by Public
12 Act 98-163 apply to all petitions pending on August 5,
13 2013 (the effective date of Public Act 98-163) and to all
14 orders ruling on a petition to expunge or seal on or after
15 August 5, 2013 (the effective date of Public Act 98-163).

16 (e) Whenever a person who has been convicted of an offense
17 is granted a pardon by the Governor which specifically
18 authorizes expungement, he or she may, upon verified petition
19 to the Chief Judge of the circuit where the person had been
20 convicted, any judge of the circuit designated by the Chief
21 Judge, or in counties of less than 3,000,000 inhabitants, the
22 presiding trial judge at the defendant's trial, have a court
23 order entered expunging the record of arrest from the official
24 records of the arresting authority and order that the records
25 of the circuit court clerk and the Illinois State Police be
26 sealed until further order of the court upon good cause shown

1 or as otherwise provided herein, and the name of the defendant
2 obliterated from the official index requested to be kept by
3 the circuit court clerk under Section 16 of the Clerks of
4 Courts Act in connection with the arrest and conviction for
5 the offense for which he or she had been pardoned but the order
6 shall not affect any index issued by the circuit court clerk
7 before the entry of the order. All records sealed by the
8 Illinois State Police may be disseminated by the Illinois
9 State Police only to the arresting authority, the State's
10 Attorney, and the court upon a later arrest for the same or
11 similar offense or for the purpose of sentencing for any
12 subsequent felony. Upon conviction for any subsequent offense,
13 the Department of Corrections shall have access to all sealed
14 records of the Illinois State Police pertaining to that
15 individual. Upon entry of the order of expungement, the
16 circuit court clerk shall promptly mail a copy of the order to
17 the person who was pardoned.

18 (e-5) Whenever a person who has been convicted of an
19 offense is granted a certificate of eligibility for sealing by
20 the Prisoner Review Board which specifically authorizes
21 sealing, he or she may, upon verified petition to the Chief
22 Judge of the circuit where the person had been convicted, any
23 judge of the circuit designated by the Chief Judge, or in
24 counties of less than 3,000,000 inhabitants, the presiding
25 trial judge at the petitioner's trial, have a court order
26 entered sealing the record of arrest from the official records

1 of the arresting authority and order that the records of the
2 circuit court clerk and the Illinois State Police be sealed
3 until further order of the court upon good cause shown or as
4 otherwise provided herein, and the name of the petitioner
5 obliterated from the official index requested to be kept by
6 the circuit court clerk under Section 16 of the Clerks of
7 Courts Act in connection with the arrest and conviction for
8 the offense for which he or she had been granted the
9 certificate but the order shall not affect any index issued by
10 the circuit court clerk before the entry of the order. All
11 records sealed by the Illinois State Police may be
12 disseminated by the Illinois State Police only as required by
13 this Act or to the arresting authority, a law enforcement
14 agency, the State's Attorney, and the court upon a later
15 arrest for the same or similar offense or for the purpose of
16 sentencing for any subsequent felony. Upon conviction for any
17 subsequent offense, the Department of Corrections shall have
18 access to all sealed records of the Illinois State Police
19 pertaining to that individual. Upon entry of the order of
20 sealing, the circuit court clerk shall promptly mail a copy of
21 the order to the person who was granted the certificate of
22 eligibility for sealing.

23 (e-6) Whenever a person who has been convicted of an
24 offense is granted a certificate of eligibility for
25 expungement by the Prisoner Review Board which specifically
26 authorizes expungement, he or she may, upon verified petition

1 to the Chief Judge of the circuit where the person had been
2 convicted, any judge of the circuit designated by the Chief
3 Judge, or in counties of less than 3,000,000 inhabitants, the
4 presiding trial judge at the petitioner's trial, have a court
5 order entered expunging the record of arrest from the official
6 records of the arresting authority and order that the records
7 of the circuit court clerk and the Illinois State Police be
8 sealed until further order of the court upon good cause shown
9 or as otherwise provided herein, and the name of the
10 petitioner obliterated from the official index requested to be
11 kept by the circuit court clerk under Section 16 of the Clerks
12 of Courts Act in connection with the arrest and conviction for
13 the offense for which he or she had been granted the
14 certificate but the order shall not affect any index issued by
15 the circuit court clerk before the entry of the order. All
16 records sealed by the Illinois State Police may be
17 disseminated by the Illinois State Police only as required by
18 this Act or to the arresting authority, a law enforcement
19 agency, the State's Attorney, and the court upon a later
20 arrest for the same or similar offense or for the purpose of
21 sentencing for any subsequent felony. Upon conviction for any
22 subsequent offense, the Department of Corrections shall have
23 access to all expunged records of the Illinois State Police
24 pertaining to that individual. Upon entry of the order of
25 expungement, the circuit court clerk shall promptly mail a
26 copy of the order to the person who was granted the certificate

1 of eligibility for expungement.

2 (f) Subject to available funding, the Illinois Department
3 of Corrections shall conduct a study of the impact of sealing,
4 especially on employment and recidivism rates, utilizing a
5 random sample of those who apply for the sealing of their
6 criminal records under Public Act 93-211. At the request of
7 the Illinois Department of Corrections, records of the
8 Illinois Department of Employment Security shall be utilized
9 as appropriate to assist in the study. The study shall not
10 disclose any data in a manner that would allow the
11 identification of any particular individual or employing unit.
12 The study shall be made available to the General Assembly no
13 later than September 1, 2010.

14 (g) Immediate Sealing.

15 (1) Applicability. Notwithstanding any other provision
16 of this Act to the contrary, and cumulative with any
17 rights to expungement or sealing of criminal records, this
18 subsection authorizes the immediate sealing of criminal
19 records of adults and of minors prosecuted as adults.

20 (2) Eligible Records. Arrests or charges not initiated
21 by arrest resulting in acquittal or dismissal with
22 prejudice, except as excluded by subsection (a)(3)(B),
23 that occur on or after January 1, 2018 (the effective date
24 of Public Act 100-282), may be sealed immediately if the
25 petition is filed with the circuit court clerk on the same
26 day and during the same hearing in which the case is

1 disposed.

2 (3) When Records are Eligible to be Immediately
3 Sealed. Eligible records under paragraph (2) of this
4 subsection (g) may be sealed immediately after entry of
5 the final disposition of a case, notwithstanding the
6 disposition of other charges in the same case.

7 (4) Notice of Eligibility for Immediate Sealing. Upon
8 entry of a disposition for an eligible record under this
9 subsection (g), the defendant shall be informed by the
10 court of his or her right to have eligible records
11 immediately sealed and the procedure for the immediate
12 sealing of these records.

13 (5) Procedure. The following procedures apply to
14 immediate sealing under this subsection (g).

15 (A) Filing the Petition. Upon entry of the final
16 disposition of the case, the defendant's attorney may
17 immediately petition the court, on behalf of the
18 defendant, for immediate sealing of eligible records
19 under paragraph (2) of this subsection (g) that are
20 entered on or after January 1, 2018 (the effective
21 date of Public Act 100-282). The immediate sealing
22 petition may be filed with the circuit court clerk
23 during the hearing in which the final disposition of
24 the case is entered. If the defendant's attorney does
25 not file the petition for immediate sealing during the
26 hearing, the defendant may file a petition for sealing

1 at any time as authorized under subsection (c) (3) (A).

2 (B) Contents of Petition. The immediate sealing
3 petition shall be verified and shall contain the
4 petitioner's name, date of birth, current address, and
5 for each eligible record, the case number, the date of
6 arrest if applicable, the identity of the arresting
7 authority if applicable, and other information as the
8 court may require.

9 (C) Drug Test. The petitioner shall not be
10 required to attach proof that he or she has passed a
11 drug test.

12 (D) Service of Petition. A copy of the petition
13 shall be served on the State's Attorney in open court.
14 The petitioner shall not be required to serve a copy of
15 the petition on any other agency.

16 (E) Entry of Order. The presiding trial judge
17 shall enter an order granting or denying the petition
18 for immediate sealing during the hearing in which it
19 is filed. Petitions for immediate sealing shall be
20 ruled on in the same hearing in which the final
21 disposition of the case is entered.

22 (F) Hearings. The court shall hear the petition
23 for immediate sealing on the same day and during the
24 same hearing in which the disposition is rendered.

25 (G) Service of Order. An order to immediately seal
26 eligible records shall be served in conformance with

1 subsection (d) (8).

2 (H) Implementation of Order. An order to
3 immediately seal records shall be implemented in
4 conformance with subsections (d) (9) (C) and (d) (9) (D).

5 (I) Fees. The fee imposed by the circuit court
6 clerk and the Illinois State Police shall comply with
7 paragraph (1) of subsection (d) of this Section.

8 (J) Final Order. No court order issued under this
9 subsection (g) shall become final for purposes of
10 appeal until 30 days after service of the order on the
11 petitioner and all parties entitled to service of the
12 order in conformance with subsection (d) (8).

13 (K) Motion to Vacate, Modify, or Reconsider. Under
14 Section 2-1203 of the Code of Civil Procedure, the
15 petitioner, State's Attorney, or the Illinois State
16 Police may file a motion to vacate, modify, or
17 reconsider the order denying the petition to
18 immediately seal within 60 days of service of the
19 order. If filed more than 60 days after service of the
20 order, a petition to vacate, modify, or reconsider
21 shall comply with subsection (c) of Section 2-1401 of
22 the Code of Civil Procedure.

23 (L) Effect of Order. An order granting an
24 immediate sealing petition shall not be considered
25 void because it fails to comply with the provisions of
26 this Section or because of an error asserted in a

1 motion to vacate, modify, or reconsider. The circuit
2 court retains jurisdiction to determine whether the
3 order is voidable, and to vacate, modify, or
4 reconsider its terms based on a motion filed under
5 subparagraph (L) of this subsection (g).

6 (M) Compliance with Order Granting Petition to
7 Seal Records. Unless a court has entered a stay of an
8 order granting a petition to immediately seal, all
9 parties entitled to service of the order must fully
10 comply with the terms of the order within 60 days of
11 service of the order.

12 (h) Sealing or vacation and expungement of trafficking
13 victims' crimes.

14 (1) A trafficking victim, as defined by paragraph (10)
15 of subsection (a) of Section 10-9 of the Criminal Code of
16 2012, may petition for vacation and expungement or
17 immediate sealing of his or her criminal record upon the
18 completion of his or her last sentence if his or her
19 participation in the underlying offense was a result of
20 human trafficking under Section 10-9 of the Criminal Code
21 of 2012 or a severe form of trafficking under the federal
22 Trafficking Victims Protection Act.

23 (1.5) A petition under paragraph (1) shall be
24 prepared, signed, and filed in accordance with Supreme
25 Court Rule 9. The court may allow the petitioner to attend
26 any required hearing remotely in accordance with local

1 rules. The court may allow a petition to be filed under
2 seal if the public filing of the petition would constitute
3 a risk of harm to the petitioner.

4 (2) A petitioner under this subsection (h), in
5 addition to the requirements provided under paragraph (4)
6 of subsection (d) of this Section, shall include in his or
7 her petition a clear and concise statement that: (A) he or
8 she was a victim of human trafficking at the time of the
9 offense; and (B) that his or her participation in the
10 offense was a result of human trafficking under Section
11 10-9 of the Criminal Code of 2012 or a severe form of
12 trafficking under the federal Trafficking Victims
13 Protection Act.

14 (3) If an objection is filed alleging that the
15 petitioner is not entitled to vacation and expungement or
16 immediate sealing under this subsection (h), the court
17 shall conduct a hearing under paragraph (7) of subsection
18 (d) of this Section and the court shall determine whether
19 the petitioner is entitled to vacation and expungement or
20 immediate sealing under this subsection (h). A petitioner
21 is eligible for vacation and expungement or immediate
22 relief under this subsection (h) if he or she shows, by a
23 preponderance of the evidence, that: (A) he or she was a
24 victim of human trafficking at the time of the offense;
25 and (B) that his or her participation in the offense was a
26 result of human trafficking under Section 10-9 of the

1 Criminal Code of 2012 or a severe form of trafficking
2 under the federal Trafficking Victims Protection Act.

3 (i) Minor Cannabis Offenses under the Cannabis Control
4 Act.

5 (1) Expungement of Arrest Records of Minor Cannabis
6 Offenses.

7 (A) The Illinois State Police and all law
8 enforcement agencies within the State shall
9 automatically expunge all criminal history records of
10 an arrest, charge not initiated by arrest, order of
11 supervision, or order of qualified probation for a
12 Minor Cannabis Offense committed prior to June 25,
13 2019 (the effective date of Public Act 101-27) if:

14 (i) One year or more has elapsed since the
15 date of the arrest or law enforcement interaction
16 documented in the records; and

17 (ii) No criminal charges were filed relating
18 to the arrest or law enforcement interaction or
19 criminal charges were filed and subsequently
20 dismissed or vacated or the arrestee was
21 acquitted.

22 (B) If the law enforcement agency is unable to
23 verify satisfaction of condition (ii) in paragraph
24 (A), records that satisfy condition (i) in paragraph
25 (A) shall be automatically expunged.

26 (C) Records shall be expunged by the law

1 enforcement agency under the following timelines:

2 (i) Records created prior to June 25, 2019
3 (the effective date of Public Act 101-27), but on
4 or after January 1, 2013, shall be automatically
5 expunged prior to January 1, 2021;

6 (ii) Records created prior to January 1, 2013,
7 but on or after January 1, 2000, shall be
8 automatically expunged prior to January 1, 2023;

9 (iii) Records created prior to January 1, 2000
10 shall be automatically expunged prior to January
11 1, 2025.

12 In response to an inquiry for expunged records,
13 the law enforcement agency receiving such inquiry
14 shall reply as it does in response to inquiries when no
15 records ever existed; however, it shall provide a
16 certificate of disposition or confirmation that the
17 record was expunged to the individual whose record was
18 expunged if such a record exists.

19 (D) Nothing in this Section shall be construed to
20 restrict or modify an individual's right to have that
21 individual's records expunged except as otherwise may
22 be provided in this Act, or diminish or abrogate any
23 rights or remedies otherwise available to the
24 individual.

25 (2) Pardons Authorizing Expungement of Minor Cannabis
26 Offenses.

1 (A) Upon June 25, 2019 (the effective date of
2 Public Act 101-27), the Department of State Police
3 shall review all criminal history record information
4 and identify all records that meet all of the
5 following criteria:

6 (i) one or more convictions for a Minor
7 Cannabis Offense;

8 (ii) the conviction identified in paragraph
9 (2)(A)(i) did not include a penalty enhancement
10 under Section 7 of the Cannabis Control Act; and

11 (iii) the conviction identified in paragraph
12 (2)(A)(i) is not associated with a conviction for
13 a violent crime as defined in subsection (c) of
14 Section 3 of the Rights of Crime Victims and
15 Witnesses Act.

16 (B) Within 180 days after June 25, 2019 (the
17 effective date of Public Act 101-27), the Department
18 of State Police shall notify the Prisoner Review Board
19 of all such records that meet the criteria established
20 in paragraph (2)(A).

21 (i) The Prisoner Review Board shall notify the
22 State's Attorney of the county of conviction of
23 each record identified by State Police in
24 paragraph (2)(A) that is classified as a Class 4
25 felony. The State's Attorney may provide a written
26 objection to the Prisoner Review Board on the sole

1 basis that the record identified does not meet the
2 criteria established in paragraph (2) (A). Such an
3 objection must be filed within 60 days or by such
4 later date set by the Prisoner Review Board in the
5 notice after the State's Attorney received notice
6 from the Prisoner Review Board.

7 (ii) In response to a written objection from a
8 State's Attorney, the Prisoner Review Board is
9 authorized to conduct a non-public hearing to
10 evaluate the information provided in the
11 objection.

12 (iii) The Prisoner Review Board shall make a
13 confidential and privileged recommendation to the
14 Governor as to whether to grant a pardon
15 authorizing expungement for each of the records
16 identified by the Department of State Police as
17 described in paragraph (2) (A).

18 (C) If an individual has been granted a pardon
19 authorizing expungement as described in this Section,
20 the Prisoner Review Board, through the Attorney
21 General, shall file a petition for expungement with
22 the Chief Judge of the circuit or any judge of the
23 circuit designated by the Chief Judge where the
24 individual had been convicted. Such petition may
25 include more than one individual. Whenever an
26 individual who has been convicted of an offense is

1 granted a pardon by the Governor that specifically
2 authorizes expungement, an objection to the petition
3 may not be filed. Petitions to expunge under this
4 subsection (i) may include more than one individual.
5 Within 90 days of the filing of such a petition, the
6 court shall enter an order expunging the records of
7 arrest from the official records of the arresting
8 authority and order that the records of the circuit
9 court clerk and the Illinois State Police be expunged
10 and the name of the defendant obliterated from the
11 official index requested to be kept by the circuit
12 court clerk under Section 16 of the Clerks of Courts
13 Act in connection with the arrest and conviction for
14 the offense for which the individual had received a
15 pardon but the order shall not affect any index issued
16 by the circuit court clerk before the entry of the
17 order. Upon entry of the order of expungement, the
18 circuit court clerk shall promptly provide a copy of
19 the order and a certificate of disposition to the
20 individual who was pardoned to the individual's last
21 known address or by electronic means (if available) or
22 otherwise make it available to the individual upon
23 request.

24 (D) Nothing in this Section is intended to
25 diminish or abrogate any rights or remedies otherwise
26 available to the individual.

1 (3) Any individual may file a motion to vacate and
2 expunge a conviction for a misdemeanor or Class 4 felony
3 violation of Section 4 or Section 5 of the Cannabis
4 Control Act. Motions to vacate and expunge under this
5 subsection (i) may be filed with the circuit court, Chief
6 Judge of a judicial circuit or any judge of the circuit
7 designated by the Chief Judge. The circuit court clerk
8 shall promptly serve a copy of the motion to vacate and
9 expunge, and any supporting documentation, on the State's
10 Attorney or prosecutor charged with the duty of
11 prosecuting the offense. When considering such a motion to
12 vacate and expunge, a court shall consider the following:
13 the reasons to retain the records provided by law
14 enforcement, the petitioner's age, the petitioner's age at
15 the time of offense, the time since the conviction, and
16 the specific adverse consequences if denied. An individual
17 may file such a petition after the completion of any
18 non-financial sentence or non-financial condition imposed
19 by the conviction. Within 60 days of the filing of such
20 motion, a State's Attorney may file an objection to such a
21 petition along with supporting evidence. If a motion to
22 vacate and expunge is granted, the records shall be
23 expunged in accordance with subparagraphs (d)(8) and
24 (d)(9)(A) of this Section. An agency providing civil legal
25 aid, as defined by Section 15 of the Public Interest
26 Attorney Assistance Act, assisting individuals seeking to

1 file a motion to vacate and expunge under this subsection
2 may file motions to vacate and expunge with the Chief
3 Judge of a judicial circuit or any judge of the circuit
4 designated by the Chief Judge, and the motion may include
5 more than one individual. Motions filed by an agency
6 providing civil legal aid concerning more than one
7 individual may be prepared, presented, and signed
8 electronically.

9 (4) Any State's Attorney may file a motion to vacate
10 and expunge a conviction for a misdemeanor or Class 4
11 felony violation of Section 4 or Section 5 of the Cannabis
12 Control Act. Motions to vacate and expunge under this
13 subsection (i) may be filed with the circuit court, Chief
14 Judge of a judicial circuit or any judge of the circuit
15 designated by the Chief Judge, and may include more than
16 one individual. Motions filed by a State's Attorney
17 concerning more than one individual may be prepared,
18 presented, and signed electronically. When considering
19 such a motion to vacate and expunge, a court shall
20 consider the following: the reasons to retain the records
21 provided by law enforcement, the individual's age, the
22 individual's age at the time of offense, the time since
23 the conviction, and the specific adverse consequences if
24 denied. Upon entry of an order granting a motion to vacate
25 and expunge records pursuant to this Section, the State's
26 Attorney shall notify the Prisoner Review Board within 30

1 days. Upon entry of the order of expungement, the circuit
2 court clerk shall promptly provide a copy of the order and
3 a certificate of disposition to the individual whose
4 records will be expunged to the individual's last known
5 address or by electronic means (if available) or otherwise
6 make available to the individual upon request. If a motion
7 to vacate and expunge is granted, the records shall be
8 expunged in accordance with subparagraphs (d)(8) and
9 (d)(9)(A) of this Section.

10 (5) In the public interest, the State's Attorney of a
11 county has standing to file motions to vacate and expunge
12 pursuant to this Section in the circuit court with
13 jurisdiction over the underlying conviction.

14 (6) If a person is arrested for a Minor Cannabis
15 Offense as defined in this Section before June 25, 2019
16 (the effective date of Public Act 101-27) and the person's
17 case is still pending but a sentence has not been imposed,
18 the person may petition the court in which the charges are
19 pending for an order to summarily dismiss those charges
20 against him or her, and expunge all official records of
21 his or her arrest, plea, trial, conviction, incarceration,
22 supervision, or expungement. If the court determines, upon
23 review, that: (A) the person was arrested before June 25,
24 2019 (the effective date of Public Act 101-27) for an
25 offense that has been made eligible for expungement; (B)
26 the case is pending at the time; and (C) the person has not

1 been sentenced of the minor cannabis violation eligible
2 for expungement under this subsection, the court shall
3 consider the following: the reasons to retain the records
4 provided by law enforcement, the petitioner's age, the
5 petitioner's age at the time of offense, the time since
6 the conviction, and the specific adverse consequences if
7 denied. If a motion to dismiss and expunge is granted, the
8 records shall be expunged in accordance with subparagraph
9 (d) (9) (A) of this Section.

10 (7) A person imprisoned solely as a result of one or
11 more convictions for Minor Cannabis Offenses under this
12 subsection (i) shall be released from incarceration upon
13 the issuance of an order under this subsection.

14 (8) The Illinois State Police shall allow a person to
15 use the access and review process, established in the
16 Illinois State Police, for verifying that his or her
17 records relating to Minor Cannabis Offenses of the
18 Cannabis Control Act eligible under this Section have been
19 expunged.

20 (9) No conviction vacated pursuant to this Section
21 shall serve as the basis for damages for time unjustly
22 served as provided in the Court of Claims Act.

23 (10) Effect of Expungement. A person's right to
24 expunge an expungeable offense shall not be limited under
25 this Section. The effect of an order of expungement shall
26 be to restore the person to the status he or she occupied

1 before the arrest, charge, or conviction.

2 (11) Information. The Illinois State Police shall post
3 general information on its website about the expungement
4 process described in this subsection (i).

5 (j) Felony Prostitution Convictions.

6 (1) Any individual may file a motion to vacate and
7 expunge a conviction for a prior Class 4 felony violation
8 of prostitution. Motions to vacate and expunge under this
9 subsection (j) may be filed with the circuit court, Chief
10 Judge of a judicial circuit, or any judge of the circuit
11 designated by the Chief Judge. When considering the motion
12 to vacate and expunge, a court shall consider the
13 following:

14 (A) the reasons to retain the records provided by
15 law enforcement;

16 (B) the petitioner's age;

17 (C) the petitioner's age at the time of offense;
18 and

19 (D) the time since the conviction, and the
20 specific adverse consequences if denied. An individual
21 may file the petition after the completion of any
22 sentence or condition imposed by the conviction.
23 Within 60 days of the filing of the motion, a State's
24 Attorney may file an objection to the petition along
25 with supporting evidence. If a motion to vacate and
26 expunge is granted, the records shall be expunged in

1 accordance with subparagraph (d)(9)(A) of this
2 Section. An agency providing civil legal aid, as
3 defined in Section 15 of the Public Interest Attorney
4 Assistance Act, assisting individuals seeking to file
5 a motion to vacate and expunge under this subsection
6 may file motions to vacate and expunge with the Chief
7 Judge of a judicial circuit or any judge of the circuit
8 designated by the Chief Judge, and the motion may
9 include more than one individual.

10 (2) Any State's Attorney may file a motion to vacate
11 and expunge a conviction for a Class 4 felony violation of
12 prostitution. Motions to vacate and expunge under this
13 subsection (j) may be filed with the circuit court, Chief
14 Judge of a judicial circuit, or any judge of the circuit
15 court designated by the Chief Judge, and may include more
16 than one individual. When considering the motion to vacate
17 and expunge, a court shall consider the following reasons:

18 (A) the reasons to retain the records provided by
19 law enforcement;

20 (B) the petitioner's age;

21 (C) the petitioner's age at the time of offense;

22 (D) the time since the conviction; and

23 (E) the specific adverse consequences if denied.

24 If the State's Attorney files a motion to vacate and
25 expunge records for felony prostitution convictions
26 pursuant to this Section, the State's Attorney shall

1 notify the Prisoner Review Board within 30 days of the
2 filing. If a motion to vacate and expunge is granted, the
3 records shall be expunged in accordance with subparagraph
4 (d) (9) (A) of this Section.

5 (3) In the public interest, the State's Attorney of a
6 county has standing to file motions to vacate and expunge
7 pursuant to this Section in the circuit court with
8 jurisdiction over the underlying conviction.

9 (4) The Illinois State Police shall allow a person to
10 use the access and review process, established in the
11 Illinois State Police, for verifying that his or her
12 records relating to felony prostitution eligible under
13 this Section have been expunged.

14 (5) No conviction vacated pursuant to this Section
15 shall serve as the basis for damages for time unjustly
16 served as provided in the Court of Claims Act.

17 (6) Effect of Expungement. A person's right to expunge
18 an expungeable offense shall not be limited under this
19 Section. The effect of an order of expungement shall be to
20 restore the person to the status he or she occupied before
21 the arrest, charge, or conviction.

22 (7) Information. The Illinois State Police shall post
23 general information on its website about the expungement
24 process described in this subsection (j).

25 (Source: P.A. 102-145, eff. 7-23-21; 102-558, 8-20-21;
26 102-639, eff. 8-27-21; 102-813, eff. 5-13-22; 102-933, eff.

1 1-1-23; 103-35, eff. 1-1-24; 103-154, eff. 6-30-23.)

2 Section 10. The Firearm Owners Identification Card Act is
3 amended by changing Section 1.1 as follows:

4 (430 ILCS 65/1.1)

5 Sec. 1.1. For purposes of this Act:

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

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

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

13 "Addicted to narcotics" does not include possession or use
14 of a prescribed controlled substance under the direction and
15 authority of a physician or other person authorized to
16 prescribe the controlled substance when the controlled
17 substance is used in the prescribed manner.

18 "Adjudicated as a person with a mental disability" means
19 the person is the subject of a determination by a court, board,
20 commission or other lawful authority that the person, as a
21 result of marked subnormal intelligence, or mental illness,
22 mental impairment, incompetency, condition, or disease:

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

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

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

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

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

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

12 (6) is a sexually violent person under subsection (f)
13 of Section 5 of the Sexually Violent Persons Commitment
14 Act;

15 (7) is a sexually dangerous person under the Sexually
16 Dangerous Persons Act;

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

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

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

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

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

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

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

7 (1) communicates a serious threat of physical violence
8 against a reasonably identifiable victim or poses a clear
9 and imminent risk of serious physical injury to himself,
10 herself, or another person as determined by a physician,
11 clinical psychologist, or qualified examiner; or

12 (2) demonstrates threatening physical or verbal
13 behavior, such as violent, suicidal, or assaultive
14 threats, actions, or other behavior, as determined by a
15 physician, clinical psychologist, qualified examiner,
16 school administrator, or law enforcement official.

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

20 "Controlled substance" means a controlled substance or
21 controlled substance analog as defined in the Illinois
22 Controlled Substances Act.

23 "Counterfeit" means to copy or imitate, without legal
24 authority, with intent to deceive.

25 "Developmental disability" means a severe, chronic
26 disability of an individual that:

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

3 (2) is manifested before the individual attains age
4 22;

5 (3) is likely to continue indefinitely;

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

8 (A) Self-care.

9 (B) Receptive and expressive language.

10 (C) Learning.

11 (D) Mobility.

12 (E) Self-direction.

13 (F) Capacity for independent living.

14 (G) Economic self-sufficiency; and

15 (5) reflects the individual's need for a combination
16 and sequence of special, interdisciplinary, or generic
17 services, individualized supports, or other forms of
18 assistance that are of lifelong or extended duration and
19 are individually planned and coordinated.

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

23 "Firearm" means any device, by whatever name known, which
24 is designed to expel a projectile or projectiles by the action
25 of an explosion, expansion of gas or escape of gas; excluding,
26 however:

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

5 (1.1) any pneumatic gun, spring gun, paint ball gun,
6 or B-B gun which expels breakable paint balls containing
7 washable marking colors;

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

11 (3) any device used exclusively for the firing of stud
12 cartridges, explosive rivets or similar industrial
13 ammunition; and

14 (4) an antique firearm (other than a machine-gun)
15 which, although designed as a weapon, the Illinois State
16 Police finds by reason of the date of its manufacture,
17 value, design, and other characteristics is primarily a
18 collector's item and is not likely to be used as a weapon.

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

22 (1) any ammunition exclusively designed for use with a
23 device used exclusively for signaling or safety and
24 required or recommended by the United States Coast Guard
25 or the Interstate Commerce Commission; and

26 (2) any ammunition designed exclusively for use with a

1 stud or rivet driver or other similar industrial
2 ammunition.

3 "Gun show" means an event or function:

4 (1) at which the sale and transfer of firearms is the
5 regular and normal course of business and where 50 or more
6 firearms are displayed, offered, or exhibited for sale,
7 transfer, or exchange; or

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

11 "Gun show" includes the entire premises provided for an
12 event or function, including parking areas for the event or
13 function, that is sponsored to facilitate the purchase, sale,
14 transfer, or exchange of firearms as described in this
15 Section. Nothing in this definition shall be construed to
16 exclude a gun show held in conjunction with competitive
17 shooting events at the World Shooting Complex sanctioned by a
18 national governing body in which the sale or transfer of
19 firearms is authorized under subparagraph (5) of paragraph (g)
20 of subsection (A) of Section 24-3 of the Criminal Code of 2012.

21 Unless otherwise expressly stated, "gun show" does not
22 include training or safety classes, competitive shooting
23 events, such as rifle, shotgun, or handgun matches, trap,
24 skeet, or sporting clays shoots, dinners, banquets, raffles,
25 or any other event where the sale or transfer of firearms is
26 not the primary course of business.

1 "Gun show promoter" means a person who organizes or
2 operates a gun show.

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

8 "Intellectual disability" means significantly subaverage
9 general intellectual functioning, existing concurrently with
10 deficits in adaptive behavior and manifested during the
11 developmental period, which is defined as before the age of
12 22, that adversely affects a child's educational performance.

13 "Involuntarily admitted" has the meaning as prescribed in
14 Sections 1-119 and 1-119.1 of the Mental Health and
15 Developmental Disabilities Code.

16 "Mental health facility" means any licensed private
17 hospital or hospital affiliate, institution, or facility, or
18 part thereof, and any facility, or part thereof, operated by
19 the State or a political subdivision thereof which provides
20 treatment of persons with mental illness and includes all
21 hospitals, institutions, clinics, evaluation facilities,
22 mental health centers, colleges, universities, long-term care
23 facilities, and nursing homes, or parts thereof, which provide
24 treatment of persons with mental illness whether or not the
25 primary purpose is to provide treatment of persons with mental
26 illness.

1 "National governing body" means a group of persons who
2 adopt rules and formulate policy on behalf of a national
3 firearm sporting organization.

4 "Noncitizen" means a person who is not a citizen of the
5 United States, but is a person who is a foreign-born person who
6 lives in the United States, has not been naturalized, and is
7 still a citizen of a foreign country.

8 "Patient" means:

9 (1) a person who is admitted as an inpatient or
10 resident of a public or private mental health facility for
11 mental health treatment under Chapter III of the Mental
12 Health and Developmental Disabilities Code as an informal
13 admission, a voluntary admission, a minor admission, an
14 emergency admission, or an involuntary admission, unless
15 the treatment was solely for an alcohol abuse disorder; or

16 (2) a person who voluntarily or involuntarily receives
17 mental health treatment as an out-patient or is otherwise
18 provided services by a public or private mental health
19 facility and who poses a clear and present danger to
20 himself, herself, or others.

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

23 "Protective order" means any orders of protection issued
24 under the Illinois Domestic Violence Act of 1986, stalking or
25 harassment no contact orders issued under the Stalking or
26 Harassment No Contact Order Act, civil no contact orders

1 issued under the Civil No Contact Order Act, and firearms
2 restraining orders issued under the Firearms Restraining Order
3 Act or a substantially similar order issued by the court of
4 another state, tribe, or United States territory or military
5 tribunal.

6 "Qualified examiner" has the meaning provided in Section
7 1-122 of the Mental Health and Developmental Disabilities
8 Code.

9 "Sanctioned competitive shooting event" means a shooting
10 contest officially recognized by a national or state shooting
11 sport association, and includes any sight-in or practice
12 conducted in conjunction with the event.

13 "School administrator" means the person required to report
14 under the School Administrator Reporting of Mental Health
15 Clear and Present Danger Determinations Law.

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

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

21 Section 15. The Criminal Code of 2012 is amended by
22 changing Sections 12-3.9 and 12-7.4 as follows:

23 (720 ILCS 5/12-3.9)

24 Sec. 12-3.9. Violation of a stalking or harassment no

1 contact order.

2 (a) A person commits violation of a stalking or harassment
3 no contact order if:

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

7 (A) a remedy in a valid stalking or harassment no
8 contact order of protection authorized under Section
9 80 of the Stalking or Harassment No Contact Order Act
10 or Section 112A-14.7 of the Code of Criminal Procedure
11 of 1963; or

12 (B) a remedy, which is substantially similar to
13 the remedies authorized under Section 80 of the
14 Stalking or Harassment No Contact Order Act or Section
15 112A-14.7 of the Code of Criminal Procedure of 1963,
16 or in a valid stalking or harassment no contact order,
17 which is authorized under the laws of another state,
18 tribe, or United States territory; and

19 (2) the violation occurs after the offender has been
20 served notice of the contents of the order, under the
21 Stalking or Harassment No Contact Order Act, Article 112A
22 of the Code of Criminal Procedure of 1963, or any
23 substantially similar statute of another state, tribe, or
24 United States territory, or otherwise has acquired actual
25 knowledge of the contents of the order.

26 A stalking or harassment no contact order issued by a

1 state, tribal, or territorial court shall be deemed valid if
2 the issuing court had jurisdiction over the parties and matter
3 under the law of the state, tribe, or territory. There shall be
4 a presumption of validity when an order is certified and
5 appears authentic on its face.

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

9 (a-5) Failure to provide reasonable notice and opportunity
10 to be heard shall be an affirmative defense to any charge or
11 process filed seeking enforcement of a foreign stalking or
12 harassment no contact order.

13 (b) Prosecution for a violation of a stalking or
14 harassment no contact order shall not bar a concurrent
15 prosecution for any other crime, including any crime that may
16 have been committed at the time of the violation of the civil
17 no contact order.

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

21 (d) A defendant who directed the actions of a third party
22 to violate this Section, under the principles of
23 accountability set forth in Article 5 of this Code, is guilty
24 of violating this Section as if the same had been personally
25 done by the defendant, without regard to the mental state of
26 the third party acting at the direction of the defendant.

1 (e) Sentence. A violation of a stalking or harassment no
2 contact order is a Class A misdemeanor for a first violation,
3 and a Class 4 felony for a second or subsequent violation.
4 (Source: P.A. 100-199, eff. 1-1-18.)

5 (720 ILCS 5/12-7.4) (from Ch. 38, par. 12-7.4)
6 Sec. 12-7.4. Aggravated stalking.

7 (a) A person commits aggravated stalking when he or she
8 commits stalking and:

9 (1) causes bodily harm to the victim;

10 (2) confines or restrains the victim; or

11 (3) violates a temporary restraining order, an order
12 of protection, a stalking or harassment no contact order,
13 a civil no contact order, or an injunction prohibiting the
14 behavior described in subsection (b)(1) of Section 214 of
15 the Illinois Domestic Violence Act of 1986.

16 (a-1) A person commits aggravated stalking when he or she
17 is required to register under the Sex Offender Registration
18 Act or has been previously required to register under that Act
19 and commits the offense of stalking when the victim of the
20 stalking is also the victim of the offense for which the sex
21 offender is required to register under the Sex Offender
22 Registration Act or a family member of the victim.

23 (b) Sentence. Aggravated stalking is a Class 3 felony; a
24 second or subsequent conviction is a Class 2 felony.

25 (c) Exemptions.

1 (1) This Section does not apply to any individual or
2 organization (i) monitoring or attentive to compliance
3 with public or worker safety laws, wage and hour
4 requirements, or other statutory requirements, or (ii)
5 picketing occurring at the workplace that is otherwise
6 lawful and arises out of a bona fide labor dispute
7 including any controversy concerning wages, salaries,
8 hours, working conditions or benefits, including health
9 and welfare, sick leave, insurance, and pension or
10 retirement provisions, the managing or maintenance of
11 collective bargaining agreements, and the terms to be
12 included in those agreements.

13 (2) This Section does not apply to an exercise of the
14 right of free speech or assembly that is otherwise lawful.

15 (3) Telecommunications carriers, commercial mobile
16 service providers, and providers of information services,
17 including, but not limited to, Internet service providers
18 and hosting service providers, are not liable under this
19 Section, except for willful and wanton misconduct, by
20 virtue of the transmission, storage, or caching of
21 electronic communications or messages of others or by
22 virtue of the provision of other related
23 telecommunications, commercial mobile services, or
24 information services used by others in violation of this
25 Section.

26 (d) A defendant who directed the actions of a third party

1 to violate this Section, under the principles of
2 accountability set forth in Article 5 of this Code, is guilty
3 of violating this Section as if the same had been personally
4 done by the defendant, without regard to the mental state of
5 the third party acting at the direction of the defendant.

6 (Source: P.A. 96-686, eff. 1-1-10; 96-1551, eff. 7-1-11;
7 97-311, eff. 8-11-11; 97-468, eff. 1-1-12; 97-1109, eff.
8 1-1-13.)

9 Section 20. The Code of Criminal Procedure of 1963 is
10 amended by changing Sections 110-1, 110-6.1, 112A-2.5, 112A-3,
11 112A-4.5, 112A-5.5, 112A-14.7, 112A-17.5, 112A-20, 112A-21.7,
12 112A-23, 112A-24, 112A-26, and 112A-28 as follows:

13 (725 ILCS 5/110-1) (from Ch. 38, par. 110-1)

14 Sec. 110-1. Definitions. As used in this Article:

15 (a) (Blank).

16 (b) "Sureties" encompasses the nonmonetary requirements
17 set by the court as conditions for release either before or
18 after conviction.

19 (c) The phrase "for which a sentence of imprisonment,
20 without conditional and revocable release, shall be imposed by
21 law as a consequence of conviction" means an offense for which
22 a sentence of imprisonment in the Department of Corrections,
23 without probation, periodic imprisonment or conditional
24 discharge, is required by law upon conviction.

1 (d) (Blank).

2 (e) "Protective order" means any order of protection
3 issued under Section 112A-14 of this Code or the Illinois
4 Domestic Violence Act of 1986, a stalking or harassment no
5 contact order issued under Section 80 of the Stalking or
6 Harassment No Contact Order Act, or a civil no contact order
7 issued under Section 213 of the Civil No Contact Order Act.

8 (f) "Willful flight" means intentional conduct with a
9 purpose to thwart the judicial process to avoid prosecution.
10 Isolated instances of nonappearance in court alone are not
11 evidence of the risk of willful flight. Reoccurrence and
12 patterns of intentional conduct to evade prosecution, along
13 with any affirmative steps to communicate or remedy any such
14 missed court date, may be considered as factors in assessing
15 future intent to evade prosecution.

16 (Source: P.A. 102-813, eff. 5-13-22; 102-1104, eff. 1-1-23;
17 103-154, eff. 6-30-23.)

18 (725 ILCS 5/110-6.1) (from Ch. 38, par. 110-6.1)

19 Sec. 110-6.1. Denial of pretrial release.

20 (a) Upon verified petition by the State, the court shall
21 hold a hearing and may deny a defendant pretrial release only
22 if:

23 (1) the defendant is charged with a felony offense
24 other than a forcible felony for which, based on the
25 charge or the defendant's criminal history, a sentence of

1 imprisonment, without probation, periodic imprisonment or
2 conditional discharge, is required by law upon conviction,
3 and it is alleged that the defendant's pretrial release
4 poses a real and present threat to the safety of any person
5 or persons or the community, based on the specific
6 articulable facts of the case;

7 (1.5) the defendant's pretrial release poses a real
8 and present threat to the safety of any person or persons
9 or the community, based on the specific articulable facts
10 of the case, and the defendant is charged with a forcible
11 felony, which as used in this Section, means treason,
12 first degree murder, second degree murder, predatory
13 criminal sexual assault of a child, aggravated criminal
14 sexual assault, criminal sexual assault, armed robbery,
15 aggravated robbery, robbery, burglary where there is use
16 of force against another person, residential burglary,
17 home invasion, vehicular invasion, aggravated arson,
18 arson, aggravated kidnaping, kidnaping, aggravated battery
19 resulting in great bodily harm or permanent disability or
20 disfigurement or any other felony which involves the
21 threat of or infliction of great bodily harm or permanent
22 disability or disfigurement;

23 (2) the defendant is charged with stalking or
24 aggravated stalking, and it is alleged that the
25 defendant's pre-trial release poses a real and present
26 threat to the safety of a victim of the alleged offense,

1 and denial of release is necessary to prevent fulfillment
2 of the threat upon which the charge is based;

3 (3) the defendant is charged with a violation of an
4 order of protection issued under Section 112A-14 of this
5 Code or Section 214 of the Illinois Domestic Violence Act
6 of 1986, a stalking or harassment no contact order under
7 Section 80 of the Stalking or Harassment No Contact Order
8 Act, or of a civil no contact order under Section 213 of
9 the Civil No Contact Order Act, and it is alleged that the
10 defendant's pretrial release poses a real and present
11 threat to the safety of any person or persons or the
12 community, based on the specific articulable facts of the
13 case;

14 (4) the defendant is charged with domestic battery or
15 aggravated domestic battery under Section 12-3.2 or 12-3.3
16 of the Criminal Code of 2012 and it is alleged that the
17 defendant's pretrial release poses a real and present
18 threat to the safety of any person or persons or the
19 community, based on the specific articulable facts of the
20 case;

21 (5) the defendant is charged with any offense under
22 Article 11 of the Criminal Code of 2012, except for
23 Sections 11-14, 11-14.1, 11-18, 11-20, 11-30, 11-35,
24 11-40, and 11-45 of the Criminal Code of 2012, or similar
25 provisions of the Criminal Code of 1961 and it is alleged
26 that the defendant's pretrial release poses a real and

1 present threat to the safety of any person or persons or
2 the community, based on the specific articulable facts of
3 the case;

4 (6) the defendant is charged with any of the following
5 offenses under the Criminal Code of 2012, and it is
6 alleged that the defendant's pretrial release poses a real
7 and present threat to the safety of any person or persons
8 or the community, based on the specific articulable facts
9 of the case:

10 (A) Section 24-1.2 (aggravated discharge of a
11 firearm);

12 (B) Section 24-2.5 (aggravated discharge of a
13 machine gun or a firearm equipped with a device
14 designed or use for silencing the report of a
15 firearm);

16 (C) Section 24-1.5 (reckless discharge of a
17 firearm);

18 (D) Section 24-1.7 (armed habitual criminal);

19 (E) Section 24-2.2 (manufacture, sale or transfer
20 of bullets or shells represented to be armor piercing
21 bullets, dragon's breath shotgun shells, bolo shells,
22 or flechette shells);

23 (F) Section 24-3 (unlawful sale or delivery of
24 firearms);

25 (G) Section 24-3.3 (unlawful sale or delivery of
26 firearms on the premises of any school);

1 (H) Section 24-34 (unlawful sale of firearms by
2 liquor license);

3 (I) Section 24-3.5 (unlawful purchase of a
4 firearm);

5 (J) Section 24-3A (gunrunning);

6 (K) Section 24-3B (firearms trafficking);

7 (L) Section 10-9 (b) (involuntary servitude);

8 (M) Section 10-9 (c) (involuntary sexual servitude
9 of a minor);

10 (N) Section 10-9(d) (trafficking in persons);

11 (O) Non-probationable violations: (i) unlawful use
12 or possession of weapons by felons or persons in the
13 Custody of the Department of Corrections facilities
14 (Section 24-1.1), (ii) aggravated unlawful use of a
15 weapon (Section 24-1.6), or (iii) aggravated
16 possession of a stolen firearm (Section 24-3.9);

17 (P) Section 9-3 (reckless homicide and involuntary
18 manslaughter);

19 (Q) Section 19-3 (residential burglary);

20 (R) Section 10-5 (child abduction);

21 (S) Felony violations of Section 12C-5 (child
22 endangerment);

23 (T) Section 12-7.1 (hate crime);

24 (U) Section 10-3.1 (aggravated unlawful
25 restraint);

26 (V) Section 12-9 (threatening a public official);

1 (W) Subdivision (f)(1) of Section 12-3.05
2 (aggravated battery with a deadly weapon other than by
3 discharge of a firearm);

4 (6.5) the defendant is charged with any of the
5 following offenses, and it is alleged that the defendant's
6 pretrial release poses a real and present threat to the
7 safety of any person or persons or the community, based on
8 the specific articulable facts of the case:

9 (A) Felony violations of Sections 3.01, 3.02, or
10 3.03 of the Humane Care for Animals Act (cruel
11 treatment, aggravated cruelty, and animal torture);

12 (B) Subdivision (d)(1)(B) of Section 11-501 of the
13 Illinois Vehicle Code (aggravated driving under the
14 influence while operating a school bus with
15 passengers);

16 (C) Subdivision (d)(1)(C) of Section 11-501 of the
17 Illinois Vehicle Code (aggravated driving under the
18 influence causing great bodily harm);

19 (D) Subdivision (d)(1)(D) of Section 11-501 of the
20 Illinois Vehicle Code (aggravated driving under the
21 influence after a previous reckless homicide
22 conviction);

23 (E) Subdivision (d)(1)(F) of Section 11-501 of the
24 Illinois Vehicle Code (aggravated driving under the
25 influence leading to death); or

26 (F) Subdivision (d)(1)(J) of Section 11-501 of the

1 Illinois Vehicle Code (aggravated driving under the
2 influence that resulted in bodily harm to a child
3 under the age of 16);

4 (7) the defendant is charged with an attempt to commit
5 any charge listed in paragraphs (1) through (6.5), and it
6 is alleged that the defendant's pretrial release poses a
7 real and present threat to the safety of any person or
8 persons or the community, based on the specific
9 articulable facts of the case; or

10 (8) the person has a high likelihood of willful flight
11 to avoid prosecution and is charged with:

12 (A) Any felony described in subdivisions (a)(1)
13 through (a)(7) of this Section; or

14 (B) A felony offense other than a Class 4 offense.

15 (b) If the charged offense is a felony, as part of the
16 detention hearing, the court shall determine whether there is
17 probable cause the defendant has committed an offense, unless
18 a hearing pursuant to Section 109-3 of this Code has already
19 been held or a grand jury has returned a true bill of
20 indictment against the defendant. If there is a finding of no
21 probable cause, the defendant shall be released. No such
22 finding is necessary if the defendant is charged with a
23 misdemeanor.

24 (c) Timing of petition.

25 (1) A petition may be filed without prior notice to
26 the defendant at the first appearance before a judge, or

1 within the 21 calendar days, except as provided in Section
2 110-6, after arrest and release of the defendant upon
3 reasonable notice to defendant; provided that while such
4 petition is pending before the court, the defendant if
5 previously released shall not be detained.

6 (2) Upon filing, the court shall immediately hold a
7 hearing on the petition unless a continuance is requested.
8 If a continuance is requested and granted, the hearing
9 shall be held within 48 hours of the defendant's first
10 appearance if the defendant is charged with first degree
11 murder or a Class X, Class 1, Class 2, or Class 3 felony,
12 and within 24 hours if the defendant is charged with a
13 Class 4 or misdemeanor offense. The Court may deny or
14 grant the request for continuance. If the court decides to
15 grant the continuance, the Court retains the discretion to
16 detain or release the defendant in the time between the
17 filing of the petition and the hearing.

18 (d) Contents of petition.

19 (1) The petition shall be verified by the State and
20 shall state the grounds upon which it contends the
21 defendant should be denied pretrial release, including the
22 real and present threat to the safety of any person or
23 persons or the community, based on the specific
24 articulable facts or flight risk, as appropriate.

25 (2) If the State seeks to file a second or subsequent
26 petition under this Section, the State shall be required

1 to present a verified application setting forth in detail
2 any new facts not known or obtainable at the time of the
3 filing of the previous petition.

4 (e) Eligibility: All defendants shall be presumed eligible
5 for pretrial release, and the State shall bear the burden of
6 proving by clear and convincing evidence that:

7 (1) the proof is evident or the presumption great that
8 the defendant has committed an offense listed in
9 subsection (a), and

10 (2) for offenses listed in paragraphs (1) through (7)
11 of subsection (a), the defendant poses a real and present
12 threat to the safety of any person or persons or the
13 community, based on the specific articulable facts of the
14 case, by conduct which may include, but is not limited to,
15 a forcible felony, the obstruction of justice,
16 intimidation, injury, or abuse as defined by paragraph (1)
17 of Section 103 of the Illinois Domestic Violence Act of
18 1986, and

19 (3) no condition or combination of conditions set
20 forth in subsection (b) of Section 110-10 of this Article
21 can mitigate (i) the real and present threat to the safety
22 of any person or persons or the community, based on the
23 specific articulable facts of the case, for offenses
24 listed in paragraphs (1) through (7) of subsection (a), or
25 (ii) the defendant's willful flight for offenses listed in
26 paragraph (8) of subsection (a), and

1 (4) for offenses under subsection (b) of Section 407
2 of the Illinois Controlled Substances Act that are subject
3 to paragraph (1) of subsection (a), no condition or
4 combination of conditions set forth in subsection (b) of
5 Section 110-10 of this Article can mitigate the real and
6 present threat to the safety of any person or persons or
7 the community, based on the specific articulable facts of
8 the case, and the defendant poses a serious risk to not
9 appear in court as required.

10 (f) Conduct of the hearings.

11 (1) Prior to the hearing, the State shall tender to
12 the defendant copies of the defendant's criminal history
13 available, any written or recorded statements, and the
14 substance of any oral statements made by any person, if
15 relied upon by the State in its petition, and any police
16 reports in the prosecutor's possession at the time of the
17 hearing.

18 (2) The State or defendant may present evidence at the
19 hearing by way of proffer based upon reliable information.

20 (3) The defendant has the right to be represented by
21 counsel, and if he or she is indigent, to have counsel
22 appointed for him or her. The defendant shall have the
23 opportunity to testify, to present witnesses on his or her
24 own behalf, and to cross-examine any witnesses that are
25 called by the State. Defense counsel shall be given
26 adequate opportunity to confer with the defendant before

1 any hearing at which conditions of release or the
2 detention of the defendant are to be considered, with an
3 accommodation for a physical condition made to facilitate
4 attorney/client consultation. If defense counsel needs to
5 confer or consult with the defendant during any hearing
6 conducted via a two-way audio-visual communication system,
7 such consultation shall not be recorded and shall be
8 undertaken consistent with constitutional protections.

9 (3.5) A hearing at which pretrial release may be
10 denied must be conducted in person (and not by way of
11 two-way audio visual communication) unless the accused
12 waives the right to be present physically in court, the
13 court determines that the physical health and safety of
14 any person necessary to the proceedings would be
15 endangered by appearing in court, or the chief judge of
16 the circuit orders use of that system due to operational
17 challenges in conducting the hearing in person. Such
18 operational challenges must be documented and approved by
19 the chief judge of the circuit, and a plan to address the
20 challenges through reasonable efforts must be presented
21 and approved by the Administrative Office of the Illinois
22 Courts every 6 months.

23 (4) If the defense seeks to compel the complaining
24 witness to testify as a witness in its favor, it shall
25 petition the court for permission. When the ends of
26 justice so require, the court may exercise its discretion

1 and compel the appearance of a complaining witness. The
2 court shall state on the record reasons for granting a
3 defense request to compel the presence of a complaining
4 witness only on the issue of the defendant's pretrial
5 detention. In making a determination under this Section,
6 the court shall state on the record the reason for
7 granting a defense request to compel the presence of a
8 complaining witness, and only grant the request if the
9 court finds by clear and convincing evidence that the
10 defendant will be materially prejudiced if the complaining
11 witness does not appear. Cross-examination of a
12 complaining witness at the pretrial detention hearing for
13 the purpose of impeaching the witness' credibility is
14 insufficient reason to compel the presence of the witness.
15 In deciding whether to compel the appearance of a
16 complaining witness, the court shall be considerate of the
17 emotional and physical well-being of the witness. The
18 pre-trial detention hearing is not to be used for purposes
19 of discovery, and the post arraignment rules of discovery
20 do not apply. The State shall tender to the defendant,
21 prior to the hearing, copies, if any, of the defendant's
22 criminal history, if available, and any written or
23 recorded statements and the substance of any oral
24 statements made by any person, if in the State's
25 Attorney's possession at the time of the hearing.

26 (5) The rules concerning the admissibility of evidence

1 in criminal trials do not apply to the presentation and
2 consideration of information at the hearing. At the trial
3 concerning the offense for which the hearing was conducted
4 neither the finding of the court nor any transcript or
5 other record of the hearing shall be admissible in the
6 State's case-in-chief, but shall be admissible for
7 impeachment, or as provided in Section 115-10.1 of this
8 Code, or in a perjury proceeding.

9 (6) The defendant may not move to suppress evidence or
10 a confession, however, evidence that proof of the charged
11 crime may have been the result of an unlawful search or
12 seizure, or both, or through improper interrogation, is
13 relevant in assessing the weight of the evidence against
14 the defendant.

15 (7) Decisions regarding release, conditions of
16 release, and detention prior to trial must be
17 individualized, and no single factor or standard may be
18 used exclusively to order detention. Risk assessment tools
19 may not be used as the sole basis to deny pretrial release.

20 (g) Factors to be considered in making a determination of
21 dangerousness. The court may, in determining whether the
22 defendant poses a real and present threat to the safety of any
23 person or persons or the community, based on the specific
24 articulable facts of the case, consider, but shall not be
25 limited to, evidence or testimony concerning:

26 (1) The nature and circumstances of any offense

1 charged, including whether the offense is a crime of
2 violence, involving a weapon, or a sex offense.

3 (2) The history and characteristics of the defendant
4 including:

5 (A) Any evidence of the defendant's prior criminal
6 history indicative of violent, abusive or assaultive
7 behavior, or lack of such behavior. Such evidence may
8 include testimony or documents received in juvenile
9 proceedings, criminal, quasi-criminal, civil
10 commitment, domestic relations, or other proceedings.

11 (B) Any evidence of the defendant's psychological,
12 psychiatric or other similar social history which
13 tends to indicate a violent, abusive, or assaultive
14 nature, or lack of any such history.

15 (3) The identity of any person or persons to whose
16 safety the defendant is believed to pose a threat, and the
17 nature of the threat.

18 (4) Any statements made by, or attributed to the
19 defendant, together with the circumstances surrounding
20 them.

21 (5) The age and physical condition of the defendant.

22 (6) The age and physical condition of any victim or
23 complaining witness.

24 (7) Whether the defendant is known to possess or have
25 access to any weapon or weapons.

26 (8) Whether, at the time of the current offense or any

1 other offense or arrest, the defendant was on probation,
2 parole, aftercare release, mandatory supervised release or
3 other release from custody pending trial, sentencing,
4 appeal or completion of sentence for an offense under
5 federal or state law.

6 (9) Any other factors, including those listed in
7 Section 110-5 of this Article deemed by the court to have a
8 reasonable bearing upon the defendant's propensity or
9 reputation for violent, abusive, or assaultive behavior,
10 or lack of such behavior.

11 (h) Detention order. The court shall, in any order for
12 detention:

13 (1) make a written finding summarizing the court's
14 reasons for concluding that the defendant should be denied
15 pretrial release, including why less restrictive
16 conditions would not avoid a real and present threat to
17 the safety of any person or persons or the community,
18 based on the specific articulable facts of the case, or
19 prevent the defendant's willful flight from prosecution;

20 (2) direct that the defendant be committed to the
21 custody of the sheriff for confinement in the county jail
22 pending trial;

23 (3) direct that the defendant be given a reasonable
24 opportunity for private consultation with counsel, and for
25 communication with others of his or her choice by
26 visitation, mail and telephone; and

1 (4) direct that the sheriff deliver the defendant as
2 required for appearances in connection with court
3 proceedings.

4 (i) Detention. If the court enters an order for the
5 detention of the defendant pursuant to subsection (e) of this
6 Section, the defendant shall be brought to trial on the
7 offense for which he is detained within 90 days after the date
8 on which the order for detention was entered. If the defendant
9 is not brought to trial within the 90-day period required by
10 the preceding sentence, he shall not be denied pretrial
11 release. In computing the 90-day period, the court shall omit
12 any period of delay resulting from a continuance granted at
13 the request of the defendant and any period of delay resulting
14 from a continuance granted at the request of the State with
15 good cause shown pursuant to Section 103-5.

16 (i-5) At each subsequent appearance of the defendant
17 before the court, the judge must find that continued detention
18 is necessary to avoid a real and present threat to the safety
19 of any person or persons or the community, based on the
20 specific articulable facts of the case, or to prevent the
21 defendant's willful flight from prosecution.

22 (j) Rights of the defendant. The defendant shall be
23 entitled to appeal any order entered under this Section
24 denying his or her pretrial release.

25 (k) Appeal. The State may appeal any order entered under
26 this Section denying any motion for denial of pretrial

1 release.

2 (1) Presumption of innocence. Nothing in this Section
3 shall be construed as modifying or limiting in any way the
4 defendant's presumption of innocence in further criminal
5 proceedings.

6 (m) Interest of victims.

7 (1) Crime victims shall be given notice by the State's
8 Attorney's office of this hearing as required in paragraph (1)
9 of subsection (b) of Section 4.5 of the Rights of Crime Victims
10 and Witnesses Act and shall be informed of their opportunity
11 at this hearing to obtain a protective order.

12 (2) If the defendant is denied pretrial release, the court
13 may impose a no contact provision with the victim or other
14 interested party that shall be enforced while the defendant
15 remains in custody.

16 (Source: P.A. 101-652, eff. 1-1-23; 102-1104, eff. 1-1-23.)

17 (725 ILCS 5/112A-2.5)

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

21 (1) a domestic violence order of protection in cases
22 involving domestic violence;

23 (2) a civil no contact order in cases involving sexual
24 offenses; or

25 (3) a stalking or harassment no contact order in cases

1 involving stalking offenses.

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

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

4 Sec. 112A-3. Definitions.

5 (a) In this Article:

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

10 "Named victim" means the person named as the victim in the
11 delinquency petition or criminal prosecution.

12 "Protective order" means a domestic violence order of
13 protection, a civil no contact order, or a stalking or
14 harassment no contact order.

15 (b) For the purposes of domestic violence cases, the
16 following terms shall have the following meanings in this
17 Article:

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

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

25 (3) "Family or household members" include spouses,

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

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

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

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

25 (iii) repeatedly following petitioner about in a
26 public place or places;

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

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

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

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

23 (6) "Intimidation of a dependent" means subjecting a
24 person who is dependent because of age, health, or
25 disability to participation in or the witnessing of:
26 physical force against another or physical confinement or

1 restraint of another which constitutes physical abuse as
2 defined in this Article, regardless of whether the abused
3 person is a family or household member.

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

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

13 (9) "Physical abuse" includes sexual abuse and means
14 any of the following:

15 (i) knowing or reckless use of physical force,
16 confinement or restraint;

17 (ii) knowing, repeated and unnecessary sleep
18 deprivation; or

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

21 (9.3) "Respondent" in a petition for a domestic
22 violence order of protection means the defendant.

23 (9.5) "Stay away" means for the respondent to refrain
24 from both physical presence and nonphysical contact with
25 the petitioner whether direct, indirect (including, but
26 not limited to, telephone calls, mail, email, faxes, and

1 written notes), or through third parties who may or may
2 not know about the domestic violence order of protection.

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

13 (c) For the purposes of cases involving sexual offenses,
14 the following terms shall have the following meanings in this
15 Article:

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

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

22 (3) "Non-consensual" means a lack of freely given
23 agreement.

24 (4) "Petitioner" means not only any named petitioner
25 for the civil no contact order and any named victim of
26 non-consensual sexual conduct or non-consensual sexual

1 penetration on whose behalf the petition is brought, but
2 includes any other person sought to be protected under
3 this Article.

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

6 (6) "Sexual conduct" means any intentional or knowing
7 touching or fondling by the petitioner or the respondent,
8 either directly or through clothing, of the sex organs,
9 anus, or breast of the petitioner or the respondent, or
10 any part of the body of a child under 13 years of age, or
11 any transfer or transmission of semen by the respondent
12 upon any part of the clothed or unclothed body of the
13 petitioner, for the purpose of sexual gratification or
14 arousal of the petitioner or the respondent.

15 (7) "Sexual penetration" means any contact, however
16 slight, between the sex organ or anus of one person by an
17 object, the sex organ, mouth or anus of another person, or
18 any intrusion, however slight, of any part of the body of
19 one person or of any animal or object into the sex organ or
20 anus of another person, including, but not limited to,
21 cunnilingus, fellatio, or anal penetration. Evidence of
22 emission of semen is not required to prove sexual
23 penetration.

24 (8) "Stay away" means to refrain from both physical
25 presence and nonphysical contact with the petitioner
26 directly, indirectly, or through third parties who may or

1 may not know of the order. "Nonphysical contact" includes,
2 but is not limited to, telephone calls, mail, e-mail, fax,
3 and written notes.

4 (d) For the purposes of cases involving stalking offenses,
5 the following terms shall have the following meanings in this
6 Article:

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

17 (2) "Emotional distress" means significant mental
18 suffering, anxiety, or alarm.

19 (3) "Contact" includes any contact with the victim,
20 that is initiated or continued without the victim's
21 consent, or that is in disregard of the victim's expressed
22 desire that the contact be avoided or discontinued,
23 including, but not limited to, being in the physical
24 presence of the victim; appearing within the sight of the
25 victim; approaching or confronting the victim in a public
26 place or on private property; appearing at the workplace

1 or residence of the victim; entering onto or remaining on
2 property owned, leased, or occupied by the victim; or
3 placing an object on, or delivering an object to, property
4 owned, leased, or occupied by the victim.

5 (4) "Petitioner" means any named petitioner for the
6 stalking or harassment no contact order or any named
7 victim of stalking on whose behalf the petition is
8 brought.

9 (5) "Reasonable person" means a person in the
10 petitioner's circumstances with the petitioner's knowledge
11 of the respondent and the respondent's prior acts.

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

14 (7) "Stalking" means engaging in a course of conduct
15 directed at a specific person, and he or she knows or
16 should know that this course of conduct would cause a
17 reasonable person to fear for his or her safety or the
18 safety of a third person or suffer emotional distress.
19 "Stalking" does not include an exercise of the right to
20 free speech or assembly that is otherwise lawful or
21 picketing occurring at the workplace that is otherwise
22 lawful and arises out of a bona fide labor dispute,
23 including any controversy concerning wages, salaries,
24 hours, working conditions or benefits, including health
25 and welfare, sick leave, insurance, and pension or
26 retirement provisions, the making or maintaining of

1 collective bargaining agreements, and the terms to be
2 included in those agreements.

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

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

8 (725 ILCS 5/112A-4.5)

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

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

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

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

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

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

25 (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.

14 (c) A petition for a stalking or harassment no contact
15 order may be filed:

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

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

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

25 (4) by a service member of the Illinois National Guard
26 or any reserve military component serving within the State

1 who is a victim of non-consensual sexual conduct who has
2 also received a Military Protective Order; or

3 (5) by the Staff Judge Advocate of the Illinois
4 National Guard or any reserve military component serving
5 in the State on behalf of a named victim who is a victim of
6 non-consensual sexual conduct who has also received a
7 Military Protective Order.

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

18 (d-5) (1) A person eligible to file a petition under
19 subsection (a), (b), or (c) of this Section may retain an
20 attorney to represent the petitioner on the petitioner's
21 request for a protective order. The attorney's representation
22 is limited to matters related to the petition and relief
23 authorized under this Article.

24 (2) Advocates shall be allowed to accompany the petitioner
25 and confer with the victim, unless otherwise directed by the
26 court. Advocates are not engaged in the unauthorized practice

1 of law when providing assistance to the petitioner.

2 (e) Any petition properly filed under this Article may
3 seek protection for any additional persons protected by this
4 Article.

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

6 (725 ILCS 5/112A-5.5)

7 Sec. 112A-5.5. Time for filing petition; service on
8 respondent, hearing on petition, and default orders.

9 (a) A petition for a protective order may be filed at any
10 time, in person or online, after a criminal charge or
11 delinquency petition is filed and before the charge or
12 delinquency petition is dismissed, the defendant or juvenile
13 is acquitted, or the defendant or juvenile completes service
14 of his or her sentence.

15 (b) The request for an ex parte protective order may be
16 considered without notice to the respondent under Section
17 112A-17.5 of this Code.

18 (c) A summons shall be issued and served for a protective
19 order. The summons may be served by delivery to the respondent
20 personally in open court in the criminal or juvenile
21 delinquency proceeding, in the form prescribed by subsection
22 (d) of Supreme Court Rule 101, except that it shall require the
23 respondent to answer or appear within 7 days. Attachments to
24 the summons shall include the petition for protective order,
25 supporting affidavits, if any, and any ex parte protective

1 order that has been issued.

2 (d) The summons shall be served by the sheriff or other law
3 enforcement officer at the earliest time available and shall
4 take precedence over any other summons, except those of a
5 similar emergency nature. Attachments to the summons shall
6 include the petition for protective order, supporting
7 affidavits, if any, and any ex parte protective order that has
8 been issued. Special process servers may be appointed at any
9 time and their designation shall not affect the
10 responsibilities and authority of the sheriff or other
11 official process servers. In a county with a population over
12 3,000,000, a special process server may not be appointed if
13 the protective order grants the surrender of a child, the
14 surrender of a firearm or Firearm Owner's Identification Card,
15 or the exclusive possession of a shared residence.

16 (e) If the respondent is not served within 30 days of the
17 filing of the petition, the court shall schedule a court
18 proceeding on the issue of service. Either the petitioner, the
19 petitioner's counsel, or the State's Attorney shall appear and
20 the court shall either order continued attempts at personal
21 service or shall order service by publication, in accordance
22 with Sections 2-203, 2-206, and 2-207 of the Code of Civil
23 Procedure.

24 (f) The request for a final protective order can be
25 considered at any court proceeding in the delinquency or
26 criminal case after service of the petition. If the petitioner

1 has not been provided notice of the court proceeding at least
2 10 days in advance of the proceeding, the court shall schedule
3 a hearing on the petition and provide notice to the
4 petitioner.

5 (f-5) A court in a county with a population above 250,000
6 shall offer the option of a remote hearing to a petitioner for
7 a protective order. The court has the discretion to grant or
8 deny the request for a remote hearing. Each court shall
9 determine the procedure for a remote hearing. The petitioner
10 and respondent may appear remotely or in person.

11 The court shall issue and publish a court order, standing
12 order, or local rule detailing information about the process
13 for requesting and participating in a remote court appearance.
14 The court order, standing order, or local rule shall be
15 published on the court's website and posted on signs
16 throughout the courthouse, including in the clerk's office.
17 The sign shall be written in plain language and include
18 information about the availability of remote court appearances
19 and the process for requesting a remote hearing.

20 (g) Default orders.

21 (1) A final domestic violence order of protection may
22 be entered by default:

23 (A) for any of the remedies sought in the
24 petition, if the respondent has been served with
25 documents under subsection (b) or (c) of this Section
26 and if the respondent fails to appear on the specified

1 return date or any subsequent hearing date agreed to
2 by the petitioner and respondent or set by the court;
3 or

4 (B) for any of the remedies provided under
5 paragraph (1), (2), (3), (5), (6), (7), (8), (9),
6 (10), (11), (14), (15), (17), or (18) of subsection
7 (b) of Section 112A-14 of this Code, or if the
8 respondent fails to answer or appear in accordance
9 with the date set in the publication notice or the
10 return date indicated on the service of a household
11 member.

12 (2) A final civil no contact order may be entered by
13 default for any of the remedies provided in Section
14 112A-14.5 of this Code, if the respondent has been served
15 with documents under subsection (b) or (c) of this
16 Section, and if the respondent fails to answer or appear
17 in accordance with the date set in the publication notice
18 or the return date indicated on the service of a household
19 member.

20 (3) A final stalking or harassment no contact order
21 may be entered by default for any of the remedies provided
22 by Section 112A-14.7 of this Code, if the respondent has
23 been served with documents under subsection (b) or (c) of
24 this Section and if the respondent fails to answer or
25 appear in accordance with the date set in the publication
26 notice or the return date indicated on the service of a

1 household member.

2 (Source: P.A. 102-853, eff. 1-1-23; 103-154, eff. 6-30-23.)

3 (725 ILCS 5/112A-14.7)

4 Sec. 112A-14.7. Stalking or harassment no contact order;
5 remedies.

6 (a) The court may order any of the remedies listed in this
7 Section. The remedies listed in this Section shall be in
8 addition to other civil or criminal remedies available to
9 petitioner. A stalking or harassment no contact order shall
10 order one or more of the following:

11 (1) prohibit the respondent from threatening to commit
12 or committing stalking;

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

16 (3) prohibit the respondent from knowingly coming
17 within, or knowingly remaining within a specified distance
18 of the petitioner or the petitioner's residence, school,
19 daycare, or place of employment, or any specified place
20 frequented by the petitioner; however, the court may order
21 the respondent to stay away from the respondent's own
22 residence, school, or place of employment only if the
23 respondent has been provided actual notice of the
24 opportunity to appear and be heard on the petition;

25 (4) prohibit the respondent from possessing a Firearm

1 Owners Identification Card, or possessing or buying
2 firearms; and

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

6 (b) When the petitioner and the respondent attend the same
7 public, private, or non-public elementary, middle, or high
8 school, the court when issuing a stalking or harassment no
9 contact order and providing relief shall consider the severity
10 of the act, any continuing physical danger or emotional
11 distress to the petitioner, the educational rights guaranteed
12 to the petitioner and respondent under federal and State law,
13 the availability of a transfer of the respondent to another
14 school, a change of placement or a change of program of the
15 respondent, the expense, difficulty, and educational
16 disruption that would be caused by a transfer of the
17 respondent to another school, and any other relevant facts of
18 the case. The court may order that the respondent not attend
19 the public, private, or non-public elementary, middle, or high
20 school attended by the petitioner, order that the respondent
21 accept a change of placement or program, as determined by the
22 school district or private or non-public school, or place
23 restrictions on the respondent's movements within the school
24 attended by the petitioner. The respondent bears the burden of
25 proving by a preponderance of the evidence that a transfer,
26 change of placement, or change of program of the respondent is

1 not available. The respondent also bears the burden of
2 production with respect to the expense, difficulty, and
3 educational disruption that would be caused by a transfer of
4 the respondent to another school. A transfer, change of
5 placement, or change of program is not unavailable to the
6 respondent solely on the ground that the respondent does not
7 agree with the school district's or private or non-public
8 school's transfer, change of placement, or change of program
9 or solely on the ground that the respondent fails or refuses to
10 consent to or otherwise does not take an action required to
11 effectuate a transfer, change of placement, or change of
12 program. When a court orders a respondent to stay away from the
13 public, private, or non-public school attended by the
14 petitioner and the respondent requests a transfer to another
15 attendance center within the respondent's school district or
16 private or non-public school, the school district or private
17 or non-public school shall have sole discretion to determine
18 the attendance center to which the respondent is transferred.
19 If the court order results in a transfer of the minor
20 respondent to another attendance center, a change in the
21 respondent's placement, or a change of the respondent's
22 program, the parents, guardian, or legal custodian of the
23 respondent is responsible for transportation and other costs
24 associated with the transfer or change.

25 (c) The court may order the parents, guardian, or legal
26 custodian of a minor respondent to take certain actions or to

1 refrain from taking certain actions to ensure that the
2 respondent complies with the order. If the court orders a
3 transfer of the respondent to another school, the parents,
4 guardian, or legal custodian of the respondent are responsible
5 for transportation and other costs associated with the change
6 of school by the respondent.

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

11 (e) The court may hold the parents, guardian, or legal
12 custodian of a minor respondent in civil or criminal contempt
13 for a violation of any provision of any order entered under
14 this Article for conduct of the minor respondent in violation
15 of this Article if the parents, guardian, or legal custodian
16 directed, encouraged, or assisted the respondent minor in the
17 conduct.

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

19 (g) If the stalking or harassment no contact order
20 prohibits the respondent from possessing a Firearm Owner's
21 Identification Card, or possessing or buying firearms; the
22 court shall confiscate the respondent's Firearm Owner's
23 Identification Card and immediately return the card to the
24 Illinois State Police Firearm Owner's Identification Card
25 Office.

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

1 (725 ILCS 5/112A-17.5)

2 Sec. 112A-17.5. Ex parte protective orders.

3 (a) The petitioner may request expedited consideration of
4 the petition for an ex parte protective order. The court shall
5 consider the request on an expedited basis without requiring
6 the respondent's presence or requiring notice to the
7 respondent.

8 (b) Issuance of ex parte protective orders in cases
9 involving domestic violence. An ex parte domestic violence
10 order of protection shall be issued if petitioner satisfies
11 the requirements of this subsection (b) for one or more of the
12 requested remedies. For each remedy requested, petitioner
13 shall establish that:

14 (1) the court has jurisdiction under Section 112A-9 of
15 this Code;

16 (2) the requirements of subsection (a) of Section
17 112A-11.5 of this Code are satisfied; and

18 (3) there is good cause to grant the remedy,
19 regardless of prior service of process or notice upon the
20 respondent, because:

21 (A) for the remedy of prohibition of abuse
22 described in paragraph (1) of subsection (b) of
23 Section 112A-14 of this Code; stay away order and
24 additional prohibitions described in paragraph (3) of
25 subsection (b) of Section 112A-14 of this Code;

1 removal or concealment of minor child described in
2 paragraph (8) of subsection (b) of Section 112A-14 of
3 this Code; order to appear described in paragraph (9)
4 of subsection (b) of Section 112A-14 of this Code;
5 physical care and possession of the minor child
6 described in paragraph (5) of subsection (b) of
7 Section 112A-14 of this Code; protection of property
8 described in paragraph (11) of subsection (b) of
9 Section 112A-14 of this Code; prohibition of entry
10 described in paragraph (14) of subsection (b) of
11 Section 112A-14 of this Code; prohibition of firearm
12 possession described in paragraph (14.5) of subsection
13 (b) of Section 112A-14 of this Code; prohibition of
14 access to records described in paragraph (15) of
15 subsection (b) of Section 112A-14 of this Code;
16 injunctive relief described in paragraph (16) of
17 subsection (b) of Section 112A-14 of this Code; and
18 telephone services described in paragraph (18) of
19 subsection (b) of Section 112A-14 of this Code, the
20 harm which that remedy is intended to prevent would be
21 likely to occur if the respondent were given any prior
22 notice, or greater notice than was actually given, of
23 the petitioner's efforts to obtain judicial relief;

24 (B) for the remedy of grant of exclusive
25 possession of residence described in paragraph (2) of
26 subsection (b) of Section 112A-14 of this Code; the

1 immediate danger of further abuse of the petitioner by
2 the respondent, if the petitioner chooses or had
3 chosen to remain in the residence or household while
4 the respondent was given any prior notice or greater
5 notice than was actually given of the petitioner's
6 efforts to obtain judicial relief outweighs the
7 hardships to the respondent of an emergency order
8 granting the petitioner exclusive possession of the
9 residence or household; and the remedy shall not be
10 denied because the petitioner has or could obtain
11 temporary shelter elsewhere while prior notice is
12 given to the respondent, unless the hardship to the
13 respondent from exclusion from the home substantially
14 outweigh the hardship to the petitioner; or

15 (C) for the remedy of possession of personal
16 property described in paragraph (10) of subsection (b)
17 of Section 112A-14 of this Code; improper disposition
18 of the personal property would be likely to occur if
19 the respondent were given any prior notice, or greater
20 notice than was actually given, of the petitioner's
21 efforts to obtain judicial relief or the petitioner
22 has an immediate and pressing need for the possession
23 of that property.

24 An ex parte domestic violence order of protection may not
25 include the counseling, custody, or payment of support or
26 monetary compensation remedies provided by paragraphs (4),

1 (12), (13), and (16) of subsection (b) of Section 112A-14 of
2 this Code.

3 (c) Issuance of ex parte civil no contact order in cases
4 involving sexual offenses. An ex parte civil no contact order
5 shall be issued if the petitioner establishes that:

6 (1) the court has jurisdiction under Section 112A-9 of
7 this Code;

8 (2) the requirements of subsection (a) of Section
9 112A-11.5 of this Code are satisfied; and

10 (3) there is good cause to grant the remedy,
11 regardless of prior service of process or of notice upon
12 the respondent, because the harm which that remedy is
13 intended to prevent would be likely to occur if the
14 respondent were given any prior notice, or greater notice
15 than was actually given, of the petitioner's efforts to
16 obtain judicial relief.

17 The court may order any of the remedies under Section
18 112A-14.5 of this Code.

19 (d) Issuance of ex parte stalking or harassment no contact
20 order in cases involving stalking offenses. An ex parte
21 stalking or harassment no contact order shall be issued if the
22 petitioner establishes that:

23 (1) the court has jurisdiction under Section 112A-9 of
24 this Code;

25 (2) the requirements of subsection (a) of Section
26 112A-11.5 of this Code are satisfied; and

1 (3) there is good cause to grant the remedy,
2 regardless of prior service of process or of notice upon
3 the respondent, because the harm which that remedy is
4 intended to prevent would be likely to occur if the
5 respondent were given any prior notice, or greater notice
6 than was actually given, of the petitioner's efforts to
7 obtain judicial relief.

8 The court may order any of the remedies under Section
9 112A-14.7 of this Code.

10 (e) Issuance of ex parte protective orders on court
11 holidays and evenings.

12 When the court is unavailable at the close of business,
13 the petitioner may file a petition for an ex parte protective
14 order before any available circuit judge or associate judge
15 who may grant relief under this Article. If the judge finds
16 that petitioner has satisfied the prerequisites in subsection
17 (b), (c), or (d) of this Section, the judge shall issue an ex
18 parte protective order.

19 The chief judge of the circuit court may designate for
20 each county in the circuit at least one judge to be reasonably
21 available to issue orally, by telephone, by facsimile, or
22 otherwise, an ex parte protective order at all times, whether
23 or not the court is in session.

24 The judge who issued the order under this Section shall
25 promptly communicate or convey the order to the sheriff to
26 facilitate the entry of the order into the Law Enforcement

1 Agencies Data System by the Illinois State Police under
2 Section 112A-28 of this Code. Any order issued under this
3 Section and any documentation in support of it shall be
4 certified on the next court day to the appropriate court. The
5 clerk of that court shall immediately assign a case number,
6 file the petition, order, and other documents with the court
7 and enter the order of record and file it with the sheriff for
8 service under subsection (f) of this Section. Failure to
9 comply with the requirements of this subsection (e) shall not
10 affect the validity of the order.

11 (f) Service of ex parte protective order on respondent.

12 (1) If an ex parte protective order is entered at the
13 time a summons or arrest warrant is issued for the
14 criminal charge, the petition for the protective order,
15 any supporting affidavits, if any, and the ex parte
16 protective order that has been issued shall be served with
17 the summons or arrest warrant. The enforcement of a
18 protective order under Section 112A-23 of this Code shall
19 not be affected by the lack of service or delivery,
20 provided the requirements of subsection (a) of Section
21 112A-23 of this Code are otherwise met.

22 (2) If an ex parte protective order is entered after a
23 summons or arrest warrant is issued and before the
24 respondent makes an initial appearance in the criminal
25 case, the summons shall be in the form prescribed by
26 subsection (d) of Supreme Court Rule 101, except that it

1 shall require respondent to answer or appear within 7 days
2 and shall be accompanied by the petition for the
3 protective order, any supporting affidavits, if any, and
4 the ex parte protective order that has been issued.

5 (3) If an ex parte protective order is entered after
6 the respondent has been served notice of a petition for a
7 final protective order and the respondent has requested a
8 continuance to respond to the petition, the ex parte
9 protective order shall be served: (A) in open court if the
10 respondent is present at the proceeding at which the order
11 was entered; or (B) by summons in the form prescribed by
12 subsection (d) of Supreme Court Rule 101.

13 (4) No fee shall be charged for service of summons.

14 (5) The summons shall be served by the sheriff or
15 other law enforcement officer at the earliest time and
16 shall take precedence over other summonses except those of
17 a similar emergency nature. Special process servers may be
18 appointed at any time, and their designation shall not
19 affect the responsibilities and authority of the sheriff
20 or other official process servers. In a county with a
21 population over 3,000,000, a special process server may
22 not be appointed if an ex parte protective order grants
23 the surrender of a child, the surrender of a firearm or
24 Firearm Owner's Identification Card, or the exclusive
25 possession of a shared residence. Process may be served in
26 court.

1 (g) Upon 7 days' notice to the petitioner, or a shorter
2 notice period as the court may prescribe, a respondent subject
3 to an ex parte protective order may appear and petition the
4 court to re-hear the petition. Any petition to re-hear shall
5 be verified and shall allege the following:

6 (1) that respondent did not receive prior notice of
7 the initial hearing in which the ex parte protective order
8 was entered under Section 112A-17.5 of this Code; and

9 (2) that respondent had a meritorious defense to the
10 order or any of its remedies or that the order or any of
11 its remedies was not authorized under this Article.

12 The verified petition and affidavit shall set forth the
13 evidence of the meritorious defense that will be presented at
14 a hearing. If the court finds that the evidence presented at
15 the hearing on the petition establishes a meritorious defense
16 by a preponderance of the evidence, the court may decide to
17 vacate the protective order or modify the remedies.

18 (h) If the ex parte protective order granted petitioner
19 exclusive possession of the residence and the petition of
20 respondent seeks to re-open or vacate that grant, the court
21 shall set a date for hearing within 14 days on all issues
22 relating to exclusive possession. Under no circumstances shall
23 a court continue a hearing concerning exclusive possession
24 beyond the 14th day except by agreement of the petitioner and
25 the respondent. Other issues raised by the pleadings may be
26 consolidated for the hearing if the petitioner, the

1 respondent, and the court do not object.

2 (i) Duration of ex parte protective order. An ex parte
3 order shall remain in effect until the court considers the
4 request for a final protective order after notice has been
5 served on the respondent or a default final protective order
6 is entered, whichever occurs first. If a court date is
7 scheduled for the issuance of a default protective order and
8 the petitioner fails to personally appear or appear through
9 counsel or the prosecuting attorney, the petition shall be
10 dismissed and the ex parte order terminated.

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

12 (725 ILCS 5/112A-20) (from Ch. 38, par. 112A-20)

13 Sec. 112A-20. Duration and extension of final protective
14 orders.

15 (a) (Blank).

16 (b) A final protective order shall remain in effect as
17 follows:

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

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

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

4 (3) until 2 years after the expiration of any
5 supervision, conditional discharge, probation, periodic
6 imprisonment, parole, aftercare release, or mandatory
7 supervised release for domestic violence orders of
8 protection and civil no contact orders;

9 (4) until 2 years after the date set by the court for
10 expiration of any sentence of imprisonment and subsequent
11 parole, aftercare release, or mandatory supervised release
12 for domestic violence orders of protection and civil no
13 contact orders;

14 (5) permanent for a stalking or harassment no contact
15 order if a judgment of conviction for stalking is entered;
16 or

17 (6) permanent for a civil no contact order at the
18 victim's request if a judgment of conviction for criminal
19 sexual assault, aggravated criminal sexual assault,
20 criminal sexual abuse, excluding a conviction under
21 subsection (c) of Section 11-1.50 of the Criminal Code of
22 2012, or aggravated criminal sexual abuse is entered.

23 (c) Computation of time. The duration of a domestic
24 violence order of protection shall not be reduced by the
25 duration of any prior domestic violence order of protection.

26 (d) Law enforcement records. When a protective order

1 expires upon the occurrence of a specified event, rather than
2 upon a specified date as provided in subsection (b), no
3 expiration date shall be entered in Illinois State Police
4 records. To remove the protective order from those records,
5 either the petitioner or the respondent shall request the
6 clerk of the court to file a certified copy of an order stating
7 that the specified event has occurred or that the protective
8 order has been vacated or modified with the sheriff, and the
9 sheriff shall direct that law enforcement records shall be
10 promptly corrected in accordance with the filed order.

11 (e) Extension of Orders. Any domestic violence order of
12 protection or civil no contact order that expires 2 years
13 after the expiration of the defendant's sentence under
14 paragraph (2), (3), or (4) of subsection (b) of Section
15 112A-20 of this Article may be extended one or more times, as
16 required. The petitioner, petitioner's counsel, or the State's
17 Attorney on the petitioner's behalf shall file the motion for
18 an extension of the final protective order in the criminal
19 case and serve the motion in accordance with Supreme Court
20 Rules 11 and 12. The court shall transfer the motion to the
21 appropriate court or division for consideration under
22 subsection (e) of Section 220 of the Illinois Domestic
23 Violence Act of 1986, subsection (c) of Section 216 of the
24 Civil No Contact Order Act, or subsection (c) of Section 105 of
25 the Stalking or Harassment No Contact Order as appropriate.

26 (f) Termination date. Any final protective order which

1 would expire on a court holiday shall instead expire at the
2 close of the next court business day.

3 (g) Statement of purpose. The practice of dismissing or
4 suspending a criminal prosecution in exchange for issuing a
5 protective order undermines the purposes of this Article. This
6 Section shall not be construed as encouraging that practice.

7 (Source: P.A. 102-184, eff. 1-1-22; 102-538, eff. 8-20-21;
8 102-813, eff. 5-13-22.)

9 (725 ILCS 5/112A-21.7)

10 Sec. 112A-21.7. Contents of stalking or harassment no
11 contact orders.

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

17 (b) A stalking or harassment no contact order shall
18 further state the following:

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

21 (2) The date and time the stalking or harassment no
22 contact order was issued.

23 (c) A stalking or harassment no contact order shall
24 include the following notice, printed in conspicuous type:

25 "An initial knowing violation of a stalking or

1 harassment no contact order is a Class A misdemeanor. Any
2 second or subsequent knowing violation is a Class 4
3 felony."

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

9 (Source: P.A. 100-199, eff. 1-1-18.)

10 (725 ILCS 5/112A-23) (from Ch. 38, par. 112A-23)

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

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

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

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

23 (ii) a remedy, which is substantially similar to
24 the remedies authorized under paragraph (1), (2), (3),
25 (14), or (14.5) of subsection (b) of Section 214 of the

1 Illinois Domestic Violence Act of 1986, in a valid
2 order of protection, which is authorized under the
3 laws of another state, tribe, or United States
4 territory, or

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

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

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

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

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

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

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

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

1 unless the action which is second in time is barred by
2 collateral estoppel or the constitutional prohibition against
3 double jeopardy.

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

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

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

26 (d) Actual knowledge. A protective order may be enforced

1 pursuant to this Section if the respondent violates the order
2 after the respondent has actual knowledge of its contents as
3 shown through one of the following means:

4 (1) (Blank).

5 (2) (Blank).

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

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

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

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

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

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

24 (f) Circumstances. The court, when determining whether or
25 not a violation of a protective order has occurred, shall not
26 require physical manifestations of abuse on the person of the

1 victim.

2 (g) Penalties.

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

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

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

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

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

25 (iii) impose a minimum penalty of 48 hours
26 imprisonment for respondent's second or subsequent

1 violation of a protective order
2 unless the court explicitly finds that an increased
3 penalty or that period of imprisonment would be manifestly
4 unjust.

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

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

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

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

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

20 (725 ILCS 5/112A-24) (from Ch. 38, par. 112A-24)

21 Sec. 112A-24. Modification, re-opening, and extension of
22 orders.

23 (a) Except as otherwise provided in this Section, upon
24 motion by petitioner, petitioner's counsel, or the State's
25 Attorney on behalf of the petitioner, the court may modify a

1 protective order:

2 (1) If respondent has abused petitioner since the
3 hearing for that order, by adding or altering one or more
4 remedies, as authorized by Section 112A-14, 112A-14.5, or
5 112A-14.7 of this Code; and

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

8 (i) reserved in that protective order;

9 (ii) not requested for inclusion in that
10 protective order; or

11 (iii) denied on procedural grounds, but not on the
12 merits.

13 (a-5) A petitioner, petitioner's counsel, or the State's
14 Attorney on the petitioner's behalf may file a motion to
15 vacate or modify a final stalking or harassment no contact
16 order. The motion shall be served in accordance with Supreme
17 Court Rules 11 and 12.

18 (b) Upon motion by the petitioner, petitioner's counsel,
19 State's Attorney, or respondent, the court may modify any
20 prior domestic violence order of protection's remedy for
21 custody, visitation or payment of support in accordance with
22 the relevant provisions of the Illinois Marriage and
23 Dissolution of Marriage Act.

24 (c) After 30 days following the entry of a protective
25 order, a court may modify that order only when changes in the
26 applicable law or facts since that final order was entered

1 warrant a modification of its terms.

2 (d) (Blank).

3 (e) (Blank).

4 (f) (Blank).

5 (g) This Section does not limit the means, otherwise
6 available by law, for vacating or modifying protective orders.

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

8 (725 ILCS 5/112A-26) (from Ch. 38, par. 112A-26)

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

10 (a) Any law enforcement officer may make an arrest without
11 warrant if the officer has probable cause to believe that the
12 person has committed or is committing any crime, including but
13 not limited to violation of a domestic violence order of
14 protection, under Section 12-3.4 or 12-30 of the Criminal Code
15 of 1961 or the Criminal Code of 2012, violation of a civil no
16 contact order, under Section 11-1.75 of the Criminal Code of
17 2012, or violation of a stalking or harassment no contact
18 order, under Section 12-7.5A of the Criminal Code of 2012,
19 even if the crime was not committed in the presence of the
20 officer.

21 (b) The law enforcement officer may verify the existence
22 of a protective order by telephone or radio communication with
23 his or her law enforcement agency or by referring to the copy
24 of the order provided by petitioner or respondent.

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

1 (725 ILCS 5/112A-28) (from Ch. 38, par. 112A-28)

2 Sec. 112A-28. Data maintenance by law enforcement
3 agencies.

4 (a) All sheriffs shall furnish to the Illinois State
5 Police, daily, in the form and detail the Illinois State
6 Police requires, copies of any recorded protective orders
7 issued by the court, and any foreign protective orders,
8 including, but not limited to, an order of protection issued
9 by a military tribunal, filed by the clerk of the court, and
10 transmitted to the sheriff by the clerk of the court. Each
11 protective order shall be entered in the Law Enforcement
12 Agencies Data System on the same day it is issued by the court.

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

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

23 (1) any valid emergency, interim or plenary domestic
24 violence order of protection, civil no contact or stalking
25 or harassment no contact order issued in a civil

1 proceeding; and

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

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

6 Section 25. The Rights of Crime Victims and Witnesses Act
7 is amended by changing Section 3 as follows:

8 (725 ILCS 120/3) (from Ch. 38, par. 1403)

9 Sec. 3. The terms used in this Act shall have the following
10 meanings:

11 (a) "Crime victim" or "victim" means: (1) any natural
12 person determined by the prosecutor or the court to have
13 suffered direct physical or psychological harm as a result of
14 a violent crime perpetrated or attempted against that person
15 or direct physical or psychological harm as a result of (i) a
16 violation of Section 11-501 of the Illinois Vehicle Code or
17 similar provision of a local ordinance or (ii) a violation of
18 Section 9-3 of the Criminal Code of 1961 or the Criminal Code
19 of 2012; (2) in the case of a crime victim who is under 18
20 years of age or an adult victim who is incompetent or
21 incapacitated, both parents, legal guardians, foster parents,
22 or a single adult representative; (3) in the case of an adult
23 deceased victim, 2 representatives who may be the spouse,
24 parent, child or sibling of the victim, or the representative

1 of the victim's estate; and (4) an immediate family member of a
2 victim under clause (1) of this paragraph (a) chosen by the
3 victim. If the victim is 18 years of age or over, the victim
4 may choose any person to be the victim's representative. In no
5 event shall the defendant or any person who aided and abetted
6 in the commission of the crime be considered a victim, a crime
7 victim, or a representative of the victim.

8 A board, agency, or other governmental entity making
9 decisions regarding an offender's release, sentence reduction,
10 or clemency can determine additional persons are victims for
11 the purpose of its proceedings.

12 (a-3) "Advocate" means a person whose communications with
13 the victim are privileged under Section 8-802.1 or 8-802.2 of
14 the Code of Civil Procedure, or Section 227 of the Illinois
15 Domestic Violence Act of 1986.

16 (a-5) "Confer" means to consult together, share
17 information, compare opinions and carry on a discussion or
18 deliberation.

19 (a-7) "Sentence" includes, but is not limited to, the
20 imposition of sentence, a request for a reduction in sentence,
21 parole, mandatory supervised release, aftercare release, early
22 release, inpatient treatment, outpatient treatment,
23 conditional release after a finding that the defendant is not
24 guilty by reason of insanity, clemency, or a proposal that
25 would reduce the defendant's sentence or result in the
26 defendant's release. "Early release" refers to a discretionary

1 release.

2 (a-9) "Sentencing" includes, but is not limited to, the
3 imposition of sentence and a request for a reduction in
4 sentence, parole, mandatory supervised release, aftercare
5 release, early release, consideration of inpatient treatment
6 or outpatient treatment, or conditional release after a
7 finding that the defendant is not guilty by reason of
8 insanity.

9 (a-10) "Status hearing" means a hearing designed to
10 provide information to the court, at which no motion of a
11 substantive nature and no constitutional or statutory right of
12 a crime victim is implicated or at issue.

13 (b) "Witness" means: any person who personally observed
14 the commission of a crime and who will testify on behalf of the
15 State of Illinois; or a person who will be called by the
16 prosecution to give testimony establishing a necessary nexus
17 between the offender and the violent crime.

18 (c) "Violent crime" means: (1) any felony in which force
19 or threat of force was used against the victim; (2) any offense
20 involving sexual exploitation, sexual conduct, or sexual
21 penetration; (3) a violation of Section 11-20.1, 11-20.1B,
22 11-20.3, 11-23, or 11-23.5 of the Criminal Code of 1961 or the
23 Criminal Code of 2012; (4) domestic battery or stalking; (5)
24 violation of an order of protection, a civil no contact order,
25 or a stalking or harassment no contact order; (6) any
26 misdemeanor which results in death or great bodily harm to the

1 victim; or (7) any violation of Section 9-3 of the Criminal
2 Code of 1961 or the Criminal Code of 2012, or Section 11-501 of
3 the Illinois Vehicle Code, or a similar provision of a local
4 ordinance, if the violation resulted in personal injury or
5 death. "Violent crime" includes any action committed by a
6 juvenile that would be a violent crime if committed by an
7 adult. For the purposes of this paragraph, "personal injury"
8 shall include any Type A injury as indicated on the traffic
9 crash report completed by a law enforcement officer that
10 requires immediate professional attention in either a doctor's
11 office or medical facility. A type A injury shall include
12 severely bleeding wounds, distorted extremities, and injuries
13 that require the injured party to be carried from the scene.

14 (d) (Blank).

15 (e) "Court proceedings" includes, but is not limited to,
16 the preliminary hearing, any post-arraignment hearing the
17 effect of which may be the release of the defendant from
18 custody or to alter the conditions of bond, change of plea
19 hearing, the trial, any pretrial or post-trial hearing,
20 sentencing, any oral argument or hearing before an Illinois
21 appellate court, any hearing under the Mental Health and
22 Developmental Disabilities Code or Section 5-2-4 of the
23 Unified Code of Corrections after a finding that the defendant
24 is not guilty by reason of insanity, including a hearing for
25 conditional release, any hearing related to a modification of
26 sentence, probation revocation hearing, aftercare release or

1 parole hearings, post-conviction relief proceedings, habeas
2 corpus proceedings and clemency proceedings related to the
3 defendant's conviction or sentence. For purposes of the
4 victim's right to be present, "court proceedings" does not
5 include (1) grand jury proceedings, (2) status hearings, or
6 (3) the issuance of an order or decision of an Illinois court
7 that dismisses a charge, reverses a conviction, reduces a
8 sentence, or releases an offender under a court rule.

9 (f) "Concerned citizen" includes relatives of the victim,
10 friends of the victim, witnesses to the crime, or any other
11 person associated with the victim or prisoner.

12 (g) "Victim's attorney" means an attorney retained by the
13 victim for the purposes of asserting the victim's
14 constitutional and statutory rights. An attorney retained by
15 the victim means an attorney who is hired to represent the
16 victim at the victim's expense or an attorney who has agreed to
17 provide pro bono representation. Nothing in this statute
18 creates a right to counsel at public expense for a victim.

19 (h) "Support person" means a person chosen by a victim to
20 be present at court proceedings.

21 (Source: P.A. 102-982, eff. 7-1-23; 102-1104, eff. 1-1-23.)

22 Section 30. The Unified Code of Corrections is amended by
23 changing Sections 3-2.5-95 and 3-3-7 as follows:

24 (730 ILCS 5/3-2.5-95)

1 Sec. 3-2.5-95. Conditions of aftercare release.

2 (a) The conditions of aftercare release for all youth
3 committed to the Department under the Juvenile Court Act of
4 1987 shall be such as the Department of Juvenile Justice deems
5 necessary to assist the youth in leading a law-abiding life.
6 The conditions of every aftercare release are that the youth:

7 (1) not violate any criminal statute of any
8 jurisdiction during the aftercare release term;

9 (2) refrain from possessing a firearm or other
10 dangerous weapon;

11 (3) report to an agent of the Department;

12 (4) permit the agent or aftercare specialist to visit
13 the youth at his or her home, employment, or elsewhere to
14 the extent necessary for the agent or aftercare specialist
15 to discharge his or her duties;

16 (5) reside at a Department-approved host site;

17 (6) secure permission before visiting or writing a
18 committed person in an Illinois Department of Corrections
19 or Illinois Department of Juvenile Justice facility;

20 (7) report all arrests to an agent of the Department
21 as soon as permitted by the arresting authority but in no
22 event later than 24 hours after release from custody and
23 immediately report service or notification of an order of
24 protection, a civil no contact order, or a stalking or
25 harassment no contact order to an agent of the Department;

26 (8) obtain permission of an agent of the Department

1 before leaving the State of Illinois;

2 (9) obtain permission of an agent of the Department
3 before changing his or her residence or employment;

4 (10) consent to a search of his or her person,
5 property, or residence under his or her control;

6 (11) refrain from the use or possession of narcotics
7 or other controlled substances in any form, or both, or
8 any paraphernalia related to those substances and submit
9 to a urinalysis test as instructed by an agent of the
10 Department;

11 (12) not frequent places where controlled substances
12 are illegally sold, used, distributed, or administered;

13 (13) not knowingly associate with other persons on
14 parole, aftercare release, or mandatory supervised release
15 without prior written permission of his or her aftercare
16 specialist and not associate with persons who are members
17 of an organized gang as that term is defined in the
18 Illinois Streetgang Terrorism Omnibus Prevention Act;

19 (14) provide true and accurate information, as it
20 relates to his or her adjustment in the community while on
21 aftercare release or to his or her conduct while
22 incarcerated, in response to inquiries by an agent of the
23 Department;

24 (15) follow any specific instructions provided by the
25 agent that are consistent with furthering conditions set
26 and approved by the Department or by law to achieve the

1 goals and objectives of his or her aftercare release or to
2 protect the public; these instructions by the agent may be
3 modified at any time, as the agent deems appropriate;

4 (16) comply with the terms and conditions of an order
5 of protection issued under the Illinois Domestic Violence
6 Act of 1986; an order of protection issued by the court of
7 another state, tribe, or United States territory; a no
8 contact order issued under the Civil No Contact Order Act;
9 or a no contact order issued under the Stalking or
10 Harassment No Contact Order Act;

11 (17) if convicted of a sex offense as defined in the
12 Sex Offender Management Board Act, and a sex offender
13 treatment provider has evaluated and recommended further
14 sex offender treatment while on aftercare release, the
15 youth shall undergo treatment by a sex offender treatment
16 provider or associate sex offender provider as defined in
17 the Sex Offender Management Board Act at his or her
18 expense based on his or her ability to pay for the
19 treatment;

20 (18) if convicted of a sex offense as defined in the
21 Sex Offender Management Board Act, refrain from residing
22 at the same address or in the same condominium unit or
23 apartment unit or in the same condominium complex or
24 apartment complex with another person he or she knows or
25 reasonably should know is a convicted sex offender or has
26 been placed on supervision for a sex offense; the

1 provisions of this paragraph do not apply to a person
2 convicted of a sex offense who is placed in a Department of
3 Corrections licensed transitional housing facility for sex
4 offenders, or is in any facility operated or licensed by
5 the Department of Children and Family Services or by the
6 Department of Human Services, or is in any licensed
7 medical facility;

8 (19) if convicted for an offense that would qualify
9 the offender as a sexual predator under the Sex Offender
10 Registration Act wear an approved electronic monitoring
11 device as defined in Section 5-8A-2 for the duration of
12 the youth's aftercare release term and if convicted for an
13 offense of criminal sexual assault, aggravated criminal
14 sexual assault, predatory criminal sexual assault of a
15 child, criminal sexual abuse, aggravated criminal sexual
16 abuse, or ritualized abuse of a child when the victim was
17 under 18 years of age at the time of the commission of the
18 offense and the offender used force or the threat of force
19 in the commission of the offense wear an approved
20 electronic monitoring device as defined in Section 5-8A-2
21 that has Global Positioning System (GPS) capability for
22 the duration of the youth's aftercare release term;

23 (20) if convicted for an offense that would qualify
24 the offender as a child sex offender as defined in Section
25 11-9.3 or 11-9.4 of the Criminal Code of 1961 or the
26 Criminal Code of 2012, refrain from communicating with or

1 contacting, by means of the Internet, a person who is not
2 related to the offender and whom the offender reasonably
3 believes to be under 18 years of age; for purposes of this
4 paragraph (20), "Internet" has the meaning ascribed to it
5 in Section 16-0.1 of the Criminal Code of 2012; and a
6 person is not related to the offender if the person is not:
7 (A) the spouse, brother, or sister of the offender; (B) a
8 descendant of the offender; (C) a first or second cousin
9 of the offender; or (D) a step-child or adopted child of
10 the offender;

11 (21) if convicted under Section 11-6, 11-20.1,
12 11-20.1B, 11-20.3, or 11-21 of the Criminal Code of 1961
13 or the Criminal Code of 2012, consent to search of
14 computers, PDAs, cellular phones, and other devices under
15 his or her control that are capable of accessing the
16 Internet or storing electronic files, in order to confirm
17 Internet protocol addresses reported in accordance with
18 the Sex Offender Registration Act and compliance with
19 conditions in this Act;

20 (22) if convicted for an offense that would qualify
21 the offender as a sex offender or sexual predator under
22 the Sex Offender Registration Act, not possess
23 prescription drugs for erectile dysfunction;

24 (23) if convicted for an offense under Section 11-6,
25 11-9.1, 11-14.4 that involves soliciting for a juvenile
26 prostitute, 11-15.1, 11-20.1, 11-20.1B, 11-20.3, or 11-21

1 of the Criminal Code of 1961 or the Criminal Code of 2012,
2 or any attempt to commit any of these offenses:

3 (A) not access or use a computer or any other
4 device with Internet capability without the prior
5 written approval of the Department;

6 (B) submit to periodic unannounced examinations of
7 the youth's computer or any other device with Internet
8 capability by the youth's aftercare specialist, a law
9 enforcement officer, or assigned computer or
10 information technology specialist, including the
11 retrieval and copying of all data from the computer or
12 device and any internal or external peripherals and
13 removal of the information, equipment, or device to
14 conduct a more thorough inspection;

15 (C) submit to the installation on the youth's
16 computer or device with Internet capability, at the
17 youth's expense, of one or more hardware or software
18 systems to monitor the Internet use; and

19 (D) submit to any other appropriate restrictions
20 concerning the youth's use of or access to a computer
21 or any other device with Internet capability imposed
22 by the Department or the youth's aftercare specialist;

23 (24) if convicted of a sex offense as defined in the
24 Sex Offender Registration Act, refrain from accessing or
25 using a social networking website as defined in Section
26 17-0.5 of the Criminal Code of 2012;

1 (25) if convicted of a sex offense as defined in
2 Section 2 of the Sex Offender Registration Act that
3 requires the youth to register as a sex offender under
4 that Act, not knowingly use any computer scrub software on
5 any computer that the youth uses;

6 (26) if convicted of a sex offense as defined in
7 subsection (a-5) of Section 3-1-2 of this Code, unless the
8 youth is a parent or guardian of a person under 18 years of
9 age present in the home and no non-familial minors are
10 present, not participate in a holiday event involving
11 children under 18 years of age, such as distributing candy
12 or other items to children on Halloween, wearing a Santa
13 Claus costume on or preceding Christmas, being employed as
14 a department store Santa Claus, or wearing an Easter Bunny
15 costume on or preceding Easter;

16 (27) if convicted of a violation of an order of
17 protection under Section 12-3.4 or Section 12-30 of the
18 Criminal Code of 1961 or the Criminal Code of 2012, be
19 placed under electronic surveillance as provided in
20 Section 5-8A-7 of this Code; and

21 (28) if convicted of a violation of the
22 Methamphetamine Control and Community Protection Act, the
23 Methamphetamine Precursor Control Act, or a
24 methamphetamine related offense, be:

25 (A) prohibited from purchasing, possessing, or
26 having under his or her control any product containing

1 pseudoephedrine unless prescribed by a physician; and

2 (B) prohibited from purchasing, possessing, or
3 having under his or her control any product containing
4 ammonium nitrate.

5 (b) The Department may in addition to other conditions
6 require that the youth:

7 (1) work or pursue a course of study or vocational
8 training;

9 (2) undergo medical or psychiatric treatment, or
10 treatment for drug addiction or alcoholism;

11 (3) attend or reside in a facility established for the
12 instruction or residence of persons on probation or
13 aftercare release;

14 (4) support his or her dependents;

15 (5) if convicted for an offense that would qualify the
16 youth as a child sex offender as defined in Section 11-9.3
17 or 11-9.4 of the Criminal Code of 1961 or the Criminal Code
18 of 2012, refrain from communicating with or contacting, by
19 means of the Internet, a person who is related to the youth
20 and whom the youth reasonably believes to be under 18
21 years of age; for purposes of this paragraph (5),
22 "Internet" has the meaning ascribed to it in Section
23 16-0.1 of the Criminal Code of 2012; and a person is
24 related to the youth if the person is: (A) the spouse,
25 brother, or sister of the youth; (B) a descendant of the
26 youth; (C) a first or second cousin of the youth; or (D) a

1 step-child or adopted child of the youth;

2 (6) if convicted for an offense that would qualify as
3 a sex offense as defined in the Sex Offender Registration
4 Act:

5 (A) not access or use a computer or any other
6 device with Internet capability without the prior
7 written approval of the Department;

8 (B) submit to periodic unannounced examinations of
9 the youth's computer or any other device with Internet
10 capability by the youth's aftercare specialist, a law
11 enforcement officer, or assigned computer or
12 information technology specialist, including the
13 retrieval and copying of all data from the computer or
14 device and any internal or external peripherals and
15 removal of the information, equipment, or device to
16 conduct a more thorough inspection;

17 (C) submit to the installation on the youth's
18 computer or device with Internet capability, at the
19 youth's offender's expense, of one or more hardware or
20 software systems to monitor the Internet use; and

21 (D) submit to any other appropriate restrictions
22 concerning the youth's use of or access to a computer
23 or any other device with Internet capability imposed
24 by the Department or the youth's aftercare specialist;
25 and

26 (7) in addition to other conditions:

1 (A) reside with his or her parents or in a foster
2 home;

3 (B) attend school;

4 (C) attend a non-residential program for youth; or

5 (D) contribute to his or her own support at home or
6 in a foster home.

7 (c) In addition to the conditions under subsections (a)
8 and (b) of this Section, youths required to register as sex
9 offenders under the Sex Offender Registration Act, upon
10 release from the custody of the Department of Juvenile
11 Justice, may be required by the Department to comply with the
12 following specific conditions of release:

13 (1) reside only at a Department approved location;

14 (2) comply with all requirements of the Sex Offender
15 Registration Act;

16 (3) notify third parties of the risks that may be
17 occasioned by his or her criminal record;

18 (4) obtain the approval of an agent of the Department
19 prior to accepting employment or pursuing a course of
20 study or vocational training and notify the Department
21 prior to any change in employment, study, or training;

22 (5) not be employed or participate in any volunteer
23 activity that involves contact with children, except under
24 circumstances approved in advance and in writing by an
25 agent of the Department;

26 (6) be electronically monitored for a specified period

1 of time from the date of release as determined by the
2 Department;

3 (7) refrain from entering into a designated geographic
4 area except upon terms approved in advance by an agent of
5 the Department; these terms may include consideration of
6 the purpose of the entry, the time of day, and others
7 accompanying the youth;

8 (8) refrain from having any contact, including written
9 or oral communications, directly or indirectly, personally
10 or by telephone, letter, or through a third party with
11 certain specified persons including, but not limited to,
12 the victim or the victim's family without the prior
13 written approval of an agent of the Department;

14 (9) refrain from all contact, directly or indirectly,
15 personally, by telephone, letter, or through a third
16 party, with minor children without prior identification
17 and approval of an agent of the Department;

18 (10) neither possess or have under his or her control
19 any material that is sexually oriented, sexually
20 stimulating, or that shows male or female sex organs or
21 any pictures depicting children under 18 years of age nude
22 or any written or audio material describing sexual
23 intercourse or that depicts or alludes to sexual activity,
24 including, but not limited to, visual, auditory,
25 telephonic, or electronic media, or any matter obtained
26 through access to any computer or material linked to

1 computer access use;

2 (11) not patronize any business providing sexually
3 stimulating or sexually oriented entertainment nor utilize
4 "900" or adult telephone numbers;

5 (12) not reside near, visit, or be in or about parks,
6 schools, day care centers, swimming pools, beaches,
7 theaters, or any other places where minor children
8 congregate without advance approval of an agent of the
9 Department and immediately report any incidental contact
10 with minor children to the Department;

11 (13) not possess or have under his or her control
12 certain specified items of contraband related to the
13 incidence of sexually offending as determined by an agent
14 of the Department;

15 (14) may be required to provide a written daily log of
16 activities if directed by an agent of the Department;

17 (15) comply with all other special conditions that the
18 Department may impose that restrict the youth from
19 high-risk situations and limit access to potential
20 victims;

21 (16) take an annual polygraph exam;

22 (17) maintain a log of his or her travel; or

23 (18) obtain prior approval of an agent of the
24 Department before driving alone in a motor vehicle.

25 (d) The conditions under which the aftercare release is to
26 be served shall be communicated to the youth in writing prior

1 to his or her release, and he or she shall sign the same before
2 release. A signed copy of these conditions, including a copy
3 of an order of protection if one had been issued by the
4 criminal court, shall be retained by the youth and another
5 copy forwarded to the officer or aftercare specialist in
6 charge of his or her supervision.

7 (e) After a revocation hearing under Section 3-3-9.5, the
8 Department of Juvenile Justice may modify or enlarge the
9 conditions of aftercare release.

10 (f) The Department shall inform all youth of the optional
11 services available to them upon release and shall assist youth
12 in availing themselves of the optional services upon their
13 release on a voluntary basis.

14 (Source: P.A. 99-628, eff. 1-1-17.)

15 (730 ILCS 5/3-3-7) (from Ch. 38, par. 1003-3-7)

16 (Text of Section before amendment by P.A. 103-271)

17 Sec. 3-3-7. Conditions of parole or mandatory supervised
18 release.

19 (a) The conditions of parole or mandatory supervised
20 release shall be such as the Prisoner Review Board deems
21 necessary to assist the subject in leading a law-abiding life.
22 The conditions of every parole and mandatory supervised
23 release are that the subject:

24 (1) not violate any criminal statute of any
25 jurisdiction during the parole or release term;

1 (2) refrain from possessing a firearm or other
2 dangerous weapon;

3 (3) report to an agent of the Department of
4 Corrections;

5 (4) permit the agent to visit him or her at his or her
6 home, employment, or elsewhere to the extent necessary for
7 the agent to discharge his or her duties;

8 (5) attend or reside in a facility established for the
9 instruction or residence of persons on parole or mandatory
10 supervised release;

11 (6) secure permission before visiting or writing a
12 committed person in an Illinois Department of Corrections
13 facility;

14 (7) report all arrests to an agent of the Department
15 of Corrections as soon as permitted by the arresting
16 authority but in no event later than 24 hours after
17 release from custody and immediately report service or
18 notification of an order of protection, a civil no contact
19 order, or a stalking or harassment no contact order to an
20 agent of the Department of Corrections;

21 (7.5) if convicted of a sex offense as defined in the
22 Sex Offender Management Board Act, the individual shall
23 undergo and successfully complete sex offender treatment
24 conducted in conformance with the standards developed by
25 the Sex Offender Management Board Act by a treatment
26 provider approved by the Board;

1 (7.6) if convicted of a sex offense as defined in the
2 Sex Offender Management Board Act, refrain from residing
3 at the same address or in the same condominium unit or
4 apartment unit or in the same condominium complex or
5 apartment complex with another person he or she knows or
6 reasonably should know is a convicted sex offender or has
7 been placed on supervision for a sex offense; the
8 provisions of this paragraph do not apply to a person
9 convicted of a sex offense who is placed in a Department of
10 Corrections licensed transitional housing facility for sex
11 offenders, or is in any facility operated or licensed by
12 the Department of Children and Family Services or by the
13 Department of Human Services, or is in any licensed
14 medical facility;

15 (7.7) if convicted for an offense that would qualify
16 the accused as a sexual predator under the Sex Offender
17 Registration Act on or after January 1, 2007 (the
18 effective date of Public Act 94-988), wear an approved
19 electronic monitoring device as defined in Section 5-8A-2
20 for the duration of the person's parole, mandatory
21 supervised release term, or extended mandatory supervised
22 release term and if convicted for an offense of criminal
23 sexual assault, aggravated criminal sexual assault,
24 predatory criminal sexual assault of a child, criminal
25 sexual abuse, aggravated criminal sexual abuse, or
26 ritualized abuse of a child committed on or after August

1 11, 2009 (the effective date of Public Act 96-236) when
2 the victim was under 18 years of age at the time of the
3 commission of the offense and the defendant used force or
4 the threat of force in the commission of the offense wear
5 an approved electronic monitoring device as defined in
6 Section 5-8A-2 that has Global Positioning System (GPS)
7 capability for the duration of the person's parole,
8 mandatory supervised release term, or extended mandatory
9 supervised release term;

10 (7.8) if convicted for an offense committed on or
11 after June 1, 2008 (the effective date of Public Act
12 95-464) that would qualify the accused as a child sex
13 offender as defined in Section 11-9.3 or 11-9.4 of the
14 Criminal Code of 1961 or the Criminal Code of 2012,
15 refrain from communicating with or contacting, by means of
16 the Internet, a person who is not related to the accused
17 and whom the accused reasonably believes to be under 18
18 years of age; for purposes of this paragraph (7.8),
19 "Internet" has the meaning ascribed to it in Section
20 16-0.1 of the Criminal Code of 2012; and a person is not
21 related to the accused if the person is not: (i) the
22 spouse, brother, or sister of the accused; (ii) a
23 descendant of the accused; (iii) a first or second cousin
24 of the accused; or (iv) a step-child or adopted child of
25 the accused;

26 (7.9) if convicted under Section 11-6, 11-20.1,

1 11-20.1B, 11-20.3, or 11-21 of the Criminal Code of 1961
2 or the Criminal Code of 2012, consent to search of
3 computers, PDAs, cellular phones, and other devices under
4 his or her control that are capable of accessing the
5 Internet or storing electronic files, in order to confirm
6 Internet protocol addresses reported in accordance with
7 the Sex Offender Registration Act and compliance with
8 conditions in this Act;

9 (7.10) if convicted for an offense that would qualify
10 the accused as a sex offender or sexual predator under the
11 Sex Offender Registration Act on or after June 1, 2008
12 (the effective date of Public Act 95-640), not possess
13 prescription drugs for erectile dysfunction;

14 (7.11) if convicted for an offense under Section 11-6,
15 11-9.1, 11-14.4 that involves soliciting for a juvenile
16 prostitute, 11-15.1, 11-20.1, 11-20.1B, 11-20.3, or 11-21
17 of the Criminal Code of 1961 or the Criminal Code of 2012,
18 or any attempt to commit any of these offenses, committed
19 on or after June 1, 2009 (the effective date of Public Act
20 95-983):

21 (i) not access or use a computer or any other
22 device with Internet capability without the prior
23 written approval of the Department;

24 (ii) submit to periodic unannounced examinations
25 of the offender's computer or any other device with
26 Internet capability by the offender's supervising

1 agent, a law enforcement officer, or assigned computer
2 or information technology specialist, including the
3 retrieval and copying of all data from the computer or
4 device and any internal or external peripherals and
5 removal of such information, equipment, or device to
6 conduct a more thorough inspection;

7 (iii) submit to the installation on the offender's
8 computer or device with Internet capability, at the
9 offender's expense, of one or more hardware or
10 software systems to monitor the Internet use; and

11 (iv) submit to any other appropriate restrictions
12 concerning the offender's use of or access to a
13 computer or any other device with Internet capability
14 imposed by the Board, the Department or the offender's
15 supervising agent;

16 (7.12) if convicted of a sex offense as defined in the
17 Sex Offender Registration Act committed on or after
18 January 1, 2010 (the effective date of Public Act 96-262),
19 refrain from accessing or using a social networking
20 website as defined in Section 17-0.5 of the Criminal Code
21 of 2012;

22 (7.13) if convicted of a sex offense as defined in
23 Section 2 of the Sex Offender Registration Act committed
24 on or after January 1, 2010 (the effective date of Public
25 Act 96-362) that requires the person to register as a sex
26 offender under that Act, may not knowingly use any

1 computer scrub software on any computer that the sex
2 offender uses;

3 (8) obtain permission of an agent of the Department of
4 Corrections before leaving the State of Illinois;

5 (9) obtain permission of an agent of the Department of
6 Corrections before changing his or her residence or
7 employment;

8 (10) consent to a search of his or her person,
9 property, or residence under his or her control;

10 (11) refrain from the use or possession of narcotics
11 or other controlled substances in any form, or both, or
12 any paraphernalia related to those substances and submit
13 to a urinalysis test as instructed by a parole agent of the
14 Department of Corrections;

15 (12) not knowingly frequent places where controlled
16 substances are illegally sold, used, distributed, or
17 administered;

18 (13) except when the association described in either
19 subparagraph (A) or (B) of this paragraph (13) involves
20 activities related to community programs, worship
21 services, volunteering, engaging families, or some other
22 pro-social activity in which there is no evidence of
23 criminal intent:

24 (A) not knowingly associate with other persons on
25 parole or mandatory supervised release without prior
26 written permission of his or her parole agent; or

1 (B) not knowingly associate with persons who are
2 members of an organized gang as that term is defined in
3 the Illinois Streetgang Terrorism Omnibus Prevention
4 Act;

5 (14) provide true and accurate information, as it
6 relates to his or her adjustment in the community while on
7 parole or mandatory supervised release or to his or her
8 conduct while incarcerated, in response to inquiries by
9 his or her parole agent or of the Department of
10 Corrections;

11 (15) follow any specific instructions provided by the
12 parole agent that are consistent with furthering
13 conditions set and approved by the Prisoner Review Board
14 or by law, exclusive of placement on electronic detention,
15 to achieve the goals and objectives of his or her parole or
16 mandatory supervised release or to protect the public.
17 These instructions by the parole agent may be modified at
18 any time, as the agent deems appropriate;

19 (16) if convicted of a sex offense as defined in
20 subsection (a-5) of Section 3-1-2 of this Code, unless the
21 offender is a parent or guardian of the person under 18
22 years of age present in the home and no non-familial
23 minors are present, not participate in a holiday event
24 involving children under 18 years of age, such as
25 distributing candy or other items to children on
26 Halloween, wearing a Santa Claus costume on or preceding

1 Christmas, being employed as a department store Santa
2 Claus, or wearing an Easter Bunny costume on or preceding
3 Easter;

4 (17) if convicted of a violation of an order of
5 protection under Section 12-3.4 or Section 12-30 of the
6 Criminal Code of 1961 or the Criminal Code of 2012, be
7 placed under electronic surveillance as provided in
8 Section 5-8A-7 of this Code;

9 (18) comply with the terms and conditions of an order
10 of protection issued pursuant to the Illinois Domestic
11 Violence Act of 1986; an order of protection issued by the
12 court of another state, tribe, or United States territory;
13 a no contact order issued pursuant to the Civil No Contact
14 Order Act; or a no contact order issued pursuant to the
15 Stalking No Contact Order Act;

16 (19) if convicted of a violation of the
17 Methamphetamine Control and Community Protection Act, the
18 Methamphetamine Precursor Control Act, or a
19 methamphetamine related offense, be:

20 (A) prohibited from purchasing, possessing, or
21 having under his or her control any product containing
22 pseudoephedrine unless prescribed by a physician; and

23 (B) prohibited from purchasing, possessing, or
24 having under his or her control any product containing
25 ammonium nitrate;

26 (20) if convicted of a hate crime under Section 12-7.1

1 of the Criminal Code of 2012, perform public or community
2 service of no less than 200 hours and enroll in an
3 educational program discouraging hate crimes involving the
4 protected class identified in subsection (a) of Section
5 12-7.1 of the Criminal Code of 2012 that gave rise to the
6 offense the offender committed ordered by the court; and

7 (21) be evaluated by the Department of Corrections
8 prior to release using a validated risk assessment and be
9 subject to a corresponding level of supervision. In
10 accordance with the findings of that evaluation:

11 (A) All subjects found to be at a moderate or high
12 risk to recidivate, or on parole or mandatory
13 supervised release for first degree murder, a forcible
14 felony as defined in Section 2-8 of the Criminal Code
15 of 2012, any felony that requires registration as a
16 sex offender under the Sex Offender Registration Act,
17 or a Class X felony or Class 1 felony that is not a
18 violation of the Cannabis Control Act, the Illinois
19 Controlled Substances Act, or the Methamphetamine
20 Control and Community Protection Act, shall be subject
21 to high level supervision. The Department shall define
22 high level supervision based upon evidence-based and
23 research-based practices. Notwithstanding this
24 placement on high level supervision, placement of the
25 subject on electronic monitoring or detention shall
26 not occur unless it is required by law or expressly

1 ordered or approved by the Prisoner Review Board.

2 (B) All subjects found to be at a low risk to
3 recidivate shall be subject to low-level supervision,
4 except for those subjects on parole or mandatory
5 supervised release for first degree murder, a forcible
6 felony as defined in Section 2-8 of the Criminal Code
7 of 2012, any felony that requires registration as a
8 sex offender under the Sex Offender Registration Act,
9 or a Class X felony or Class 1 felony that is not a
10 violation of the Cannabis Control Act, the Illinois
11 Controlled Substances Act, or the Methamphetamine
12 Control and Community Protection Act. Low level
13 supervision shall require the subject to check in with
14 the supervising officer via phone or other electronic
15 means. Notwithstanding this placement on low level
16 supervision, placement of the subject on electronic
17 monitoring or detention shall not occur unless it is
18 required by law or expressly ordered or approved by
19 the Prisoner Review Board.

20 (b) The Board may in addition to other conditions require
21 that the subject:

22 (1) work or pursue a course of study or vocational
23 training;

24 (2) undergo medical or psychiatric treatment, or
25 treatment for drug addiction or alcoholism;

26 (3) attend or reside in a facility established for the

1 instruction or residence of persons on probation or
2 parole;

3 (4) support his or her dependents;

4 (5) (blank);

5 (6) (blank);

6 (7) (blank);

7 (7.5) if convicted for an offense committed on or
8 after the effective date of this amendatory Act of the
9 95th General Assembly that would qualify the accused as a
10 child sex offender as defined in Section 11-9.3 or 11-9.4
11 of the Criminal Code of 1961 or the Criminal Code of 2012,
12 refrain from communicating with or contacting, by means of
13 the Internet, a person who is related to the accused and
14 whom the accused reasonably believes to be under 18 years
15 of age; for purposes of this paragraph (7.5), "Internet"
16 has the meaning ascribed to it in Section 16-0.1 of the
17 Criminal Code of 2012; and a person is related to the
18 accused if the person is: (i) the spouse, brother, or
19 sister of the accused; (ii) a descendant of the accused;
20 (iii) a first or second cousin of the accused; or (iv) a
21 step-child or adopted child of the accused;

22 (7.6) if convicted for an offense committed on or
23 after June 1, 2009 (the effective date of Public Act
24 95-983) that would qualify as a sex offense as defined in
25 the Sex Offender Registration Act:

26 (i) not access or use a computer or any other

1 device with Internet capability without the prior
2 written approval of the Department;

3 (ii) submit to periodic unannounced examinations
4 of the offender's computer or any other device with
5 Internet capability by the offender's supervising
6 agent, a law enforcement officer, or assigned computer
7 or information technology specialist, including the
8 retrieval and copying of all data from the computer or
9 device and any internal or external peripherals and
10 removal of such information, equipment, or device to
11 conduct a more thorough inspection;

12 (iii) submit to the installation on the offender's
13 computer or device with Internet capability, at the
14 offender's expense, of one or more hardware or
15 software systems to monitor the Internet use; and

16 (iv) submit to any other appropriate restrictions
17 concerning the offender's use of or access to a
18 computer or any other device with Internet capability
19 imposed by the Board, the Department or the offender's
20 supervising agent; and

21 (8) in addition, if a minor:

22 (i) reside with his or her parents or in a foster
23 home;

24 (ii) attend school;

25 (iii) attend a non-residential program for youth;

26 or

1 (iv) contribute to his or her own support at home
2 or in a foster home.

3 (b-1) In addition to the conditions set forth in
4 subsections (a) and (b), persons required to register as sex
5 offenders pursuant to the Sex Offender Registration Act, upon
6 release from the custody of the Illinois Department of
7 Corrections, may be required by the Board to comply with the
8 following specific conditions of release:

9 (1) reside only at a Department approved location;

10 (2) comply with all requirements of the Sex Offender
11 Registration Act;

12 (3) notify third parties of the risks that may be
13 occasioned by his or her criminal record;

14 (4) obtain the approval of an agent of the Department
15 of Corrections prior to accepting employment or pursuing a
16 course of study or vocational training and notify the
17 Department prior to any change in employment, study, or
18 training;

19 (5) not be employed or participate in any volunteer
20 activity that involves contact with children, except under
21 circumstances approved in advance and in writing by an
22 agent of the Department of Corrections;

23 (6) be electronically monitored for a minimum of 12
24 months from the date of release as determined by the
25 Board;

26 (7) refrain from entering into a designated geographic

1 area except upon terms approved in advance by an agent of
2 the Department of Corrections. The terms may include
3 consideration of the purpose of the entry, the time of
4 day, and others accompanying the person;

5 (8) refrain from having any contact, including written
6 or oral communications, directly or indirectly, personally
7 or by telephone, letter, or through a third party with
8 certain specified persons including, but not limited to,
9 the victim or the victim's family without the prior
10 written approval of an agent of the Department of
11 Corrections;

12 (9) refrain from all contact, directly or indirectly,
13 personally, by telephone, letter, or through a third
14 party, with minor children without prior identification
15 and approval of an agent of the Department of Corrections;

16 (10) neither possess or have under his or her control
17 any material that is sexually oriented, sexually
18 stimulating, or that shows male or female sex organs or
19 any pictures depicting children under 18 years of age nude
20 or any written or audio material describing sexual
21 intercourse or that depicts or alludes to sexual activity,
22 including but not limited to visual, auditory, telephonic,
23 or electronic media, or any matter obtained through access
24 to any computer or material linked to computer access use;

25 (11) not patronize any business providing sexually
26 stimulating or sexually oriented entertainment nor utilize

1 "900" or adult telephone numbers;

2 (12) not reside near, visit, or be in or about parks,
3 schools, day care centers, swimming pools, beaches,
4 theaters, or any other places where minor children
5 congregate without advance approval of an agent of the
6 Department of Corrections and immediately report any
7 incidental contact with minor children to the Department;

8 (13) not possess or have under his or her control
9 certain specified items of contraband related to the
10 incidence of sexually offending as determined by an agent
11 of the Department of Corrections;

12 (14) may be required to provide a written daily log of
13 activities if directed by an agent of the Department of
14 Corrections;

15 (15) comply with all other special conditions that the
16 Department may impose that restrict the person from
17 high-risk situations and limit access to potential
18 victims;

19 (16) take an annual polygraph exam;

20 (17) maintain a log of his or her travel; or

21 (18) obtain prior approval of his or her parole
22 officer before driving alone in a motor vehicle.

23 (c) The conditions under which the parole or mandatory
24 supervised release is to be served shall be communicated to
25 the person in writing prior to his or her release, and he or
26 she shall sign the same before release. A signed copy of these

1 conditions, including a copy of an order of protection where
2 one had been issued by the criminal court, shall be retained by
3 the person and another copy forwarded to the officer in charge
4 of his or her supervision.

5 (d) After a hearing under Section 3-3-9, the Prisoner
6 Review Board may modify or enlarge the conditions of parole or
7 mandatory supervised release.

8 (e) The Department shall inform all offenders committed to
9 the Department of the optional services available to them upon
10 release and shall assist inmates in availing themselves of
11 such optional services upon their release on a voluntary
12 basis.

13 (f) (Blank).

14 (Source: P.A. 100-201, eff. 8-18-17; 100-260, eff. 1-1-18;
15 100-575, eff. 1-8-18; 101-382, eff. 8-16-19.)

16 (Text of Section after amendment by P.A. 103-271)

17 Sec. 3-3-7. Conditions of parole or mandatory supervised
18 release.

19 (a) The conditions of parole or mandatory supervised
20 release shall be such as the Prisoner Review Board deems
21 necessary to assist the subject in leading a law-abiding life.
22 The conditions of every parole and mandatory supervised
23 release are that the subject:

24 (1) not violate any criminal statute of any
25 jurisdiction during the parole or release term;

1 (2) refrain from possessing a firearm or other
2 dangerous weapon;

3 (3) report to an agent of the Department of
4 Corrections;

5 (4) permit the agent to visit him or her at his or her
6 home, employment, or elsewhere to the extent necessary for
7 the agent to discharge his or her duties;

8 (5) attend or reside in a facility established for the
9 instruction or residence of persons on parole or mandatory
10 supervised release;

11 (6) secure permission before visiting or writing a
12 committed person in an Illinois Department of Corrections
13 facility;

14 (7) report all arrests to an agent of the Department
15 of Corrections as soon as permitted by the arresting
16 authority but in no event later than 24 hours after
17 release from custody and immediately report service or
18 notification of an order of protection, a civil no contact
19 order, or a stalking or harassment no contact order to an
20 agent of the Department of Corrections;

21 (7.5) if convicted of a sex offense as defined in the
22 Sex Offender Management Board Act, the individual shall
23 undergo and successfully complete sex offender treatment
24 conducted in conformance with the standards developed by
25 the Sex Offender Management Board Act by a treatment
26 provider approved by the Board;

1 (7.6) if convicted of a sex offense as defined in the
2 Sex Offender Management Board Act, refrain from residing
3 at the same address or in the same condominium unit or
4 apartment unit or in the same condominium complex or
5 apartment complex with another person he or she knows or
6 reasonably should know is a convicted sex offender or has
7 been placed on supervision for a sex offense; the
8 provisions of this paragraph do not apply to a person
9 convicted of a sex offense who is placed in a Department of
10 Corrections licensed transitional housing facility for sex
11 offenders, or is in any facility operated or licensed by
12 the Department of Children and Family Services or by the
13 Department of Human Services, or is in any licensed
14 medical facility;

15 (7.7) if convicted for an offense that would qualify
16 the accused as a sexual predator under the Sex Offender
17 Registration Act on or after January 1, 2007 (the
18 effective date of Public Act 94-988), wear an approved
19 electronic monitoring device as defined in Section 5-8A-2
20 for the duration of the person's parole, mandatory
21 supervised release term, or extended mandatory supervised
22 release term and if convicted for an offense of criminal
23 sexual assault, aggravated criminal sexual assault,
24 predatory criminal sexual assault of a child, criminal
25 sexual abuse, aggravated criminal sexual abuse, or
26 ritualized abuse of a child committed on or after August

1 11, 2009 (the effective date of Public Act 96-236) when
2 the victim was under 18 years of age at the time of the
3 commission of the offense and the defendant used force or
4 the threat of force in the commission of the offense wear
5 an approved electronic monitoring device as defined in
6 Section 5-8A-2 that has Global Positioning System (GPS)
7 capability for the duration of the person's parole,
8 mandatory supervised release term, or extended mandatory
9 supervised release term;

10 (7.8) if convicted for an offense committed on or
11 after June 1, 2008 (the effective date of Public Act
12 95-464) that would qualify the accused as a child sex
13 offender as defined in Section 11-9.3 or 11-9.4 of the
14 Criminal Code of 1961 or the Criminal Code of 2012,
15 refrain from communicating with or contacting, by means of
16 the Internet, a person who is not related to the accused
17 and whom the accused reasonably believes to be under 18
18 years of age; for purposes of this paragraph (7.8),
19 "Internet" has the meaning ascribed to it in Section
20 16-0.1 of the Criminal Code of 2012; and a person is not
21 related to the accused if the person is not: (i) the
22 spouse, brother, or sister of the accused; (ii) a
23 descendant of the accused; (iii) a first or second cousin
24 of the accused; or (iv) a step-child or adopted child of
25 the accused;

26 (7.9) if convicted under Section 11-6, 11-20.1,

1 11-20.1B, 11-20.3, or 11-21 of the Criminal Code of 1961
2 or the Criminal Code of 2012, consent to search of
3 computers, PDAs, cellular phones, and other devices under
4 his or her control that are capable of accessing the
5 Internet or storing electronic files, in order to confirm
6 Internet protocol addresses reported in accordance with
7 the Sex Offender Registration Act and compliance with
8 conditions in this Act;

9 (7.10) if convicted for an offense that would qualify
10 the accused as a sex offender or sexual predator under the
11 Sex Offender Registration Act on or after June 1, 2008
12 (the effective date of Public Act 95-640), not possess
13 prescription drugs for erectile dysfunction;

14 (7.11) if convicted for an offense under Section 11-6,
15 11-9.1, 11-14.4 that involves soliciting for a juvenile
16 prostitute, 11-15.1, 11-20.1, 11-20.1B, 11-20.3, or 11-21
17 of the Criminal Code of 1961 or the Criminal Code of 2012,
18 or any attempt to commit any of these offenses, committed
19 on or after June 1, 2009 (the effective date of Public Act
20 95-983):

21 (i) not access or use a computer or any other
22 device with Internet capability without the prior
23 written approval of the Department;

24 (ii) submit to periodic unannounced examinations
25 of the offender's computer or any other device with
26 Internet capability by the offender's supervising

1 agent, a law enforcement officer, or assigned computer
2 or information technology specialist, including the
3 retrieval and copying of all data from the computer or
4 device and any internal or external peripherals and
5 removal of such information, equipment, or device to
6 conduct a more thorough inspection;

7 (iii) submit to the installation on the offender's
8 computer or device with Internet capability, at the
9 offender's expense, of one or more hardware or
10 software systems to monitor the Internet use; and

11 (iv) submit to any other appropriate restrictions
12 concerning the offender's use of or access to a
13 computer or any other device with Internet capability
14 imposed by the Board, the Department or the offender's
15 supervising agent;

16 (7.12) if convicted of a sex offense as defined in the
17 Sex Offender Registration Act committed on or after
18 January 1, 2010 (the effective date of Public Act 96-262),
19 refrain from accessing or using a social networking
20 website as defined in Section 17-0.5 of the Criminal Code
21 of 2012;

22 (7.13) if convicted of a sex offense as defined in
23 Section 2 of the Sex Offender Registration Act committed
24 on or after January 1, 2010 (the effective date of Public
25 Act 96-362) that requires the person to register as a sex
26 offender under that Act, may not knowingly use any

1 computer scrub software on any computer that the sex
2 offender uses;

3 (8) obtain permission of an agent of the Department of
4 Corrections before leaving the State of Illinois;

5 (9) obtain permission of an agent of the Department of
6 Corrections before changing his or her residence or
7 employment;

8 (10) consent to a search of his or her person,
9 property, or residence under his or her control;

10 (11) refrain from the use or possession of narcotics
11 or other controlled substances in any form, or both, or
12 any paraphernalia related to those substances and submit
13 to a urinalysis test as instructed by a parole agent of the
14 Department of Corrections if there is reasonable suspicion
15 of illicit drug use and the source of the reasonable
16 suspicion is documented in the Department's case
17 management system;

18 (12) not knowingly frequent places where controlled
19 substances are illegally sold, used, distributed, or
20 administered;

21 (13) except when the association described in either
22 subparagraph (A) or (B) of this paragraph (13) involves
23 activities related to community programs, worship
24 services, volunteering, engaging families, or some other
25 pro-social activity in which there is no evidence of
26 criminal intent:

1 (A) not knowingly associate with other persons on
2 parole or mandatory supervised release without prior
3 written permission of his or her parole agent; or

4 (B) not knowingly associate with persons who are
5 members of an organized gang as that term is defined in
6 the Illinois Streetgang Terrorism Omnibus Prevention
7 Act;

8 (14) provide true and accurate information, as it
9 relates to his or her adjustment in the community while on
10 parole or mandatory supervised release or to his or her
11 conduct while incarcerated, in response to inquiries by
12 his or her parole agent or of the Department of
13 Corrections;

14 (15) follow any specific instructions provided by the
15 parole agent that are consistent with furthering
16 conditions set and approved by the Prisoner Review Board
17 or by law, exclusive of placement on electronic detention,
18 to achieve the goals and objectives of his or her parole or
19 mandatory supervised release or to protect the public.
20 These instructions by the parole agent may be modified at
21 any time, as the agent deems appropriate;

22 (16) if convicted of a sex offense as defined in
23 subsection (a-5) of Section 3-1-2 of this Code, unless the
24 offender is a parent or guardian of the person under 18
25 years of age present in the home and no non-familial
26 minors are present, not participate in a holiday event

1 involving children under 18 years of age, such as
2 distributing candy or other items to children on
3 Halloween, wearing a Santa Claus costume on or preceding
4 Christmas, being employed as a department store Santa
5 Claus, or wearing an Easter Bunny costume on or preceding
6 Easter;

7 (17) if convicted of a violation of an order of
8 protection under Section 12-3.4 or Section 12-30 of the
9 Criminal Code of 1961 or the Criminal Code of 2012, be
10 placed under electronic surveillance as provided in
11 Section 5-8A-7 of this Code;

12 (18) comply with the terms and conditions of an order
13 of protection issued pursuant to the Illinois Domestic
14 Violence Act of 1986; an order of protection issued by the
15 court of another state, tribe, or United States territory;
16 a no contact order issued pursuant to the Civil No Contact
17 Order Act; or a no contact order issued pursuant to the
18 Stalking No Contact Order Act;

19 (19) if convicted of a violation of the
20 Methamphetamine Control and Community Protection Act, the
21 Methamphetamine Precursor Control Act, or a
22 methamphetamine related offense, be:

23 (A) prohibited from purchasing, possessing, or
24 having under his or her control any product containing
25 pseudoephedrine unless prescribed by a physician; and

26 (B) prohibited from purchasing, possessing, or

1 having under his or her control any product containing
2 ammonium nitrate;

3 (20) if convicted of a hate crime under Section 12-7.1
4 of the Criminal Code of 2012, perform public or community
5 service of no less than 200 hours and enroll in an
6 educational program discouraging hate crimes involving the
7 protected class identified in subsection (a) of Section
8 12-7.1 of the Criminal Code of 2012 that gave rise to the
9 offense the offender committed ordered by the court; and

10 (21) be evaluated by the Department of Corrections
11 prior to release using a validated risk assessment and be
12 subject to a corresponding level of supervision. In
13 accordance with the findings of that evaluation:

14 (A) All subjects found to be at a moderate or high
15 risk to recidivate, or on parole or mandatory
16 supervised release for first degree murder, a forcible
17 felony as defined in Section 2-8 of the Criminal Code
18 of 2012, any felony that requires registration as a
19 sex offender under the Sex Offender Registration Act,
20 or a Class X felony or Class 1 felony that is not a
21 violation of the Cannabis Control Act, the Illinois
22 Controlled Substances Act, or the Methamphetamine
23 Control and Community Protection Act, shall be subject
24 to high level supervision. The Department shall define
25 high level supervision based upon evidence-based and
26 research-based practices. Notwithstanding this

1 placement on high level supervision, placement of the
2 subject on electronic monitoring or detention shall
3 not occur unless it is required by law or expressly
4 ordered or approved by the Prisoner Review Board.

5 (B) All subjects found to be at a low risk to
6 recidivate shall be subject to low-level supervision,
7 except for those subjects on parole or mandatory
8 supervised release for first degree murder, a forcible
9 felony as defined in Section 2-8 of the Criminal Code
10 of 2012, any felony that requires registration as a
11 sex offender under the Sex Offender Registration Act,
12 or a Class X felony or Class 1 felony that is not a
13 violation of the Cannabis Control Act, the Illinois
14 Controlled Substances Act, or the Methamphetamine
15 Control and Community Protection Act. Low level
16 supervision shall require the subject to check in with
17 the supervising officer via phone or other electronic
18 means. Notwithstanding this placement on low level
19 supervision, placement of the subject on electronic
20 monitoring or detention shall not occur unless it is
21 required by law or expressly ordered or approved by
22 the Prisoner Review Board.

23 (b) The Board may after making an individualized
24 assessment pursuant to subsection (a) of Section 3-14-2 in
25 addition to other conditions require that the subject:

26 (1) work or pursue a course of study or vocational

1 training;

2 (2) undergo medical or psychiatric treatment, or
3 treatment for drug addiction or alcoholism;

4 (3) attend or reside in a facility established for the
5 instruction or residence of persons on probation or
6 parole;

7 (4) support his or her dependents;

8 (5) (blank);

9 (6) (blank);

10 (7) (blank);

11 (7.5) if convicted for an offense committed on or
12 after the effective date of this amendatory Act of the
13 95th General Assembly that would qualify the accused as a
14 child sex offender as defined in Section 11-9.3 or 11-9.4
15 of the Criminal Code of 1961 or the Criminal Code of 2012,
16 refrain from communicating with or contacting, by means of
17 the Internet, a person who is related to the accused and
18 whom the accused reasonably believes to be under 18 years
19 of age; for purposes of this paragraph (7.5), "Internet"
20 has the meaning ascribed to it in Section 16-0.1 of the
21 Criminal Code of 2012; and a person is related to the
22 accused if the person is: (i) the spouse, brother, or
23 sister of the accused; (ii) a descendant of the accused;
24 (iii) a first or second cousin of the accused; or (iv) a
25 step-child or adopted child of the accused;

26 (7.6) if convicted for an offense committed on or

1 after June 1, 2009 (the effective date of Public Act
2 95-983) that would qualify as a sex offense as defined in
3 the Sex Offender Registration Act:

4 (i) not access or use a computer or any other
5 device with Internet capability without the prior
6 written approval of the Department;

7 (ii) submit to periodic unannounced examinations
8 of the offender's computer or any other device with
9 Internet capability by the offender's supervising
10 agent, a law enforcement officer, or assigned computer
11 or information technology specialist, including the
12 retrieval and copying of all data from the computer or
13 device and any internal or external peripherals and
14 removal of such information, equipment, or device to
15 conduct a more thorough inspection;

16 (iii) submit to the installation on the offender's
17 computer or device with Internet capability, at the
18 offender's expense, of one or more hardware or
19 software systems to monitor the Internet use; and

20 (iv) submit to any other appropriate restrictions
21 concerning the offender's use of or access to a
22 computer or any other device with Internet capability
23 imposed by the Board, the Department or the offender's
24 supervising agent; and

25 (8) (blank).

26 (b-1) In addition to the conditions set forth in

1 subsections (a) and (b), persons required to register as sex
2 offenders pursuant to the Sex Offender Registration Act, upon
3 release from the custody of the Illinois Department of
4 Corrections, may be required by the Board to comply with the
5 following specific conditions of release following an
6 individualized assessment pursuant to subsection (a) of
7 Section 3-14-2:

8 (1) reside only at a Department approved location;

9 (2) comply with all requirements of the Sex Offender
10 Registration Act;

11 (3) notify third parties of the risks that may be
12 occasioned by his or her criminal record;

13 (4) obtain the approval of an agent of the Department
14 of Corrections prior to accepting employment or pursuing a
15 course of study or vocational training and notify the
16 Department prior to any change in employment, study, or
17 training;

18 (5) not be employed or participate in any volunteer
19 activity that involves contact with children, except under
20 circumstances approved in advance and in writing by an
21 agent of the Department of Corrections;

22 (6) be electronically monitored for a minimum of 12
23 months from the date of release as determined by the
24 Board;

25 (7) refrain from entering into a designated geographic
26 area except upon terms approved in advance by an agent of

1 the Department of Corrections. The terms may include
2 consideration of the purpose of the entry, the time of
3 day, and others accompanying the person;

4 (8) refrain from having any contact, including written
5 or oral communications, directly or indirectly, personally
6 or by telephone, letter, or through a third party with
7 certain specified persons including, but not limited to,
8 the victim or the victim's family without the prior
9 written approval of an agent of the Department of
10 Corrections;

11 (9) refrain from all contact, directly or indirectly,
12 personally, by telephone, letter, or through a third
13 party, with minor children without prior identification
14 and approval of an agent of the Department of Corrections;

15 (10) neither possess or have under his or her control
16 any material that is sexually oriented, sexually
17 stimulating, or that shows male or female sex organs or
18 any pictures depicting children under 18 years of age nude
19 or any written or audio material describing sexual
20 intercourse or that depicts or alludes to sexual activity,
21 including but not limited to visual, auditory, telephonic,
22 or electronic media, or any matter obtained through access
23 to any computer or material linked to computer access use;

24 (11) not patronize any business providing sexually
25 stimulating or sexually oriented entertainment nor utilize
26 "900" or adult telephone numbers;

1 (12) not reside near, visit, or be in or about parks,
2 schools, day care centers, swimming pools, beaches,
3 theaters, or any other places where minor children
4 congregate without advance approval of an agent of the
5 Department of Corrections and immediately report any
6 incidental contact with minor children to the Department;

7 (13) not possess or have under his or her control
8 certain specified items of contraband related to the
9 incidence of sexually offending as determined by an agent
10 of the Department of Corrections;

11 (14) may be required to provide a written daily log of
12 activities if directed by an agent of the Department of
13 Corrections;

14 (15) comply with all other special conditions that the
15 Department may impose that restrict the person from
16 high-risk situations and limit access to potential
17 victims;

18 (16) take an annual polygraph exam;

19 (17) maintain a log of his or her travel; or

20 (18) obtain prior approval of his or her parole
21 officer before driving alone in a motor vehicle.

22 (c) The conditions under which the parole or mandatory
23 supervised release is to be served shall be communicated to
24 the person in writing prior to his or her release, and he or
25 she shall sign the same before release. A signed copy of these
26 conditions, including a copy of an order of protection where

1 one had been issued by the criminal court, shall be retained by
2 the person and another copy forwarded to the officer in charge
3 of his or her supervision.

4 (d) After a hearing under Section 3-3-9, the Prisoner
5 Review Board may modify or enlarge the conditions of parole or
6 mandatory supervised release.

7 (e) The Department shall inform all offenders committed to
8 the Department of the optional services available to them upon
9 release and shall assist inmates in availing themselves of
10 such optional services upon their release on a voluntary
11 basis.

12 (f) (Blank).

13 (Source: P.A. 103-271, eff. 1-1-24.)

14 Section 35. The Code of Civil Procedure is amended by
15 changing Section 21-103 as follows:

16 (735 ILCS 5/21-103)

17 (Text of Section before amendment by P.A. 102-1133)

18 Sec. 21-103. Notice by publication.

19 (a) Previous notice shall be given of the intended
20 application by publishing a notice thereof in some newspaper
21 published in the municipality in which the person resides if
22 the municipality is in a county with a population under
23 2,000,000, or if the person does not reside in a municipality
24 in a county with a population under 2,000,000, or if no

1 newspaper is published in the municipality or if the person
2 resides in a county with a population of 2,000,000 or more,
3 then in some newspaper published in the county where the
4 person resides, or if no newspaper is published in that
5 county, then in some convenient newspaper published in this
6 State. The notice shall be inserted for 3 consecutive weeks
7 after filing, the first insertion to be at least 6 weeks before
8 the return day upon which the petition is to be heard, and
9 shall be signed by the petitioner or, in case of a minor, the
10 minor's parent or guardian, and shall set forth the return day
11 of court on which the petition is to be heard and the name
12 sought to be assumed.

13 (b) The publication requirement of subsection (a) shall
14 not be required in any application for a change of name
15 involving a minor if, before making judgment under this
16 Article, reasonable notice and opportunity to be heard is
17 given to any parent whose parental rights have not been
18 previously terminated and to any person who has physical
19 custody of the child. If any of these persons are outside this
20 State, notice and opportunity to be heard shall be given under
21 Section 21-104.

22 (b-3) The publication requirement of subsection (a) shall
23 not be required in any application for a change of name
24 involving a person who has received a judgment of ~~for~~
25 dissolution of marriage or declaration of invalidity of
26 marriage and wishes to change his or her name to resume the use

1 of his or her former or maiden name.

2 (b-5) Upon motion, the court may issue an order directing
3 that the notice and publication requirement be waived for a
4 change of name involving a person who files with the court a
5 written declaration that the person believes that publishing
6 notice of the name change would put the person at risk of
7 physical harm or discrimination. The person must provide
8 evidence to support the claim that publishing notice of the
9 name change would put the person at risk of physical harm or
10 discrimination.

11 (c) The Director of the Illinois State Police or his or her
12 designee may apply to the circuit court for an order directing
13 that the notice and publication requirements of this Section
14 be waived if the Director or his or her designee certifies that
15 the name change being sought is intended to protect a witness
16 during and following a criminal investigation or proceeding.

17 (c-1) The court may enter a written order waiving the
18 publication requirement of subsection (a) if:

19 (i) the petitioner is 18 years of age or older; and

20 (ii) concurrent with the petition, the petitioner
21 files with the court a statement, verified under oath as
22 provided under Section 1-109 of this Code, attesting that
23 the petitioner is or has been a person protected under the
24 Illinois Domestic Violence Act of 1986, the Stalking or
25 Harassment No Contact Order Act, the Civil No Contact
26 Order Act, Article 112A of the Code of Criminal Procedure

1 of 1963, a condition of pretrial release under subsections
2 (b) through (d) of Section 110-10 of the Code of Criminal
3 Procedure of 1963, or a similar provision of a law in
4 another state or jurisdiction.

5 The petitioner may attach to the statement any supporting
6 documents, including relevant court orders.

7 (c-2) If the petitioner files a statement attesting that
8 disclosure of the petitioner's address would put the
9 petitioner or any member of the petitioner's family or
10 household at risk or reveal the confidential address of a
11 shelter for domestic violence victims, that address may be
12 omitted from all documents filed with the court, and the
13 petitioner may designate an alternative address for service.

14 (c-3) Court administrators may allow domestic abuse
15 advocates, rape crisis advocates, and victim advocates to
16 assist petitioners in the preparation of name changes under
17 subsection (c-1).

18 (c-4) If the publication requirements of subsection (a)
19 have been waived, the circuit court shall enter an order
20 impounding the case.

21 (d) The maximum rate charged for publication of a notice
22 under this Section may not exceed the lowest classified rate
23 paid by commercial users for comparable space in the newspaper
24 in which the notice appears and shall include all cash
25 discounts, multiple insertion discounts, and similar benefits
26 extended to the newspaper's regular customers.

1 (Source: P.A. 101-81, eff. 7-12-19; 101-203, eff. 1-1-20;
2 101-652, eff. 1-1-23; 102-538, eff. 8-20-21; 102-813, eff.
3 5-13-22; revised 3-6-23.)

4 (Text of Section after amendment by P.A. 102-1133)

5 Sec. 21-103. Notice by publication.

6 (a) Previous notice shall be given of the intended
7 application by publishing a notice thereof in some newspaper
8 published in the municipality in which the person resides if
9 the municipality is in a county with a population under
10 2,000,000, or if the person does not reside in a municipality
11 in a county with a population under 2,000,000, or if no
12 newspaper is published in the municipality or if the person
13 resides in a county with a population of 2,000,000 or more,
14 then in some newspaper published in the county where the
15 person resides, or if no newspaper is published in that
16 county, then in some convenient newspaper published in this
17 State. The notice shall be inserted for 3 consecutive weeks
18 after filing, the first insertion to be at least 6 weeks before
19 the return day upon which the petition is to be heard, and
20 shall be signed by the petitioner or, in case of a minor, the
21 minor's parent or guardian, and shall set forth the return day
22 of court on which the petition is to be heard and the name
23 sought to be assumed.

24 (b) The publication requirement of subsection (a) shall
25 not be required in any application for a change of name

1 involving a minor if, before making judgment under this
2 Article, reasonable notice and opportunity to be heard is
3 given to any parent whose parental rights have not been
4 previously terminated and to any person who has physical
5 custody of the child. If any of these persons are outside this
6 State, notice and opportunity to be heard shall be given under
7 Section 21-104.

8 (b-3) The publication requirement of subsection (a) shall
9 not be required in any application for a change of name
10 involving a person who has received a judgment of ~~for~~
11 dissolution of marriage or declaration of invalidity of
12 marriage and wishes to change his or her name to resume the use
13 of his or her former or maiden name.

14 (b-5) The court may issue an order directing that the
15 notice and publication requirement be waived for a change of
16 name involving a person who files with the court a statement,
17 verified under oath as provided under Section 1-109 of this
18 Code, that the person believes that publishing notice of the
19 name change would be a hardship, including, but not limited
20 to, a negative impact on the person's health or safety.

21 (b-6) In a case where waiver of the notice and publication
22 requirement is sought, the petition for waiver is presumed
23 granted and heard at the same hearing as the petition for name
24 change. The court retains discretion to determine whether a
25 hardship is shown and may order the petitioner to publish
26 thereafter.

1 (c) The Director of the Illinois State Police or his or her
2 designee may apply to the circuit court for an order directing
3 that the notice and publication requirements of this Section
4 be waived if the Director or his or her designee certifies that
5 the name change being sought is intended to protect a witness
6 during and following a criminal investigation or proceeding.

7 (c-1) The court may also enter a written order waiving the
8 publication requirement of subsection (a) if:

9 (i) the petitioner is 18 years of age or older; and

10 (ii) concurrent with the petition, the petitioner
11 files with the court a statement, verified under oath as
12 provided under Section 1-109 of this Code, attesting that
13 the petitioner is or has been a person protected under the
14 Illinois Domestic Violence Act of 1986, the Stalking or
15 Harassment No Contact Order Act, the Civil No Contact
16 Order Act, Article 112A of the Code of Criminal Procedure
17 of 1963, a condition of pretrial release under subsections
18 (b) through (d) of Section 110-10 of the Code of Criminal
19 Procedure of 1963, or a similar provision of a law in
20 another state or jurisdiction.

21 The petitioner may attach to the statement any supporting
22 documents, including relevant court orders.

23 (c-2) If the petitioner files a statement attesting that
24 disclosure of the petitioner's address would put the
25 petitioner or any member of the petitioner's family or
26 household at risk or reveal the confidential address of a

1 shelter for domestic violence victims, that address may be
2 omitted from all documents filed with the court, and the
3 petitioner may designate an alternative address for service.

4 (c-3) Court administrators may allow domestic abuse
5 advocates, rape crisis advocates, and victim advocates to
6 assist petitioners in the preparation of name changes under
7 subsection (c-1).

8 (c-4) If the publication requirements of subsection (a)
9 have been waived, the circuit court shall enter an order
10 impounding the case.

11 (d) The maximum rate charged for publication of a notice
12 under this Section may not exceed the lowest classified rate
13 paid by commercial users for comparable space in the newspaper
14 in which the notice appears and shall include all cash
15 discounts, multiple insertion discounts, and similar benefits
16 extended to the newspaper's regular customers.

17 (Source: P.A. 101-81, eff. 7-12-19; 101-203, eff. 1-1-20;
18 101-652, eff. 1-1-23; 102-538, eff. 8-20-21; 102-813, eff.
19 5-13-22; 102-1133, eff. 1-1-24; revised 3-6-23.)

20 Section 40. The Stalking No Contact Order Act is amended
21 by changing the title of the Act and Sections 1, 10, 15, 20,
22 25, 30, 40, 45, 55, 60, 70, 75, 80, 85, 90, 95, 100, 105, 110,
23 115, 117, 120, 125, 130, and 135 as follows:

24 (740 ILCS 21/Act title)

1 An Act in relation to no contact orders ~~stalking~~.

2 (740 ILCS 21/1)

3 Sec. 1. Short title. This Act may be cited as the Stalking
4 or Harassment No Contact Order Act.

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

6 (740 ILCS 21/10)

7 Sec. 10. Definitions. For the purposes of this Act:

8 "Course of conduct" means 2 or more acts, including but
9 not limited to acts in which a respondent directly,
10 indirectly, or through third parties, by any action, method,
11 device, or means follows, monitors, observes, surveils, or
12 threatens a person, workplace, school, or place of worship,
13 engages in other contact, or interferes with or damages a
14 person's property or pet. A course of conduct may include
15 contact via electronic communications. The incarceration of a
16 person in a penal institution who commits the course of
17 conduct is not a bar to prosecution under this Section.

18 "Emotional distress" means significant mental suffering,
19 anxiety or alarm.

20 "Contact" includes any contact with the victim, that is
21 initiated or continued without the victim's consent, or that
22 is in disregard of the victim's expressed desire that the
23 contact be avoided or discontinued, including but not limited
24 to being in the physical presence of the victim; appearing

1 within the sight of the victim; approaching or confronting the
2 victim in a public place or on private property; appearing at
3 the workplace or residence of the victim; entering onto or
4 remaining on property owned, leased, or occupied by the
5 victim; placing an object on, or delivering an object to,
6 property owned, leased, or occupied by the victim; electronic
7 communication as defined in Section 26.5-0.1 of the Criminal
8 Code of 2012; and appearing at the prohibited workplace,
9 school, or place of worship.

10 "Harassment" means violence or threats of violence or
11 death, including a single act, directed at a specific person
12 which would cause a reasonable person to (i) fear for the
13 person's safety, the safety of a workplace, school, or place
14 of worship, or the safety of a third person or (ii) suffer
15 emotional distress.

16 "Petitioner" means any named petitioner for the stalking
17 or harassment no contact order or any named victim of stalking
18 on whose behalf the petition is brought. "Petitioner" includes
19 an authorized agent of a place of employment, an authorized
20 agent of a place of worship, or an authorized agent of a
21 school.

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

25 "Stalking" means engaging in a course of conduct directed
26 at a specific person, and he or she knows or should know that

1 this course of conduct would cause a reasonable person to fear
2 for his or her safety, the safety of a workplace, school, or
3 place of worship, or the safety of a third person or suffer
4 emotional distress. Stalking does not include an exercise of
5 the right to free speech or assembly that is otherwise lawful
6 or picketing occurring at the workplace that is otherwise
7 lawful and arises out of a bona fide labor dispute, including
8 any controversy concerning wages, salaries, hours, working
9 conditions or benefits, including health and welfare, sick
10 leave, insurance, and pension or retirement provisions, the
11 making or maintaining of collective bargaining agreements, and
12 the terms to be included in those agreements.

13 "Stalking or harassment no contact order" means an
14 emergency order or plenary order granted under this Act, which
15 includes a remedy authorized by Section 80 of this Act.

16 (Source: P.A. 102-220, eff. 1-1-22.)

17 (740 ILCS 21/15)

18 Sec. 15. Persons protected by this Act. A petition for a
19 stalking or harassment no contact order may be filed when
20 relief is not available to the petitioner under the Illinois
21 Domestic Violence Act of 1986:

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

23 (2) by a person on behalf of a minor child or an adult
24 who is a victim of stalking but, because of age,
25 disability, health, or inaccessibility, cannot file the

1 petition;

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

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

4 (5) by an authorized agent of a school.

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

6 (740 ILCS 21/20)

7 (Text of Section before amendment by P.A. 103-166)

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

9 (a) An action for a stalking or harassment no contact
10 order is commenced:

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

14 (2) in conjunction with a delinquency petition or a
15 criminal prosecution as provided in Article 112A of the
16 Code of Criminal Procedure of 1963.

17 (a-1) A petition for a stalking or harassment no contact
18 order may be filed in person or online.

19 (a-5) When a petition for an emergency stalking or
20 harassment no contact order is filed, the petition and file
21 shall not be public and shall only be accessible to the court,
22 law enforcement, petitioner, victim advocate, counsel of
23 record for either party, and State's Attorney for the county
24 until the petition is served on the respondent.

25 (b) Withdrawal or dismissal of any petition for a stalking

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

12 (c) No fee shall be charged by the clerk of the court for
13 filing petitions or modifying or certifying orders. No fee
14 shall be charged by the sheriff for service by the sheriff of a
15 petition, rule, motion, or order in an action commenced under
16 this Section.

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

20 (Source: P.A. 102-831, eff. 5-13-22; 102-853, eff. 1-1-23;
21 103-154, eff. 6-30-23.)

22 (Text of Section after amendment by P.A. 103-166)

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

24 (a) An action for a stalking or harassment no contact
25 order is commenced:

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

4 (2) in conjunction with a delinquency petition or a
5 criminal prosecution as provided in Article 112A of the
6 Code of Criminal Procedure of 1963.

7 (a-1) A petition for a stalking or harassment no contact
8 order may be filed in person or online.

9 (a-5) When a petition for an emergency stalking or
10 harassment no contact order is filed, the petition and file
11 shall not be public and shall only be accessible to the court,
12 law enforcement, petitioner, victim advocate, counsel of
13 record for either party, and State's Attorney for the county
14 until the petition is served on the respondent.

15 Accessibility to the petition and file under this
16 subsection prior to the petition being served on the
17 respondent shall be in accordance with Section 5 of the Court
18 Record and Document Accessibility Act.

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

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

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

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

14 (Source: P.A. 102-831, eff. 5-13-22; 102-853, eff. 1-1-23;
15 103-154, eff. 6-30-23; 103-166, eff. 1-1-24.)

16 (740 ILCS 21/25)

17 Sec. 25. Pleading; non-disclosure of address.

18 (a) A petition for a stalking or harassment no contact
19 order shall be in writing and verified or accompanied by
20 affidavit and shall allege that the petitioner has been the
21 victim of stalking by the respondent.

22 (b) If the petition states that disclosure of the
23 petitioner's address would risk abuse of the petitioner or any
24 member of the petitioner's family or household, that address
25 may be omitted from all documents filed with the court. If the

1 petitioner has not disclosed an address under this subsection,
2 the petitioner shall designate an alternative address at which
3 the respondent may serve notice of any motions.

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

5 (740 ILCS 21/30)

6 Sec. 30. Application of rules of civil procedure; victim
7 advocates.

8 (a) Any proceeding to obtain, modify, reopen or appeal a
9 stalking or harassment no contact order shall be governed by
10 the rules of civil procedure of this State. The standard of
11 proof in such a proceeding is proof by a preponderance of the
12 evidence. The Code of Civil Procedure and Supreme Court and
13 local court rules applicable to civil proceedings shall apply,
14 except as otherwise provided by this Act.

15 (b) In circuit courts, victim advocates shall be allowed
16 to accompany the petitioner and confer with the petitioner,
17 unless otherwise directed by the court. Court administrators
18 shall allow victim advocates to assist victims of stalking in
19 the preparation of petitions for stalking or harassment no
20 contact orders. Victim advocates are not engaged in the
21 unauthorized practice of law when providing assistance of the
22 types specified in this subsection (b).

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

24 (740 ILCS 21/40)

1 Sec. 40. Trial by jury. There shall be no right to trial by
2 jury in any proceeding to obtain, modify, vacate or extend any
3 stalking or harassment no contact order under this Act.
4 However, nothing in this Section shall deny any existing right
5 to trial by jury in a criminal proceeding.

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

7 (740 ILCS 21/45)

8 Sec. 45. Subject matter jurisdiction. Each of the circuit
9 courts has the power to issue stalking or harassment no
10 contact orders.

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

12 (740 ILCS 21/55)

13 Sec. 55. Venue. A petition for a stalking or harassment no
14 contact order may be filed in any county where (1) the
15 petitioner resides, (2) the respondent resides, or (3) one or
16 more acts of the alleged stalking occurred.

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

18 (740 ILCS 21/60)

19 Sec. 60. Process.

20 (a) Any action for a stalking or harassment no contact
21 order requires that a separate summons be issued and served.
22 The summons shall be in the form prescribed by Supreme Court
23 Rule 101(d), except that it shall require the respondent to

1 answer or appear within 7 days. Attachments to the summons or
2 notice shall include the petition for stalking or harassment
3 no contact order and supporting affidavits, if any, and any
4 emergency stalking or harassment no contact order that has
5 been issued.

6 (b) The summons shall be served by the sheriff or other law
7 enforcement officer at the earliest time and shall take
8 precedence over other summonses except those of a similar
9 emergency nature. Special process servers may be appointed at
10 any time, and their designation shall not affect the
11 responsibilities and authority of the sheriff or other
12 official process servers.

13 (c) Service of process on a member of the respondent's
14 household or by publication shall be adequate if: (1) the
15 petitioner has made all reasonable efforts to accomplish
16 actual service of process personally upon the respondent, but
17 the respondent cannot be found to effect such service; and (2)
18 the petitioner files an affidavit or presents sworn testimony
19 as to those efforts.

20 (d) A plenary stalking or harassment no contact order may
21 be entered by default for the remedy sought in the petition, if
22 the respondent has been served or given notice in accordance
23 with subsection (a) and if the respondent then fails to appear
24 as directed or fails to appear on any subsequent appearance or
25 hearing date agreed to by the parties or set by the court.

26 (e) If an order is granted under subsection (c) of Section

1 95, the court shall immediately file a certified copy of the
2 order with the sheriff or other law enforcement official
3 charged with maintaining Department of State Police records.

4 (Source: P.A. 101-508, eff. 1-1-20.)

5 (740 ILCS 21/70)

6 Sec. 70. Hearings.

7 (a) A petition for a stalking or harassment no contact
8 order shall be treated as an expedited proceeding, and no
9 court may transfer or otherwise decline to decide all or part
10 of such petition. Nothing in this Section shall prevent the
11 court from reserving issues if jurisdiction or notice
12 requirements are not met.

13 (b) A court in a county with a population above 250,000
14 shall offer the option of a remote hearing to a petitioner for
15 a stalking or harassment no contact order. The court has the
16 discretion to grant or deny the request for a remote hearing.
17 Each court shall determine the procedure for a remote hearing.
18 The petitioner and respondent may appear remotely or in
19 person.

20 The court shall issue and publish a court order, standing
21 order, or local rule detailing information about the process
22 for requesting and participating in a remote court appearance.
23 The court order, standing order, or local rule shall be
24 published on the court's website and posted on signs
25 throughout the courthouse, including in the clerk's office.

1 The sign shall be written in plain language and include
2 information about the availability of remote court appearances
3 and the process for requesting a remote hearing.

4 (Source: P.A. 102-853, eff. 1-1-23; 103-154, eff. 6-30-23.)

5 (740 ILCS 21/75)

6 Sec. 75. Continuances.

7 (a) Petitions for emergency remedies shall be granted or
8 denied in accordance with the standards of Section 100,
9 regardless of the respondent's appearance or presence in
10 court.

11 (b) Any action for a stalking or harassment no contact
12 order is an expedited proceeding. Continuances shall be
13 granted only for good cause shown and kept to the minimum
14 reasonable duration, taking into account the reasons for the
15 continuance.

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

17 (740 ILCS 21/80)

18 Sec. 80. Stalking or harassment no contact orders;
19 remedies.

20 (a) If the court finds that the petitioner has been a
21 victim of stalking, a stalking or harassment no contact order
22 shall issue; provided that the petitioner must also satisfy
23 the requirements of Section 95 on emergency orders or Section
24 100 on plenary orders. The petitioner shall not be denied a

1 stalking or harassment no contact order because the petitioner
2 or the respondent is a minor. The court, when determining
3 whether or not to issue a stalking or harassment no contact
4 order, may not require physical injury on the person of the
5 petitioner. Modification and extension of prior stalking or
6 harassment no contact orders shall be in accordance with this
7 Act.

8 (b) A stalking or harassment no contact order shall order
9 one or more of the following:

10 (1) prohibit the respondent from threatening to commit
11 or committing stalking;

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

15 (3) prohibit the respondent from knowingly coming
16 within, or knowingly remaining within a specified distance
17 of the petitioner or the petitioner's residence, school,
18 daycare, or place of employment, or any specified place
19 frequented by the petitioner; however, the court may order
20 the respondent to stay away from the respondent's own
21 residence, school, or place of employment only if the
22 respondent has been provided actual notice of the
23 opportunity to appear and be heard on the petition;

24 (4) prohibit the respondent from possessing a Firearm
25 Owners Identification Card, or possessing or buying
26 firearms; and

1 (5) order other injunctive relief the court determines
2 to be necessary to protect the petitioner or third party
3 specifically named by the court.

4 (b-5) When the petitioner and the respondent attend the
5 same public, private, or non-public elementary, middle, or
6 high school, the court when issuing a stalking or harassment
7 no contact order and providing relief shall consider the
8 severity of the act, any continuing physical danger or
9 emotional distress to the petitioner, the educational rights
10 guaranteed to the petitioner and respondent under federal and
11 State law, the availability of a transfer of the respondent to
12 another school, a change of placement or a change of program of
13 the respondent, the expense, difficulty, and educational
14 disruption that would be caused by a transfer of the
15 respondent to another school, and any other relevant facts of
16 the case. The court may order that the respondent not attend
17 the public, private, or non-public elementary, middle, or high
18 school attended by the petitioner, order that the respondent
19 accept a change of placement or program, as determined by the
20 school district or private or non-public school, or place
21 restrictions on the respondent's movements within the school
22 attended by the petitioner. The respondent bears the burden of
23 proving by a preponderance of the evidence that a transfer,
24 change of placement, or change of program of the respondent is
25 not available. The respondent also bears the burden of
26 production with respect to the expense, difficulty, and

1 educational disruption that would be caused by a transfer of
2 the respondent to another school. A transfer, change of
3 placement, or change of program is not unavailable to the
4 respondent solely on the ground that the respondent does not
5 agree with the school district's or private or non-public
6 school's transfer, change of placement, or change of program
7 or solely on the ground that the respondent fails or refuses to
8 consent to or otherwise does not take an action required to
9 effectuate a transfer, change of placement, or change of
10 program. When a court orders a respondent to stay away from the
11 public, private, or non-public school attended by the
12 petitioner and the respondent requests a transfer to another
13 attendance center within the respondent's school district or
14 private or non-public school, the school district or private
15 or non-public school shall have sole discretion to determine
16 the attendance center to which the respondent is transferred.
17 In the event the court order results in a transfer of the minor
18 respondent to another attendance center, a change in the
19 respondent's placement, or a change of the respondent's
20 program, the parents, guardian, or legal custodian of the
21 respondent is responsible for transportation and other costs
22 associated with the transfer or change.

23 (b-6) The court may order the parents, guardian, or legal
24 custodian of a minor respondent to take certain actions or to
25 refrain from taking certain actions to ensure that the
26 respondent complies with the order. In the event the court

1 orders a transfer of the respondent to another school, the
2 parents, guardian, or legal custodian of the respondent are
3 responsible for transportation and other costs associated with
4 the change of school by the respondent.

5 (b-7) The court shall not hold a school district or
6 private or non-public school or any of its employees in civil
7 or criminal contempt unless the school district or private or
8 non-public school has been allowed to intervene.

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

16 (c) The court may award the petitioner costs and attorneys
17 fees if a stalking or harassment no contact order is granted.

18 (d) Monetary damages are not recoverable as a remedy.

19 (e) If the stalking or harassment no contact order
20 prohibits the respondent from possessing a Firearm Owner's
21 Identification Card, or possessing or buying firearms; the
22 court shall confiscate the respondent's Firearm Owner's
23 Identification Card and immediately return the card to the
24 Illinois State Police Firearm Owner's Identification Card
25 Office.

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

1 (740 ILCS 21/85)

2 Sec. 85. Mutual stalking or harassment no contact orders
3 are prohibited. Correlative separate orders undermine the
4 purposes of this Act. If separate orders are sought, both must
5 comply with all provisions of this Act.

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

7 (740 ILCS 21/90)

8 Sec. 90. Accountability for actions of others. For the
9 purposes of issuing a stalking or harassment no contact order,
10 deciding what remedies should be included and enforcing the
11 order, Article 5 of the Criminal Code of 2012 shall govern
12 whether respondent is legally accountable for the conduct of
13 another person.

14 (Source: P.A. 96-246, eff. 1-1-10; 97-1150, eff. 1-25-13.)

15 (740 ILCS 21/95)

16 (Text of Section before amendment by P.A. 103-166)

17 Sec. 95. Emergency stalking or harassment no contact
18 order.

19 (a) An emergency stalking or harassment no contact order
20 shall issue if the petitioner satisfies the requirements of
21 this subsection (a). The petitioner shall establish that:

22 (1) the court has jurisdiction under Section 50;

23 (2) the requirements of Section 80 are satisfied; and

1 (3) there is good cause to grant the remedy,
2 regardless of prior service of process or of notice upon
3 the respondent, because the harm which that remedy is
4 intended to prevent would be likely to occur if the
5 respondent were given any prior notice, or greater notice
6 than was actually given, of the petitioner's efforts to
7 obtain judicial relief.

8 An emergency stalking or harassment no contact order shall
9 be issued by the court if it appears from the contents of the
10 petition and the examination of the petitioner that the
11 averments are sufficient to indicate stalking by the
12 respondent and to support the granting of relief under the
13 issuance of the stalking or harassment no contact order.

14 An emergency stalking or harassment no contact order shall
15 be issued if the court finds that items (1), (2), and (3) of
16 this subsection (a) are met.

17 (a-5) When a petition for an emergency stalking or
18 harassment no contact order is granted, the petition, order,
19 and file shall not be public and shall only be accessible to
20 the court, law enforcement, petitioner, victim advocate,
21 counsel of record for either party, and the State's Attorney
22 for the county until the order is served on the respondent.

23 (b) If the respondent appears in court for this hearing
24 for an emergency order, he or she may elect to file a general
25 appearance and testify. Any resulting order may be an
26 emergency order, governed by this Section. Notwithstanding the

1 requirements of this Section, if all requirements of Section
2 100 have been met, the court may issue a plenary order.

3 (c) Emergency orders; court holidays and evenings.

4 (1) When the court is unavailable at the close of
5 business, the petitioner may file a petition for a 21-day
6 emergency order before any available circuit judge or
7 associate judge who may grant relief under this Act. If
8 the judge finds that there is an immediate and present
9 danger of abuse against the petitioner and that the
10 petitioner has satisfied the prerequisites set forth in
11 subsection (a), that judge may issue an emergency stalking
12 or harassment no contact order.

13 (2) The chief judge of the circuit court may designate
14 for each county in the circuit at least one judge to be
15 reasonably available to issue orally, by telephone, by
16 facsimile, or otherwise, an emergency stalking or
17 harassment no contact order at all times, whether or not
18 the court is in session.

19 (3) Any order issued under this Section and any
20 documentation in support of the order shall be certified
21 on the next court day to the appropriate court. The clerk
22 of that court shall immediately assign a case number, file
23 the petition, order, and other documents with the court,
24 and enter the order of record and file it with the sheriff
25 for service, in accordance with Section 60. Filing the
26 petition shall commence proceedings for further relief

1 under Section 20. Failure to comply with the requirements
2 of this paragraph (3) does not affect the validity of the
3 order.

4 (Source: P.A. 101-255, eff. 1-1-20; 102-831, eff. 5-13-22.)

5 (Text of Section after amendment by P.A. 103-166)

6 Sec. 95. Emergency stalking or harassment no contact
7 order.

8 (a) An emergency stalking or harassment no contact order
9 shall issue if the petitioner satisfies the requirements of
10 this subsection (a). The petitioner shall establish that:

11 (1) the court has jurisdiction under Section 50;

12 (2) the requirements of Section 80 are satisfied; and

13 (3) there is good cause to grant the remedy,
14 regardless of prior service of process or of notice upon
15 the respondent, because the harm which that remedy is
16 intended to prevent would be likely to occur if the
17 respondent were given any prior notice, or greater notice
18 than was actually given, of the petitioner's efforts to
19 obtain judicial relief.

20 An emergency stalking or harassment no contact order shall
21 be issued by the court if it appears from the contents of the
22 petition and the examination of the petitioner that the
23 averments are sufficient to indicate stalking by the
24 respondent and to support the granting of relief under the
25 issuance of the stalking or harassment no contact order.

1 An emergency stalking or harassment no contact order shall
2 be issued if the court finds that items (1), (2), and (3) of
3 this subsection (a) are met.

4 (a-5) When a petition for an emergency stalking or
5 harassment no contact order is granted, the petition, order,
6 and file shall not be public and shall only be accessible to
7 the court, law enforcement, petitioner, victim advocate,
8 counsel of record for either party, and State's Attorney for
9 the county until the order is served on the respondent.

10 Accessibility to the petition, order, and file under this
11 subsection prior to the petition being served on the
12 respondent shall be in accordance with Section 5 of the Court
13 Record and Document Accessibility Act.

14 (b) If the respondent appears in court for this hearing
15 for an emergency order, he or she may elect to file a general
16 appearance and testify. Any resulting order may be an
17 emergency order, governed by this Section. Notwithstanding the
18 requirements of this Section, if all requirements of Section
19 100 have been met, the court may issue a plenary order.

20 (c) Emergency orders; court holidays and evenings.

21 (1) When the court is unavailable at the close of
22 business, the petitioner may file a petition for a 21-day
23 emergency order before any available circuit judge or
24 associate judge who may grant relief under this Act. If
25 the judge finds that there is an immediate and present
26 danger of abuse against the petitioner and that the

1 petitioner has satisfied the prerequisites set forth in
2 subsection (a), that judge may issue an emergency stalking
3 or harassment no contact order.

4 (2) The chief judge of the circuit court may designate
5 for each county in the circuit at least one judge to be
6 reasonably available to issue orally, by telephone, by
7 facsimile, or otherwise, an emergency stalking or
8 harassment no contact order at all times, whether or not
9 the court is in session.

10 (3) Any order issued under this Section and any
11 documentation in support of the order shall be certified
12 on the next court day to the appropriate court. The clerk
13 of that court shall immediately assign a case number, file
14 the petition, order, and other documents with the court,
15 and enter the order of record and file it with the sheriff
16 for service, in accordance with Section 60. Filing the
17 petition shall commence proceedings for further relief
18 under Section 20. Failure to comply with the requirements
19 of this paragraph (3) does not affect the validity of the
20 order.

21 (Source: P.A. 102-831, eff. 5-13-22; 103-166, eff. 1-1-24.)

22 (740 ILCS 21/100)

23 Sec. 100. Plenary stalking or harassment no contact order.
24 A plenary stalking or harassment no contact order shall issue
25 if the petitioner has served notice of the hearing for that

1 order on the respondent, in accordance with Section 65, and
2 satisfies the requirements of this Section. The petitioner
3 must establish that:

4 (1) the court has jurisdiction under Section 50;

5 (2) the requirements of Section 80 are satisfied;

6 (3) a general appearance was made or filed by or for
7 the respondent or process was served on the respondent in
8 the manner required by Section 60; and

9 (4) the respondent has answered or is in default.

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

11 (740 ILCS 21/105)

12 Sec. 105. Duration and extension of orders.

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

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

23 (c) Any emergency or plenary order may be extended one or
24 more times, as required, provided that the requirements of
25 Section 95 or 100, as appropriate, are satisfied. If the

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

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

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

18 (Source: P.A. 100-199, eff. 1-1-18.)

19 (740 ILCS 21/110)

20 Sec. 110. Contents of orders.

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

1 (b) A stalking or harassment no contact order shall
2 further state the following:

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

5 (2) The date and time the stalking or harassment no
6 contact order was issued, whether it is an emergency or
7 plenary order, and the duration of the order.

8 (3) The date, time, and place for any scheduled
9 hearing for extension of that stalking or harassment no
10 contact order or for another order of greater duration or
11 scope.

12 (4) For each remedy in an emergency stalking or
13 harassment no contact order, the reason for entering that
14 remedy without prior notice to the respondent or greater
15 notice than was actually given.

16 (5) For emergency stalking or harassment no contact
17 orders, that the respondent may petition the court, in
18 accordance with Section 120, to reopen the order if he or
19 she did not receive actual prior notice of the hearing as
20 required under Section 65 of this Act and if the
21 respondent alleges that he or she had a meritorious
22 defense to the order or that the order or its remedy is not
23 authorized by this Act.

24 (c) A stalking or harassment no contact order shall
25 include the following notice, printed in conspicuous type: "An
26 initial knowing violation of a stalking or harassment no

1 contact order is a Class A misdemeanor. Any second or
2 subsequent knowing violation is a Class 4 felony."

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

4 (740 ILCS 21/115)

5 Sec. 115. Notice of orders.

6 (a) Upon issuance of any stalking or harassment no contact
7 order, the clerk shall immediately:

8 (1) enter the order on the record and file it in
9 accordance with the circuit court procedures; and

10 (2) provide a file stamped copy of the order to the
11 respondent, if present, and to the petitioner.

12 (b) The clerk of the issuing judge shall, or the
13 petitioner may, on the same day that a stalking or harassment
14 no contact order is issued, file a certified copy of that order
15 with the sheriff or other law enforcement officials charged
16 with maintaining Illinois State Police records or charged with
17 serving the order upon the respondent. If the respondent, at
18 the time of the issuance of the order, is committed to the
19 custody of the Illinois Department of Corrections or Illinois
20 Department of Juvenile Justice or is on parole, aftercare
21 release, or mandatory supervised release, the sheriff or other
22 law enforcement officials charged with maintaining Illinois
23 State Police records shall notify the Department of
24 Corrections or Department of Juvenile Justice within 48 hours
25 of receipt of a copy of the stalking or harassment no contact

1 order from the clerk of the issuing judge or the petitioner.
2 Such notice shall include the name of the respondent, the
3 respondent's IDOC inmate number or IDJJ youth identification
4 number, the respondent's date of birth, and the LEADS Record
5 Index Number.

6 (c) Unless the respondent was present in court when the
7 order was issued, the sheriff, other law enforcement official,
8 or special process server shall promptly serve that order upon
9 the respondent and file proof of such service in the manner
10 provided for service of process in civil proceedings. Instead
11 of serving the order upon the respondent, however, the
12 sheriff, other law enforcement official, special process
13 server, or other persons defined in Section 117 may serve the
14 respondent with a short form notification as provided in
15 Section 117. If process has not yet been served upon the
16 respondent, it shall be served with the order or short form
17 notification if such service is made by the sheriff, other law
18 enforcement official, or special process server.

19 (d) If the person against whom the stalking or harassment
20 no contact order is issued is arrested and the written order is
21 issued in accordance with subsection (c) of Section 95 and
22 received by the custodial law enforcement agency before the
23 respondent or arrestee is released from custody, the custodial
24 law enforcement agent shall promptly serve the order upon the
25 respondent or arrestee before the respondent or arrestee is
26 released from custody. In no event shall detention of the

1 respondent or arrestee be extended for hearing on the petition
2 for stalking or harassment no contact order or receipt of the
3 order issued under Section 95 of this Act.

4 (e) Any order extending, modifying, or revoking any
5 stalking or harassment no contact order shall be promptly
6 recorded, issued, and served as provided in this Section.

7 (f) Upon the request of the petitioner, within 24 hours of
8 the issuance of a stalking or harassment no contact order, the
9 clerk of the issuing judge shall send written notice of the
10 order along with a certified copy of the order to any school,
11 daycare, college, or university at which the petitioner is
12 enrolled.

13 (Source: P.A. 101-508, eff. 1-1-20; 102-538, eff. 8-20-21.)

14 (740 ILCS 21/117)

15 Sec. 117. Short form notification.

16 (a) Instead of personal service of a stalking or
17 harassment no contact order under Section 115, a sheriff,
18 other law enforcement official, special process server, or
19 personnel assigned by the Department of Corrections or
20 Department of Juvenile Justice to investigate the alleged
21 misconduct of committed persons or alleged violations of a
22 parolee's or releasee's conditions of parole, aftercare
23 release, or mandatory supervised release may serve a
24 respondent with a short form notification. The short form
25 notification must include the following items:

- 1 (1) The respondent's name.
- 2 (2) The respondent's date of birth, if known.
- 3 (3) The petitioner's name.
- 4 (4) The names of other protected parties.
- 5 (5) The date and county in which the stalking or
- 6 harassment no contact order was filed.
- 7 (6) The court file number.
- 8 (7) The hearing date and time, if known.
- 9 (8) The conditions that apply to the respondent,
- 10 either in checklist form or handwritten.

11 (b) The short form notification must contain the following
12 notice in bold print:

13 "The order is now enforceable. You must report to the
14 office of the sheriff or the office of the circuit court in
15 (name of county) County to obtain a copy of the order. You are
16 subject to arrest and may be charged with a misdemeanor or
17 felony if you violate any of the terms of the order."

18 (c) Upon verification of the identity of the respondent
19 and the existence of an unserved order against the respondent,
20 a sheriff or other law enforcement official may detain the
21 respondent for a reasonable time necessary to complete and
22 serve the short form notification.

23 (d) When service is made by short form notification under
24 this Section, it may be proved by the affidavit of the person
25 making the service.

26 (e) The Attorney General shall make the short form

1 notification form available to law enforcement agencies in
2 this State.

3 (f) A single short form notification form may be used for
4 orders of protection under the Illinois Domestic Violence Act
5 of 1986, stalking or harassment no contact orders under this
6 Act, and civil no contact orders under the Civil No Contact
7 Order Act.

8 (Source: P.A. 97-1017, eff. 1-1-13; 98-558, eff. 1-1-14.)

9 (740 ILCS 21/120)

10 Sec. 120. Modification; reopening of orders.

11 (a) Except as otherwise provided in this Section, upon
12 motion by the petitioner, the court may modify an emergency or
13 plenary stalking or harassment no contact order by altering
14 the remedy, subject to Section 80.

15 (b) After 30 days following entry of a plenary stalking or
16 harassment no contact order, a court may modify that order
17 only when a change in the applicable law or facts since that
18 plenary order was entered warrants a modification of its
19 terms.

20 (c) Upon 2 days' notice to the petitioner, or such shorter
21 notice as the court may prescribe, a respondent subject to an
22 emergency stalking or harassment no contact order issued under
23 this Act may appear and petition the court to rehear the
24 original or amended petition. Any petition to rehear shall be
25 verified and shall allege the following:

1 (1) that the respondent did not receive prior notice
2 of the initial hearing in which the emergency order was
3 entered under Sections 65 and 95; and

4 (2) that the respondent had a meritorious defense to
5 the order or any of its remedies or that the order or any
6 of its remedies was not authorized by this Act.

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

8 (740 ILCS 21/125)

9 Sec. 125. Violation. An initial knowing violation of a
10 stalking or harassment no contact order is a Class A
11 misdemeanor. A second or subsequent knowing violation is a
12 Class 4 felony.

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

14 (740 ILCS 21/130)

15 Sec. 130. Arrest without warrant.

16 (a) Any law enforcement officer may make an arrest without
17 warrant if the officer has probable cause to believe that the
18 person has committed or is committing a violation of a
19 stalking or harassment no contact order.

20 (b) The law enforcement officer may verify the existence
21 of a stalking or harassment no contact order by telephone or
22 radio communication with his or her law enforcement agency or
23 by referring to the copy of the order provided by the
24 petitioner or the respondent.

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

2 (740 ILCS 21/135)

3 Sec. 135. Data maintenance by law enforcement agencies.

4 (a) All sheriffs shall furnish to the Illinois State
5 Police, on the same day as received, in the form and detail the
6 Department requires, copies of any recorded emergency or
7 plenary stalking or harassment no contact orders issued by the
8 court and transmitted to the sheriff by the clerk of the court
9 in accordance with subsection (b) of Section 115 of this Act.
10 Each stalking or harassment no contact order shall be entered
11 in the Law Enforcement Agencies Data System on the same day it
12 is issued by the court. If an emergency stalking or harassment
13 no contact order was issued in accordance with subsection (c)
14 of Section 100, the order shall be entered in the Law
15 Enforcement Agencies Data System as soon as possible after
16 receipt from the clerk of the court.

17 (b) The Illinois State Police shall maintain a complete
18 and systematic record and index of all valid and recorded
19 stalking or harassment no contact orders issued under this
20 Act. The data shall be used to inform all dispatchers and law
21 enforcement officers at the scene of an alleged incident of
22 stalking or violation of a stalking or harassment no contact
23 order of any recorded prior incident of stalking involving the
24 petitioner and the effective dates and terms of any recorded
25 stalking or harassment no contact order.

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

2 Section 45. The Civil No Contact Order Act is amended by
3 changing Section 218.1 as follows:

4 (740 ILCS 22/218.1)

5 Sec. 218.1. Short form notification.

6 (a) Instead of personal service of a civil no contact
7 order under Section 218, a sheriff, other law enforcement
8 official, special process server, or personnel assigned by the
9 Department of Corrections or Department of Juvenile Justice to
10 investigate the alleged misconduct of committed persons or
11 alleged violations of a parolee's or releasee's conditions of
12 parole, aftercare release, or mandatory supervised release may
13 serve a respondent with a short form notification. The short
14 form notification must include the following items:

15 (1) The respondent's name.

16 (2) The respondent's date of birth, if known.

17 (3) The petitioner's name.

18 (4) The names of other protected parties.

19 (5) The date and county in which the civil no contact
20 order was filed.

21 (6) The court file number.

22 (7) The hearing date and time, if known.

23 (8) The conditions that apply to the respondent,
24 either in checklist form or handwritten.

1 (b) The short form notification must contain the following
2 notice in bold print:

3 "The order is now enforceable. You must report to the
4 office of the sheriff or the office of the circuit court in
5 (name of county) County to obtain a copy of the order. You are
6 subject to arrest and may be charged with a misdemeanor or
7 felony if you violate any of the terms of the order."

8 (c) Upon verification of the identity of the respondent
9 and the existence of an unserved order against the respondent,
10 a sheriff or other law enforcement official may detain the
11 respondent for a reasonable time necessary to complete and
12 serve the short form notification.

13 (d) When service is made by short form notification under
14 this Section, it may be proved by the affidavit of the person
15 making the service.

16 (e) The Attorney General shall make the short form
17 notification form available to law enforcement agencies in
18 this State.

19 (f) A single short form notification form may be used for
20 orders of protection under the Illinois Domestic Violence Act
21 of 1986, stalking or harassment no contact orders under the
22 Stalking or Harassment No Contact Order Act, and civil no
23 contact orders under this Act.

24 (Source: P.A. 97-1017, eff. 1-1-13; 98-558, eff. 1-1-14.)

25 Section 50. The Crime Victims Compensation Act is amended

1 by changing Sections 2 and 6.1 as follows:

2 (740 ILCS 45/2)

3 Sec. 2. Definitions. As used in this Act, unless the
4 context otherwise requires:

5 (a) "Applicant" means any person who applies for
6 compensation under this Act or any person the Court of Claims
7 or the Attorney General finds is entitled to compensation,
8 including the guardian of a minor or of a person under legal
9 disability. It includes any person who was a dependent of a
10 deceased victim of a crime of violence for his or her support
11 at the time of the death of that victim.

12 The changes made to this subsection by Public Act 101-652
13 apply to actions commenced or pending on or after January 1,
14 2022.

15 (b) "Court of Claims" means the Court of Claims created by
16 the Court of Claims Act.

17 (c) "Crime of violence" means and includes any offense
18 defined in Sections 9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.2, 10-1,
19 10-2, 10-9, 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60,
20 11-11, 11-19.2, 11-20.1, 11-20.1B, 11-20.3, 11-23, 11-23.5,
21 12-1, 12-2, 12-3, 12-3.1, 12-3.2, 12-3.3, 12-3.4, 12-4,
22 12-4.1, 12-4.2, 12-4.3, 12-5, 12-7.1, 12-7.3, 12-7.4, 12-13,
23 12-14, 12-14.1, 12-15, 12-16, 12-20.5, 12-30, 20-1 or 20-1.1,
24 or Section 12-3.05 except for subdivision (a)(4) or (g)(1), or
25 subdivision (a)(4) of Section 11-14.4, of the Criminal Code of

1 1961 or the Criminal Code of 2012, Sections 1(a) and 1(a-5) of
2 the Cemetery Protection Act, Section 125 of the Stalking or
3 Harassment No Contact Order Act, Section 219 of the Civil No
4 Contact Order Act, driving under the influence as defined in
5 Section 11-501 of the Illinois Vehicle Code, a violation of
6 Section 11-401 of the Illinois Vehicle Code, provided the
7 victim was a pedestrian or was operating a vehicle moved
8 solely by human power or a mobility device at the time of
9 contact, and a violation of Section 11-204.1 of the Illinois
10 Vehicle Code; so long as the offense did not occur during a
11 civil riot, insurrection or rebellion. "Crime of violence"
12 does not include any other offense or crash involving a motor
13 vehicle except those vehicle offenses specifically provided
14 for in this paragraph. "Crime of violence" does include all of
15 the offenses specifically provided for in this paragraph that
16 occur within this State but are subject to federal
17 jurisdiction and crimes involving terrorism as defined in 18
18 U.S.C. 2331.

19 (d) "Victim" means (1) a person killed or injured in this
20 State as a result of a crime of violence perpetrated or
21 attempted against him or her, (2) the spouse, parent, or child
22 of a person killed or injured in this State as a result of a
23 crime of violence perpetrated or attempted against the person,
24 or anyone living in the household of a person killed or injured
25 in a relationship that is substantially similar to that of a
26 parent, spouse, or child, (3) a person killed or injured in

1 this State while attempting to assist a person against whom a
2 crime of violence is being perpetrated or attempted, if that
3 attempt of assistance would be expected of a reasonable person
4 under the circumstances, (4) a person killed or injured in
5 this State while assisting a law enforcement official
6 apprehend a person who has perpetrated a crime of violence or
7 prevent the perpetration of any such crime if that assistance
8 was in response to the express request of the law enforcement
9 official, (5) a person who personally witnessed a violent
10 crime, (5.05) a person who will be called as a witness by the
11 prosecution to establish a necessary nexus between the
12 offender and the violent crime, (5.1) solely for the purpose
13 of compensating for pecuniary loss incurred for psychological
14 treatment of a mental or emotional condition caused or
15 aggravated by the crime, any other person under the age of 18
16 who is the brother, sister, half brother, or half sister of a
17 person killed or injured in this State as a result of a crime
18 of violence, (6) an Illinois resident who is a victim of a
19 "crime of violence" as defined in this Act except, if the crime
20 occurred outside this State, the resident has the same rights
21 under this Act as if the crime had occurred in this State upon
22 a showing that the state, territory, country, or political
23 subdivision of a country in which the crime occurred does not
24 have a compensation of victims of crimes law for which that
25 Illinois resident is eligible, (7) a deceased person whose
26 body is dismembered or whose remains are desecrated as the

1 result of a crime of violence, or (8) solely for the purpose of
2 compensating for pecuniary loss incurred for psychological
3 treatment of a mental or emotional condition caused or
4 aggravated by the crime, any parent, spouse, or child under
5 the age of 18 of a deceased person whose body is dismembered or
6 whose remains are desecrated as the result of a crime of
7 violence.

8 (e) "Dependent" means a relative of a deceased victim who
9 was wholly or partially dependent upon the victim's income at
10 the time of his or her death and shall include the child of a
11 victim born after his or her death.

12 (f) "Relative" means a spouse, parent, grandparent,
13 stepfather, stepmother, child, grandchild, brother,
14 brother-in-law, sister, sister-in-law, half brother, half
15 sister, spouse's parent, nephew, niece, uncle, aunt, or anyone
16 living in the household of a person killed or injured in a
17 relationship that is substantially similar to that of a
18 parent, spouse, or child.

19 (g) "Child" means a son or daughter and includes a
20 stepchild, an adopted child or a child born out of wedlock.

21 (h) "Pecuniary loss" means, in the case of injury,
22 appropriate medical expenses and hospital expenses including
23 expenses of medical examinations, rehabilitation, medically
24 required nursing care expenses, appropriate psychiatric care
25 or psychiatric counseling expenses, appropriate expenses for
26 care or counseling by a licensed clinical psychologist,

1 licensed clinical social worker, licensed professional
2 counselor, or licensed clinical professional counselor and
3 expenses for treatment by Christian Science practitioners and
4 nursing care appropriate thereto; transportation expenses to
5 and from medical and counseling treatment facilities;
6 prosthetic appliances, eyeglasses, and hearing aids necessary
7 or damaged as a result of the crime; expenses incurred for the
8 towing and storage of a victim's vehicle in connection with a
9 crime of violence, to a maximum of \$1,000; costs associated
10 with trafficking tattoo removal by a person authorized or
11 licensed to perform the specific removal procedure;
12 replacement costs for clothing and bedding used as evidence;
13 costs associated with temporary lodging or relocation
14 necessary as a result of the crime, including, but not limited
15 to, the first month's rent and security deposit of the
16 dwelling that the claimant relocated to and other reasonable
17 relocation expenses incurred as a result of the violent crime;
18 locks or windows necessary or damaged as a result of the crime;
19 the purchase, lease, or rental of equipment necessary to
20 create usability of and accessibility to the victim's real and
21 personal property, or the real and personal property which is
22 used by the victim, necessary as a result of the crime; the
23 costs of appropriate crime scene clean-up; replacement
24 services loss, to a maximum of \$1,250 per month; dependents
25 replacement services loss, to a maximum of \$1,250 per month;
26 loss of tuition paid to attend grammar school or high school

1 when the victim had been enrolled as a student prior to the
2 injury, or college or graduate school when the victim had been
3 enrolled as a day or night student prior to the injury when the
4 victim becomes unable to continue attendance at school as a
5 result of the crime of violence perpetrated against him or
6 her; loss of earnings, loss of future earnings because of
7 disability resulting from the injury, and, in addition, in the
8 case of death, expenses for funeral, burial, and travel and
9 transport for survivors of homicide victims to secure bodies
10 of deceased victims and to transport bodies for burial all of
11 which may be awarded up to a maximum of \$10,000 and loss of
12 support of the dependents of the victim; in the case of
13 dismemberment or desecration of a body, expenses for funeral
14 and burial, all of which may be awarded up to a maximum of
15 \$10,000. Loss of future earnings shall be reduced by any
16 income from substitute work actually performed by the victim
17 or by income he or she would have earned in available
18 appropriate substitute work he or she was capable of
19 performing but unreasonably failed to undertake. Loss of
20 earnings, loss of future earnings and loss of support shall be
21 determined on the basis of the victim's average net monthly
22 earnings for the 6 months immediately preceding the date of
23 the injury or on \$2,400 per month, whichever is less or, in
24 cases where the absences commenced more than 3 years from the
25 date of the crime, on the basis of the net monthly earnings for
26 the 6 months immediately preceding the date of the first

1 absence, not to exceed \$2,400 per month. If a divorced or
2 legally separated applicant is claiming loss of support for a
3 minor child of the deceased, the amount of support for each
4 child shall be based either on the amount of support pursuant
5 to the judgment prior to the date of the deceased victim's
6 injury or death, or, if the subject of pending litigation
7 filed by or on behalf of the divorced or legally separated
8 applicant prior to the injury or death, on the result of that
9 litigation. Real and personal property includes, but is not
10 limited to, vehicles, houses, apartments, town houses, or
11 condominiums. Pecuniary loss does not include pain and
12 suffering or property loss or damage.

13 The changes made to this subsection by Public Act 101-652
14 apply to actions commenced or pending on or after January 1,
15 2022.

16 (i) "Replacement services loss" means expenses reasonably
17 incurred in obtaining ordinary and necessary services in lieu
18 of those the injured person would have performed, not for
19 income, but for the benefit of himself or herself or his or her
20 family, if he or she had not been injured.

21 (j) "Dependents replacement services loss" means loss
22 reasonably incurred by dependents or private legal guardians
23 of minor dependents after a victim's death in obtaining
24 ordinary and necessary services in lieu of those the victim
25 would have performed, not for income, but for their benefit,
26 if he or she had not been fatally injured.

1 (k) "Survivor" means immediate family including a parent,
2 stepfather, stepmother, child, brother, sister, or spouse.

3 (l) "Parent" means a natural parent, adopted parent,
4 stepparent, or permanent legal guardian of another person.

5 (m) "Trafficking tattoo" is a tattoo which is applied to a
6 victim in connection with the commission of a violation of
7 Section 10-9 of the Criminal Code of 2012.

8 (Source: P.A. 102-27, eff. 6-25-21; 102-905, eff. 1-1-23;
9 102-982, eff. 7-1-23; 103-154, eff. 6-30-23.)

10 (740 ILCS 45/6.1) (from Ch. 70, par. 76.1)

11 Sec. 6.1. Right to compensation. A person is entitled to
12 compensation under this Act if:

13 (a) Within 5 years of the occurrence of the crime, or
14 within one year after a criminal charge of a person for an
15 offense, upon which the claim is based, the applicant
16 presents an application, under oath, to the Attorney
17 General that is filed with the Court of Claims and on a
18 form prescribed in accordance with Section 7.1 furnished
19 by the Attorney General. If the person entitled to
20 compensation is under 18 years of age or under other legal
21 disability at the time of the occurrence or is determined
22 by a court to be under a legal disability as a result of
23 the occurrence, he or she may present the application
24 required by this subsection within 3 years after he or she
25 attains the age of 18 years or the disability is removed,

1 as the case may be. Legal disability includes a diagnosis
2 of posttraumatic stress disorder.

3 (a-1) The Attorney General and the Court of Claims may
4 accept an application presented after the period provided
5 in subsection (a) if the Attorney General determines that
6 the applicant had good cause for a delay.

7 (b) For all crimes of violence, except those listed in
8 subsection (b-1) of this Section, the appropriate law
9 enforcement officials were notified within 72 hours of the
10 perpetration of the crime allegedly causing the death or
11 injury to the victim or, in the event such notification
12 was made more than 72 hours after the perpetration of the
13 crime, the applicant establishes that such notice was
14 timely under the circumstances.

15 (b-1) For victims of offenses defined in Sections
16 10-9, 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 12-13,
17 12-14, 12-14.1, 12-15, and 12-16 of the Criminal Code of
18 1961 or the Criminal Code of 2012, the appropriate law
19 enforcement officials were notified within 7 days of the
20 perpetration of the crime allegedly causing death or
21 injury to the victim or, in the event that the
22 notification was made more than 7 days after the
23 perpetration of the crime, the applicant establishes that
24 the notice was timely under the circumstances. If the
25 applicant or victim has obtained an order of protection, a
26 civil no contact order, or a stalking or harassment no

1 contact order, has presented himself or herself to a
2 hospital for medical care or sexual assault evidence
3 collection, or is engaged in a legal proceeding involving
4 a claim that the applicant or victim is a victim of human
5 trafficking, such action shall constitute appropriate
6 notification under this subsection (b-1) or subsection (b)
7 of this Section.

8 (c) The applicant has cooperated with law enforcement
9 officials in the apprehension and prosecution of the
10 assailant. If the applicant or victim has obtained an
11 order of protection, a civil no contact order, or a
12 stalking or harassment no contact order, has presented
13 himself or herself to a hospital for medical care or
14 sexual assault evidence collection, or is engaged in a
15 legal proceeding involving a claim that the applicant or
16 victim is a victim of human trafficking, such action shall
17 constitute cooperation under this subsection (c). If the
18 victim is under 18 years of age at the time of the
19 commission of the offense, the following shall constitute
20 cooperation under this subsection (c):

21 (1) the applicant or the victim files a police
22 report with a law enforcement agency;

23 (2) a mandated reporter reports the crime to law
24 enforcement; or

25 (3) a person with firsthand knowledge of the crime
26 reports the crime to law enforcement.

1 (d) The applicant is not the offender or an accomplice
2 of the offender and the award would not unjustly benefit
3 the offender or his accomplice.

4 (e) (Blank).

5 (f) For victims of offenses defined in Section 10-9 of
6 the Criminal Code of 2012, the victim submits a statement
7 under oath on a form prescribed by the Attorney General
8 attesting that the removed tattoo was applied in
9 connection with the commission of the offense.

10 (g) In determining whether cooperation has been
11 reasonable, the Attorney General and Court of Claims may
12 consider the victim's age, physical condition,
13 psychological state, cultural or linguistic barriers, and
14 compelling health and safety concerns, including, but not
15 limited to, a reasonable fear of retaliation or harm that
16 would jeopardize the well-being of the victim or the
17 victim's family, and giving due consideration to the
18 degree of cooperation that the victim or derivative victim
19 is capable of in light of the presence of any of these
20 factors, or any other factor the Attorney General
21 considers relevant.

22 The changes made to this Section by this amendatory Act of
23 the 101st General Assembly apply to actions commenced or
24 pending on or after January 1, 2022.

25 (Source: P.A. 101-652, eff. 7-1-21; 102-27, eff. 6-25-21.)

1 Section 55. The Illinois Domestic Violence Act of 1986 is
2 amended by changing Section 222.10 as follows:

3 (750 ILCS 60/222.10)

4 Sec. 222.10. Short form notification.

5 (a) Instead of personal service of an order of protection
6 under Section 222, a sheriff, other law enforcement official,
7 special process server, or personnel assigned by the
8 Department of Corrections or Department of Juvenile Justice to
9 investigate the alleged misconduct of committed persons or
10 alleged violations of a parolee's or releasee's conditions of
11 parole, aftercare release, or mandatory supervised release may
12 serve a respondent with a short form notification. The short
13 form notification must include the following items:

14 (1) The respondent's name.

15 (2) The respondent's date of birth, if known.

16 (3) The petitioner's name.

17 (4) The names of other protected parties.

18 (5) The date and county in which the order of
19 protection was filed.

20 (6) The court file number.

21 (7) The hearing date and time, if known.

22 (8) The conditions that apply to the respondent,
23 either in checklist form or handwritten.

24 (b) The short form notification must contain the following
25 notice in bold print:

1 "The order is now enforceable. You must report to the
2 office of the sheriff or the office of the circuit court in
3 (name of county) County to obtain a copy of the order. You
4 are subject to arrest and may be charged with a
5 misdemeanor or felony if you violate any of the terms of
6 the order."

7 (c) Upon verification of the identity of the respondent
8 and the existence of an unserved order against the respondent,
9 a sheriff or other law enforcement official may detain the
10 respondent for a reasonable time necessary to complete and
11 serve the short form notification.

12 (d) When service is made by short form notification under
13 this Section, it may be proved by the affidavit of the person
14 making the service.

15 (e) The Attorney General shall make the short form
16 notification form available to law enforcement agencies in
17 this State.

18 (f) A single short form notification form may be used for
19 orders of protection under this Act, stalking or harassment no
20 contact orders under the Stalking or Harassment No Contact
21 Order Act, and civil no contact orders under the Civil No
22 Contact Order Act.

23 (Source: P.A. 97-50, eff. 6-28-11; 97-1017, eff. 1-1-13;
24 98-558, eff. 1-1-14.)

25 Section 60. The Address Confidentiality for Victims of

1 Domestic Violence, Sexual Assault, Human Trafficking, or
2 Stalking Act is amended by changing Section 10 as follows:

3 (750 ILCS 61/10)

4 Sec. 10. Definitions. In this Act, unless the context
5 otherwise requires:

6 "Address" means a residential street address, school
7 address, or work address of an individual, as specified on the
8 individual's application to be a program participant under
9 this Act.

10 "Program participant" means a person certified as a
11 program participant under this Act.

12 "Domestic violence" has the same meaning as in the
13 Illinois Domestic Violence Act of 1986 and includes a threat
14 of domestic violence against an individual in a domestic
15 situation, regardless of whether the domestic violence or
16 threat has been reported to law enforcement officers.

17 "Human trafficking" means the practices set forth in
18 subsection (b), (c), or (d) of Section 10-9 of the Criminal
19 Code of 2012, regardless of whether the victim has reported
20 the trafficking to law enforcement officers.

21 "Sexual assault" has the same meaning as sexual conduct or
22 sexual penetration as defined in the Civil No Contact Order
23 Act. "Sexual assault" includes a threat of sexual assault,
24 regardless of whether the sexual assault or threat has been
25 reported to law enforcement officers.

1 "Stalking" has the same meaning as in the Stalking or
2 Harassment No Contact Order Act. "Stalking" includes a threat
3 of stalking, regardless of whether the stalking or threat has
4 been reported to law enforcement officers.

5 (Source: P.A. 101-270, eff. 1-1-21; 102-292, eff. 1-1-22.)

6 Section 65. The Domestic Violence Fatality Review Act is
7 amended by changing Section 70 as follows:

8 (750 ILCS 62/70)

9 Sec. 70. Case eligible for review by regional review team.
10 A case eligible for review shall include a fatality or
11 near-fatality that occurred within the geographic boundaries
12 of the judicial circuit covered by the regional review team
13 and a qualifying relationship.

14 (a) A fatality or near-fatality includes at least one of
15 the following:

16 (1) a homicide, as defined in Article 9 of the
17 Criminal Code of 2012 in which:

18 (A) the offender causes the death of the victim,
19 the deceased, or others; or

20 (B) the survivor causes the death of the offender,
21 the deceased, or others;

22 (2) a suicide or attempted suicide of the offender;

23 (3) a suicide of the victim;

24 (4) a suicide attempt of the survivor;

1 (5) a familicide in which the offender causes the
2 death of the victim and other members of the victim's
3 family including, but not limited to, minor or adult
4 children and parents;

5 (6) the near-fatality of a survivor caused by the
6 offender;

7 (7) the near-fatality of an offender caused by the
8 survivor; or

9 (8) any other case involving domestic violence if a
10 majority of the regional review team vote that a review of
11 the case will advance the purposes of this Act.

12 (b) A qualifying relationship between the offender and the
13 victim or survivor shall include instances or a history of
14 domestic violence perpetrated by the offender against the
15 victim or survivor and at least one of the following
16 circumstances:

17 (1) the offender and the victim or survivor:

18 (A) resided together or shared a common dwelling
19 at any time;

20 (B) have or are alleged to have a child in common;

21 or

22 (C) are or were engaged, married, divorced,
23 separated, or had a dating or romantic relationship,
24 regardless of whether they had sexual relations;

25 (2) the offender stalked the victim or survivor as
26 described in Section 12-7.3 of the Criminal Code of 2012;

1 (3) the victim or survivor filed for an order of
2 protection against the offender under the Illinois
3 Domestic Violence Act of 1986 or Section 112A-2.5 of the
4 Code of Criminal Procedure of 1963;

5 (4) the victim or survivor filed for a civil no
6 contact order against the offender under the Civil No
7 Contact Order Act or Section 112A-14.5 of the Code of
8 Criminal Procedure of 1963;

9 (5) the victim or survivor filed for a stalking or
10 harassment no contact order against the offender under the
11 Stalking or Harassment No Contact Order Act or Section
12 112A-2.5 of the Code of Criminal Procedure of 1963;

13 (6) the offender violated an order of protection,
14 civil no contact order, or stalking or harassment no
15 contact order obtained by the victim or survivor;

16 (7) the deceased resided in the same household as, was
17 present at the workplace of, was in the proximity of, or
18 was related by blood or affinity to a victim or survivor;

19 (8) the deceased was a law enforcement officer,
20 emergency medical technician, or other responder to a
21 domestic violence incident between the offender and the
22 victim or survivor; or

23 (9) a relationship between the offender and the
24 victim, survivor, or deceased exists that a majority of
25 the regional review team votes warrants review of the case
26 to advance the purposes of this Act.

1 (c) A case eligible for review does not require criminal
2 charges or a conviction.

3 (d) Any criminal investigation, civil, criminal, or
4 administrative proceeding, and appeals shall be complete for a
5 case to be eligible for review.

6 (Source: P.A. 102-520, eff. 8-20-21.)

7 Section 70. The Illinois Human Rights Act is amended by
8 changing Section 1-103 as follows:

9 (775 ILCS 5/1-103) (from Ch. 68, par. 1-103)

10 Sec. 1-103. General definitions. When used in this Act,
11 unless the context requires otherwise, the term:

12 (A) Age. "Age" means the chronological age of a person who
13 is at least 40 years old, except with regard to any practice
14 described in Section 2-102, insofar as that practice concerns
15 training or apprenticeship programs. In the case of training
16 or apprenticeship programs, for the purposes of Section 2-102,
17 "age" means the chronological age of a person who is 18 but not
18 yet 40 years old.

19 (B) Aggrieved party. "Aggrieved party" means a person who
20 is alleged or proved to have been injured by a civil rights
21 violation or believes he or she will be injured by a civil
22 rights violation under Article 3 that is about to occur.

23 (B-5) Arrest record. "Arrest record" means:

24 (1) an arrest not leading to a conviction;

1 (2) a juvenile record; or

2 (3) criminal history record information ordered
3 expunged, sealed, or impounded under Section 5.2 of the
4 Criminal Identification Act.

5 (C) Charge. "Charge" means an allegation filed with the
6 Department by an aggrieved party or initiated by the
7 Department under its authority.

8 (D) Civil rights violation. "Civil rights violation"
9 includes and shall be limited to only those specific acts set
10 forth in Sections 2-102, 2-103, 2-105, 3-102, 3-102.1, 3-103,
11 3-102.10, 3-104.1, 3-105, 3-105.1, 4-102, 4-103, 5-102,
12 5A-102, 6-101, 6-101.5, and 6-102 of this Act.

13 (E) Commission. "Commission" means the Human Rights
14 Commission created by this Act.

15 (F) Complaint. "Complaint" means the formal pleading filed
16 by the Department with the Commission following an
17 investigation and finding of substantial evidence of a civil
18 rights violation.

19 (G) Complainant. "Complainant" means a person including
20 the Department who files a charge of civil rights violation
21 with the Department or the Commission.

22 (G-5) Conviction record. "Conviction record" means
23 information indicating that a person has been convicted of a
24 felony, misdemeanor or other criminal offense, placed on
25 probation, fined, imprisoned, or paroled pursuant to any law
26 enforcement or military authority.

1 (H) Department. "Department" means the Department of Human
2 Rights created by this Act.

3 (I) Disability.

4 (1) "Disability" means a determinable physical or mental
5 characteristic of a person, including, but not limited to, a
6 determinable physical characteristic which necessitates the
7 person's use of a guide, hearing or support dog, the history of
8 such characteristic, or the perception of such characteristic
9 by the person complained against, which may result from
10 disease, injury, congenital condition of birth or functional
11 disorder and which characteristic:

12 (a) For purposes of Article 2, is unrelated to the
13 person's ability to perform the duties of a particular job
14 or position and, pursuant to Section 2-104 of this Act, a
15 person's illegal use of drugs or alcohol is not a
16 disability;

17 (b) For purposes of Article 3, is unrelated to the
18 person's ability to acquire, rent, or maintain a housing
19 accommodation;

20 (c) For purposes of Article 4, is unrelated to a
21 person's ability to repay;

22 (d) For purposes of Article 5, is unrelated to a
23 person's ability to utilize and benefit from a place of
24 public accommodation;

25 (e) For purposes of Article 5, also includes any
26 mental, psychological, or developmental disability,

1 including autism spectrum disorders.

2 (2) Discrimination based on disability includes unlawful
3 discrimination against an individual because of the
4 individual's association with a person with a disability.

5 (J) Marital status. "Marital status" means the legal
6 status of being married, single, separated, divorced, or
7 widowed.

8 (J-1) Military status. "Military status" means a person's
9 status on active duty in or status as a veteran of the armed
10 forces of the United States, status as a current member or
11 veteran of any reserve component of the armed forces of the
12 United States, including the United States Army Reserve,
13 United States Marine Corps Reserve, United States Navy
14 Reserve, United States Air Force Reserve, and United States
15 Coast Guard Reserve, or status as a current member or veteran
16 of the Illinois Army National Guard or Illinois Air National
17 Guard.

18 (K) National origin. "National origin" means the place in
19 which a person or one of his or her ancestors was born.

20 (K-5) "Order of protection status" means a person's status
21 as being a person protected under an order of protection
22 issued pursuant to the Illinois Domestic Violence Act of 1986,
23 Article 112A of the Code of Criminal Procedure of 1963, the
24 Stalking or Harassment No Contact Order Act, or the Civil No
25 Contact Order Act, or an order of protection issued by a court
26 of another state.

1 (L) Person. "Person" includes one or more individuals,
2 partnerships, associations or organizations, labor
3 organizations, labor unions, joint apprenticeship committees,
4 or union labor associations, corporations, the State of
5 Illinois and its instrumentalities, political subdivisions,
6 units of local government, legal representatives, trustees in
7 bankruptcy or receivers.

8 (L-5) Pregnancy. "Pregnancy" means pregnancy, childbirth,
9 or medical or common conditions related to pregnancy or
10 childbirth.

11 (M) Public contract. "Public contract" includes every
12 contract to which the State, any of its political
13 subdivisions, or any municipal corporation is a party.

14 (M-5) Race. "Race" includes traits associated with race,
15 including, but not limited to, hair texture and protective
16 hairstyles such as braids, locks, and twists.

17 (N) Religion. "Religion" includes all aspects of religious
18 observance and practice, as well as belief, except that with
19 respect to employers, for the purposes of Article 2,
20 "religion" has the meaning ascribed to it in paragraph (F) of
21 Section 2-101.

22 (O) Sex. "Sex" means the status of being male or female.

23 (O-1) Sexual orientation. "Sexual orientation" means
24 actual or perceived heterosexuality, homosexuality,
25 bisexuality, or gender-related identity, whether or not
26 traditionally associated with the person's designated sex at

1 birth. "Sexual orientation" does not include a physical or
2 sexual attraction to a minor by an adult.

3 (O-5) Source of income. "Source of income" means the
4 lawful manner by which an individual supports himself or
5 herself and his or her dependents.

6 (P) Unfavorable military discharge. "Unfavorable military
7 discharge" includes discharges from the Armed Forces of the
8 United States, their Reserve components, or any National Guard
9 or Naval Militia which are classified as RE-3 or the
10 equivalent thereof, but does not include those characterized
11 as RE-4 or "Dishonorable".

12 (Q) Unlawful discrimination. "Unlawful discrimination"
13 means discrimination against a person because of his or her
14 actual or perceived: race, color, religion, national origin,
15 ancestry, age, sex, marital status, order of protection
16 status, disability, military status, sexual orientation,
17 pregnancy, or unfavorable discharge from military service as
18 those terms are defined in this Section.

19 (Source: P.A. 102-362, eff. 1-1-22; 102-419, eff. 1-1-22;
20 102-558, eff. 8-20-21; 102-813, eff. 5-13-22; 102-896, eff.
21 1-1-23; 102-1102, eff. 1-1-23; 103-154, eff. 6-30-23.)

22 Section 95. No acceleration or delay. Where this Act makes
23 changes in a statute that is represented in this Act by text
24 that is not yet or no longer in effect (for example, a Section
25 represented by multiple versions), the use of that text does

1 not accelerate or delay the taking effect of (i) the changes
2 made by this Act or (ii) provisions derived from any other
3 Public Act.

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