



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

SB1828

Introduced 2/9/2011, by Sen. Dan Kotowski

SYNOPSIS AS INTRODUCED:

725 ILCS 5/112A-22	from Ch. 38, par. 112A-22
725 ILCS 5/112A-22.10	
730 ILCS 5/3-3-7	from Ch. 38, par. 1003-3-7
750 ILCS 60/222	from Ch. 40, par. 2312-22
750 ILCS 60/222.10	

Amends the Code of Criminal Procedure of 1963 and the Illinois Domestic Violence Act of 1986. Provides that personnel assigned by the Department of Corrections to investigate the alleged misconduct of committed persons or alleged violations of a parolee's or releasee's conditions of parole or mandatory supervised release may serve respondents with short form notifications of the issuance of orders of protection. Amends the Unified Code of Corrections. Provides that as a condition of parole or mandatory supervised release, the parolee or releasee must immediately report service or notification of an order of protection, a civil no contact order, or a stalking no contact order to an agent of the Department of Corrections. Provides that as a condition of parole or mandatory supervised release, the parolee or releasee must comply with the terms and conditions of an order of protection issued pursuant to the Illinois Domestic Violence Act of 1986; an order of protection issued by the court of another state, tribe, or United States territory; a no contact order issued pursuant to the Civil No Contact Order Act; or a no contact order issued pursuant to the Stalking No Contact Order Act. Effective immediately.

LRB097 02692 RLC 42711 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning orders of protection.

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

4 Section 5. The Code of Criminal Procedure of 1963 is
5 amended by changing Sections 112A-22 and 112A-22.10 as follows:

6 (725 ILCS 5/112A-22) (from Ch. 38, par. 112A-22)

7 Sec. 112A-22. Notice of orders.

8 (a) Entry and issuance. Upon issuance of any order of
9 protection, the clerk shall immediately, or on the next court
10 day if an emergency order is issued in accordance with
11 subsection (c) of Section 112A-17, (i) enter the order on the
12 record and file it in accordance with the circuit court
13 procedures and (ii) provide a file stamped copy of the order to
14 respondent, if present, and to petitioner.

15 (b) Filing with sheriff. The clerk of the issuing judge
16 shall, or the petitioner may, on the same day that an order of
17 protection is issued, file a copy of that order with the
18 sheriff or other law enforcement officials charged with
19 maintaining Department of State Police records or charged with
20 serving the order upon respondent. If the order was issued in
21 accordance with subsection (c) of Section 112A-17, the clerk
22 shall on the next court day, file a certified copy of the order
23 with the Sheriff or other law enforcement officials charged

1 with maintaining Department of State Police records.

2 (c) Service by sheriff. Unless respondent was present in
3 court when the order was issued, the sheriff, other law
4 enforcement official or special process server shall promptly
5 serve that order upon respondent and file proof of such
6 service, in the manner provided for service of process in civil
7 proceedings. Instead of serving the order upon the respondent,
8 however, the sheriff, other law enforcement official, ~~or~~
9 special process server, or other persons defined in Section
10 112A-22.10 may serve the respondent with a short form
11 notification as provided in Section 112A-22.10. If process has
12 not yet been served upon the respondent, it shall be served
13 with the order or short form notification if such service is
14 made by the sheriff, other law enforcement official, or special
15 process server.

16 (c-5) If the person against whom the order of protection is
17 issued is arrested and the written order is issued in
18 accordance with subsection (c) of Section 112A-17 and received
19 by the custodial law enforcement agency before the respondent
20 or arrestee is released from custody, the custodial law
21 enforcement agent shall promptly serve the order upon the
22 respondent or arrestee before the respondent or arrestee is
23 released from custody. In no event shall detention of the
24 respondent or arrestee be extended for hearing on the petition
25 for order of protection or receipt of the order issued under
26 Section 112A-17 of this Code.

1 (d) Extensions, modifications and revocations. Any order
2 extending, modifying or revoking any order of protection shall
3 be promptly recorded, issued and served as provided in this
4 Section.

5 (e) Notice to health care facilities and health care
6 practitioners. Upon the request of the petitioner, the clerk of
7 the circuit court shall send a certified copy of the order of
8 protection to any specified health care facility or health care
9 practitioner requested by the petitioner at the mailing address
10 provided by the petitioner.

11 (f) Disclosure by health care facilities and health care
12 practitioners. After receiving a certified copy of an order of
13 protection that prohibits a respondent's access to records, no
14 health care facility or health care practitioner shall allow a
15 respondent access to the records of any child who is a
16 protected person under the order of protection, or release
17 information in those records to the respondent, unless the
18 order has expired or the respondent shows a certified copy of
19 the court order vacating the corresponding order of protection
20 that was sent to the health care facility or practitioner.
21 Nothing in this Section shall be construed to require health
22 care facilities or health care practitioners to alter
23 procedures related to billing and payment. The health care
24 facility or health care practitioner may file the copy of the
25 order of protection in the records of a child who is a
26 protected person under the order of protection, or may employ

1 any other method to identify the records to which a respondent
2 is prohibited access. No health care facility or health care
3 practitioner shall be civilly or professionally liable for
4 reliance on a copy of an order of protection, except for
5 willful and wanton misconduct.

6 (g) Notice to schools. Upon the request of the petitioner,
7 within 24 hours of the issuance of an order of protection, the
8 clerk of the issuing judge shall send a certified copy of the
9 order of protection to the day-care facility, pre-school or
10 pre-kindergarten, or private school or the principal office of
11 the public school district or any college or university in
12 which any child who is a protected person under the order of
13 protection or any child of the petitioner is enrolled as
14 requested by the petitioner at the mailing address provided by
15 the petitioner. If the child transfers enrollment to another
16 day-care facility, pre-school, pre-kindergarten, private
17 school, public school, college, or university, the petitioner
18 may, within 24 hours of the transfer, send to the clerk written
19 notice of the transfer, including the name and address of the
20 institution to which the child is transferring. Within 24 hours
21 of receipt of notice from the petitioner that a child is
22 transferring to another day-care facility, pre-school,
23 pre-kindergarten, private school, public school, college, or
24 university, the clerk shall send a certified copy of the order
25 to the institution to which the child is transferring.

26 (h) Disclosure by schools. After receiving a certified copy

1 of an order of protection that prohibits a respondent's access
2 to records, neither a day-care facility, pre-school,
3 pre-kindergarten, public or private school, college, or
4 university nor its employees shall allow a respondent access to
5 a protected child's records or release information in those
6 records to the respondent. The school shall file the copy of
7 the order of protection in the records of a child who is a
8 protected person under the order of protection. When a child
9 who is a protected person under the order of protection
10 transfers to another day-care facility, pre-school,
11 pre-kindergarten, public or private school, college, or
12 university, the institution from which the child is
13 transferring may, at the request of the petitioner, provide,
14 within 24 hours of the transfer, written notice of the order of
15 protection, along with a certified copy of the order, to the
16 institution to which the child is transferring.

17 (Source: P.A. 96-651, eff. 1-1-10.)

18 (725 ILCS 5/112A-22.10)

19 Sec. 112A-22.10. Short form notification.

20 (a) Instead of personal service of an order of protection
21 under Section 112A-22, a sheriff, other law enforcement
22 official, ~~or~~ special process server, or personnel assigned by
23 the Department of Corrections to investigate the alleged
24 misconduct of committed persons or alleged violations of a
25 parolee's or releasee's conditions of parole or mandatory

1 supervised release may serve a respondent with a short form
2 notification. The short form notification must include the
3 following items:

4 (1) The respondent's name.

5 (2) The respondent's date of birth, if known.

6 (3) The petitioner's name.

7 (4) The names of other protected parties.

8 (5) The date and county in which the order of
9 protection was filed.

10 (6) The court file number.

11 (7) The hearing date and time, if known.

12 (8) The conditions that apply to the respondent, either
13 in checklist form or handwritten.

14 (9) The name of the judge who signed the order.

15 (b) The short form notification must contain the following
16 notice in bold print:

17 "The order of protection is now enforceable. You must
18 report to the office of the sheriff or the office of the
19 circuit court in (name of county) County to obtain a copy
20 of the order of protection. You are subject to arrest and
21 may be charged with a misdemeanor or felony if you violate
22 any of the terms of the order of protection."

23 (c) Upon verification of the identity of the respondent and
24 the existence of an unserved order of protection against the
25 respondent, a sheriff or other law enforcement official may
26 detain the respondent for a reasonable time necessary to

1 complete and serve the short form notification.

2 (d) When service is made by short form notification under
3 this Section, it may be proved by the affidavit of the person
4 ~~sheriff, other law enforcement official, or special process~~
5 ~~server~~ making the service.

6 (e) The Attorney General shall provide adequate copies of
7 the short form notification form to law enforcement agencies in
8 this State.

9 (Source: P.A. 92-162, eff. 1-1-02.)

10 Section 10. The Unified Code of Corrections is amended by
11 changing Section 3-3-7 as follows:

12 (730 ILCS 5/3-3-7) (from Ch. 38, par. 1003-3-7)

13 Sec. 3-3-7. Conditions of Parole or Mandatory Supervised
14 Release.

15 (a) The conditions of parole or mandatory supervised
16 release shall be such as the Prisoner Review Board deems
17 necessary to assist the subject in leading a law-abiding life.
18 The conditions of every parole and mandatory supervised release
19 are that the subject:

20 (1) not violate any criminal statute of any
21 jurisdiction during the parole or release term;

22 (2) refrain from possessing a firearm or other
23 dangerous weapon;

24 (3) report to an agent of the Department of

1 Corrections;

2 (4) permit the agent to visit him or her at his or her
3 home, employment, or elsewhere to the extent necessary for
4 the agent to discharge his or her duties;

5 (5) attend or reside in a facility established for the
6 instruction or residence of persons on parole or mandatory
7 supervised release;

8 (6) secure permission before visiting or writing a
9 committed person in an Illinois Department of Corrections
10 facility;

11 (7) report all arrests to an agent of the Department of
12 Corrections as soon as permitted by the arresting authority
13 but in no event later than 24 hours after release from
14 custody and immediately report service or notification of
15 an order of protection, a civil no contact order, or a
16 stalking no contact order to an agent of the Department of
17 Corrections;

18 (7.5) if convicted of a sex offense as defined in the
19 Sex Offender Management Board Act, the individual shall
20 undergo and successfully complete sex offender treatment
21 conducted in conformance with the standards developed by
22 the Sex Offender Management Board Act by a treatment
23 provider approved by the Board;

24 (7.6) if convicted of a sex offense as defined in the
25 Sex Offender Management Board Act, refrain from residing at
26 the same address or in the same condominium unit or

1 apartment unit or in the same condominium complex or
2 apartment complex with another person he or she knows or
3 reasonably should know is a convicted sex offender or has
4 been placed on supervision for a sex offense; the
5 provisions of this paragraph do not apply to a person
6 convicted of a sex offense who is placed in a Department of
7 Corrections licensed transitional housing facility for sex
8 offenders, or is in any facility operated or licensed by
9 the Department of Children and Family Services or by the
10 Department of Human Services, or is in any licensed medical
11 facility;

12 (7.7) if convicted for an offense that would qualify
13 the accused as a sexual predator under the Sex Offender
14 Registration Act on or after January 1, 2007 (the effective
15 date of Public Act 94-988) ~~this amendatory Act of the 94th~~
16 ~~General Assembly~~, wear an approved electronic monitoring
17 device as defined in Section 5-8A-2 for the duration of the
18 person's parole, mandatory supervised release term, or
19 extended mandatory supervised release term and if
20 convicted for an offense of criminal sexual assault,
21 aggravated criminal sexual assault, predatory criminal
22 sexual assault of a child, criminal sexual abuse,
23 aggravated criminal sexual abuse, or ritualized abuse of a
24 child committed on or after August 11, 2009 (the effective
25 date of Public Act 96-236) when the victim was under 18
26 years of age at the time of the commission of the offense

1 and the defendant used force or the threat of force in the
2 commission of the offense wear an approved electronic
3 monitoring device as defined in Section 5-8A-2 that has
4 Global Positioning System (GPS) capability for the
5 duration of the person's parole, mandatory supervised
6 release term, or extended mandatory supervised release
7 term;

8 (7.8) if convicted for an offense committed on or after
9 June 1, 2008 (the effective date of Public Act 95-464) ~~this~~
10 ~~amendatory Act of the 95th General Assembly~~ that would
11 qualify the accused as a child sex offender as defined in
12 Section 11-9.3 or 11-9.4 of the Criminal Code of 1961,
13 refrain from communicating with or contacting, by means of
14 the Internet, a person who is not related to the accused
15 and whom the accused reasonably believes to be under 18
16 years of age; for purposes of this paragraph (7.8),
17 "Internet" has the meaning ascribed to it in Section 16J-5
18 of the Criminal Code of 1961; and a person is not related
19 to the accused if the person is not: (i) the spouse,
20 brother, or sister of the accused; (ii) a descendant of the
21 accused; (iii) a first or second cousin of the accused; or
22 (iv) a step-child or adopted child of the accused;

23 (7.9) if convicted under Section 11-6, 11-20.1,
24 11-20.3, or 11-21 of the Criminal Code of 1961, consent to
25 search of computers, PDAs, cellular phones, and other
26 devices under his or her control that are capable of

1 accessing the Internet or storing electronic files, in
2 order to confirm Internet protocol addresses reported in
3 accordance with the Sex Offender Registration Act and
4 compliance with conditions in this Act;

5 (7.10) if convicted for an offense that would qualify
6 the accused as a sex offender or sexual predator under the
7 Sex Offender Registration Act on or after June 1, 2008 (the
8 effective date of Public Act 95-640) ~~this amendatory Act of~~
9 ~~the 95th General Assembly~~, not possess prescription drugs
10 for erectile dysfunction;

11 (7.11) if convicted for an offense under Section 11-6,
12 11-9.1, 11-15.1, 11-20.1, 11-20.3, or 11-21 of the Criminal
13 Code of 1961, or any attempt to commit any of these
14 offenses, committed on or after June 1, 2009 (the effective
15 date of Public Act 95-983):

16 (i) not access or use a computer or any other
17 device with Internet capability without the prior
18 written approval of the Department;

19 (ii) submit to periodic unannounced examinations
20 of the offender's computer or any other device with
21 Internet capability by the offender's supervising
22 agent, a law enforcement officer, or assigned computer
23 or information technology specialist, including the
24 retrieval and copying of all data from the computer or
25 device and any internal or external peripherals and
26 removal of such information, equipment, or device to

1 conduct a more thorough inspection;

2 (iii) submit to the installation on the offender's
3 computer or device with Internet capability, at the
4 offender's expense, of one or more hardware or software
5 systems to monitor the Internet use; and

6 (iv) submit to any other appropriate restrictions
7 concerning the offender's use of or access to a
8 computer or any other device with Internet capability
9 imposed by the Board, the Department or the offender's
10 supervising agent;

11 (7.12) if convicted of a sex offense as defined in the
12 Sex Offender Registration Act committed on or after January
13 1, 2010 (the effective date of Public Act 96-262), refrain
14 from accessing or using a social networking website as
15 defined in Section 16D-2 of the Criminal Code of 1961;

16 (7.13) if convicted of a sex offense as defined in
17 Section 2 of the Sex Offender Registration Act committed on
18 or after January 1, 2010 (the effective date of Public Act
19 96-362) that requires the person to register as a sex
20 offender under that Act, may not knowingly use any computer
21 scrub software on any computer that the sex offender uses;

22 (8) obtain permission of an agent of the Department of
23 Corrections before leaving the State of Illinois;

24 (9) obtain permission of an agent of the Department of
25 Corrections before changing his or her residence or
26 employment;

1 (10) consent to a search of his or her person,
2 property, or residence under his or her control;

3 (11) refrain from the use or possession of narcotics or
4 other controlled substances in any form, or both, or any
5 paraphernalia related to those substances and submit to a
6 urinalysis test as instructed by a parole agent of the
7 Department of Corrections;

8 (12) not frequent places where controlled substances
9 are illegally sold, used, distributed, or administered;

10 (13) not knowingly associate with other persons on
11 parole or mandatory supervised release without prior
12 written permission of his or her parole agent and not
13 associate with persons who are members of an organized gang
14 as that term is defined in the Illinois Streetgang
15 Terrorism Omnibus Prevention Act;

16 (14) provide true and accurate information, as it
17 relates to his or her adjustment in the community while on
18 parole or mandatory supervised release or to his or her
19 conduct while incarcerated, in response to inquiries by his
20 or her parole agent or of the Department of Corrections;

21 (15) follow any specific instructions provided by the
22 parole agent that are consistent with furthering
23 conditions set and approved by the Prisoner Review Board or
24 by law, exclusive of placement on electronic detention, to
25 achieve the goals and objectives of his or her parole or
26 mandatory supervised release or to protect the public.

1 These instructions by the parole agent may be modified at
2 any time, as the agent deems appropriate;

3 (16) if convicted of a sex offense as defined in
4 subsection (a-5) of Section 3-1-2 of this Code, unless the
5 offender is a parent or guardian of the person under 18
6 years of age present in the home and no non-familial minors
7 are present, not participate in a holiday event involving
8 children under 18 years of age, such as distributing candy
9 or other items to children on Halloween, wearing a Santa
10 Claus costume on or preceding Christmas, being employed as
11 a department store Santa Claus, or wearing an Easter Bunny
12 costume on or preceding Easter; ~~and~~

13 (17) if convicted of a violation of an order of
14 protection under Section 12-30 of the Criminal Code of
15 1961, be placed under electronic surveillance as provided
16 in Section 5-8A-7 of this Code; and -

17 (18) comply with the terms and conditions of an order
18 of protection issued pursuant to the Illinois Domestic
19 Violence Act of 1986; an order of protection issued by the
20 court of another state, tribe, or United States territory;
21 a no contact order issued pursuant to the Civil No Contact
22 Order Act; or a no contact order issued pursuant to the
23 Stalking No Contact Order Act.

24 (b) The Board may in addition to other conditions require
25 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 parole;

6 (4) support his dependents;

7 (5) (blank);

8 (6) (blank);

9 (7) (blank) ~~comply with the terms and conditions of an~~
10 ~~order of protection issued pursuant to the Illinois~~
11 ~~Domestic Violence Act of 1986, enacted by the 84th General~~
12 ~~Assembly, or an order of protection issued by the court of~~
13 ~~another state, tribe, or United States territory;~~

14 (7.5) if convicted for an offense committed on or after
15 the effective date of this amendatory Act of the 95th
16 General Assembly that would qualify the accused as a child
17 sex offender as defined in Section 11-9.3 or 11-9.4 of the
18 Criminal Code of 1961, refrain from communicating with or
19 contacting, by means of the Internet, a person who is
20 related to the accused and whom the accused reasonably
21 believes to be under 18 years of age; for purposes of this
22 paragraph (7.5), "Internet" has the meaning ascribed to it
23 in Section 16J-5 of the Criminal Code of 1961; and a person
24 is related to the accused if the person is: (i) the spouse,
25 brother, or sister of the accused; (ii) a descendant of the
26 accused; (iii) a first or second cousin of the accused; or

1 (iv) a step-child or adopted child of the accused;

2 (7.6) if convicted for an offense committed on or after
3 June 1, 2009 (the effective date of Public Act 95-983) that
4 would qualify as a sex offense as defined in the Sex
5 Offender Registration Act:

6 (i) not access or use a computer or any other
7 device with Internet capability without the prior
8 written approval of the Department;

9 (ii) submit to periodic unannounced examinations
10 of the offender's computer or any other device with
11 Internet capability by the offender's supervising
12 agent, a law enforcement officer, or assigned computer
13 or information technology specialist, including the
14 retrieval and copying of all data from the computer or
15 device and any internal or external peripherals and
16 removal of such information, equipment, or device to
17 conduct a more thorough inspection;

18 (iii) submit to the installation on the offender's
19 computer or device with Internet capability, at the
20 offender's expense, of one or more hardware or software
21 systems to monitor the Internet use; and

22 (iv) submit to any other appropriate restrictions
23 concerning the offender's use of or access to a
24 computer or any other device with Internet capability
25 imposed by the Board, the Department or the offender's
26 supervising agent; and

- 1 (8) in addition, if a minor:
- 2 (i) reside with his parents or in a foster home;
- 3 (ii) attend school;
- 4 (iii) attend a non-residential program for youth;
- 5 or
- 6 (iv) contribute to his own support at home or in a
- 7 foster home.

8 (b-1) In addition to the conditions set forth in

9 subsections (a) and (b), persons required to register as sex

10 offenders pursuant to the Sex Offender Registration Act, upon

11 release from the custody of the Illinois Department of

12 Corrections, may be required by the Board to comply with the

13 following specific conditions of release:

- 14 (1) reside only at a Department approved location;
- 15 (2) comply with all requirements of the Sex Offender
- 16 Registration Act;
- 17 (3) notify third parties of the risks that may be
- 18 occasioned by his or her criminal record;
- 19 (4) obtain the approval of an agent of the Department
- 20 of Corrections prior to accepting employment or pursuing a
- 21 course of study or vocational training and notify the
- 22 Department prior to any change in employment, study, or
- 23 training;
- 24 (5) not be employed or participate in any volunteer
- 25 activity that involves contact with children, except under
- 26 circumstances approved in advance and in writing by an

1 agent of the Department of Corrections;

2 (6) be electronically monitored for a minimum of 12
3 months from the date of release as determined by the Board;

4 (7) refrain from entering into a designated geographic
5 area except upon terms approved in advance by an agent of
6 the Department of Corrections. The terms may include
7 consideration of the purpose of the entry, the time of day,
8 and others accompanying the person;

9 (8) refrain from having any contact, including written
10 or oral communications, directly or indirectly, personally
11 or by telephone, letter, or through a third party with
12 certain specified persons including, but not limited to,
13 the victim or the victim's family without the prior written
14 approval of an agent of the Department of Corrections;

15 (9) refrain from all contact, directly or indirectly,
16 personally, by telephone, letter, or through a third party,
17 with minor children without prior identification and
18 approval of an agent of the Department of Corrections;

19 (10) neither possess or have under his or her control
20 any material that is sexually oriented, sexually
21 stimulating, or that shows male or female sex organs or any
22 pictures depicting children under 18 years of age nude or
23 any written or audio material describing sexual
24 intercourse or that depicts or alludes to sexual activity,
25 including but not limited to visual, auditory, telephonic,
26 or electronic media, or any matter obtained through access

1 to any computer or material linked to 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 of Corrections and immediately report any
10 incidental contact 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 of Corrections;

15 (14) may be required to provide a written daily log of
16 activities if directed by an agent of the Department of
17 Corrections;

18 (15) comply with all other special conditions that the
19 Department may impose that restrict the person from
20 high-risk situations and limit access to potential
21 victims;

22 (16) take an annual polygraph exam;

23 (17) maintain a log of his or her travel; or

24 (18) obtain prior approval of his or her parole officer
25 before driving alone in a motor vehicle.

26 (c) The conditions under which the parole or mandatory

1 supervised release is to be served shall be communicated to the
2 person in writing prior to his release, and he shall sign the
3 same before release. A signed copy of these conditions,
4 including a copy of an order of protection where one had been
5 issued by the criminal court, shall be retained by the person
6 and another copy forwarded to the officer in charge of his
7 supervision.

8 (d) After a hearing under Section 3-3-9, the Prisoner
9 Review Board may modify or enlarge the conditions of parole or
10 mandatory supervised release.

11 (e) The Department shall inform all offenders committed to
12 the Department of the optional services available to them upon
13 release and shall assist inmates in availing themselves of such
14 optional services upon their release on a voluntary basis.

15 (f) When the subject is in compliance with all conditions
16 of his or her parole or mandatory supervised release, the
17 subject shall receive a reduction of the period of his or her
18 parole or mandatory supervised release of 90 days upon passage
19 of the high school level Test of General Educational
20 Development during the period of his or her parole or mandatory
21 supervised release. This reduction in the period of a subject's
22 term of parole or mandatory supervised release shall be
23 available only to subjects who have not previously earned a
24 high school diploma or who have not previously passed the high
25 school level Test of General Educational Development.

26 (Source: P.A. 95-464, eff. 6-1-08; 95-539, eff. 1-1-08; 95-579,

1 eff. 6-1-08; 95-640, eff. 6-1-08; 95-773, eff. 1-1-09; 95-876,
2 eff. 8-21-08; 95-983, eff. 6-1-09; 96-236, eff. 8-11-09;
3 96-262, eff. 1-1-10; 96-328, eff. 8-11-09; 96-362, eff. 1-1-10;
4 96-1000, eff. 7-2-10.)

5 Section 15. The Illinois Domestic Violence Act of 1986 is
6 amended by changing Sections 222 and 222.10 as follows:

7 (750 ILCS 60/222) (from Ch. 40, par. 2312-22)

8 Sec. 222. Notice of orders.

9 (a) Entry and issuance. Upon issuance of any order of
10 protection, the clerk shall immediately, or on the next court
11 day if an emergency order is issued in accordance with
12 subsection (c) of Section 217, (i) enter the order on the
13 record and file it in accordance with the circuit court
14 procedures and (ii) provide a file stamped copy of the order to
15 respondent, if present, and to petitioner.

16 (b) Filing with sheriff. The clerk of the issuing judge
17 shall, or the petitioner may, on the same day that an order of
18 protection is issued, file a certified copy of that order with
19 the sheriff or other law enforcement officials charged with
20 maintaining Department of State Police records or charged with
21 serving the order upon respondent. If the order was issued in
22 accordance with subsection (c) of Section 217, the clerk shall
23 on the next court day, file a certified copy of the order with
24 the Sheriff or other law enforcement officials charged with

1 maintaining Department of State Police records.

2 (c) Service by sheriff. Unless respondent was present in
3 court when the order was issued, the sheriff, other law
4 enforcement official or special process server shall promptly
5 serve that order upon respondent and file proof of such
6 service, in the manner provided for service of process in civil
7 proceedings. Instead of serving the order upon the respondent,
8 however, the sheriff, other law enforcement official, ~~or~~
9 special process server, or other persons defined in Section
10 222.10 may serve the respondent with a short form notification
11 as provided in Section 222.10. If process has not yet been
12 served upon the respondent, it shall be served with the order
13 or short form notification if such service is made by the
14 sheriff, other law enforcement official, or special process
15 server. A single fee may be charged for service of an order
16 obtained in civil court, or for service of such an order
17 together with process, unless waived or deferred under Section
18 210.

19 (c-5) If the person against whom the order of protection is
20 issued is arrested and the written order is issued in
21 accordance with subsection (c) of Section 217 and received by
22 the custodial law enforcement agency before the respondent or
23 arrestee is released from custody, the custodial law
24 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 order of protection or receipt of the order issued under
3 Section 217 of this Act.

4 (d) Extensions, modifications and revocations. Any order
5 extending, modifying or revoking any order of protection shall
6 be promptly recorded, issued and served as provided in this
7 Section.

8 (e) Notice to schools. Upon the request of the petitioner,
9 within 24 hours of the issuance of an order of protection, the
10 clerk of the issuing judge shall send a certified copy of the
11 order of protection to the day-care facility, pre-school or
12 pre-kindergarten, or private school or the principal office of
13 the public school district or any college or university in
14 which any child who is a protected person under the order of
15 protection or any child of the petitioner is enrolled as
16 requested by the petitioner at the mailing address provided by
17 the petitioner. If the child transfers enrollment to another
18 day-care facility, pre-school, pre-kindergarten, private
19 school, public school, college, or university, the petitioner
20 may, within 24 hours of the transfer, send to the clerk written
21 notice of the transfer, including the name and address of the
22 institution to which the child is transferring. Within 24 hours
23 of receipt of notice from the petitioner that a child is
24 transferring to another day-care facility, pre-school,
25 pre-kindergarten, private school, public school, college, or
26 university, the clerk shall send a certified copy of the order

1 to the institution to which the child is transferring.

2 (f) Disclosure by schools. After receiving a certified copy
3 of an order of protection that prohibits a respondent's access
4 to records, neither a day-care facility, pre-school,
5 pre-kindergarten, public or private school, college, or
6 university nor its employees shall allow a respondent access to
7 a protected child's records or release information in those
8 records to the respondent. The school shall file the copy of
9 the order of protection in the records of a child who is a
10 protected person under the order of protection. When a child
11 who is a protected person under the order of protection
12 transfers to another day-care facility, pre-school,
13 pre-kindergarten, public or private school, college, or
14 university, the institution from which the child is
15 transferring may, at the request of the petitioner, provide,
16 within 24 hours of the transfer, written notice of the order of
17 protection, along with a certified copy of the order, to the
18 institution to which the child is transferring.

19 (g) Notice to health care facilities and health care
20 practitioners. Upon the request of the petitioner, the clerk of
21 the circuit court shall send a certified copy of the order of
22 protection to any specified health care facility or health care
23 practitioner requested by the petitioner at the mailing address
24 provided by the petitioner.

25 (h) Disclosure by health care facilities and health care
26 practitioners. After receiving a certified copy of an order of

1 protection that prohibits a respondent's access to records, no
2 health care facility or health care practitioner shall allow a
3 respondent access to the records of any child who is a
4 protected person under the order of protection, or release
5 information in those records to the respondent, unless the
6 order has expired or the respondent shows a certified copy of
7 the court order vacating the corresponding order of protection
8 that was sent to the health care facility or practitioner.
9 Nothing in this Section shall be construed to require health
10 care facilities or health care practitioners to alter
11 procedures related to billing and payment. The health care
12 facility or health care practitioner may file the copy of the
13 order of protection in the records of a child who is a
14 protected person under the order of protection, or may employ
15 any other method to identify the records to which a respondent
16 is prohibited access. No health care facility or health care
17 practitioner shall be civilly or professionally liable for
18 reliance on a copy of an order of protection, except for
19 willful and wanton misconduct.

20 (Source: P.A. 95-912, eff. 1-1-09; 96-651, eff. 1-1-10.)

21 (750 ILCS 60/222.10)

22 Sec. 222.10. Short form notification.

23 (a) Instead of personal service of an order of protection
24 under Section 222, a sheriff, other law enforcement official,
25 ~~or~~ special process server, or personnel assigned by the

1 Department of Corrections to investigate the alleged
2 misconduct of committed persons or alleged violations of a
3 parolee's or releasee's conditions of parole or mandatory
4 supervised release may serve a respondent with a short form
5 notification. The short form notification must include the
6 following items:

7 (1) The respondent's name.

8 (2) The respondent's date of birth, if known.

9 (3) The petitioner's name.

10 (4) The names of other protected parties.

11 (5) The date and county in which the order of
12 protection was filed.

13 (6) The court file number.

14 (7) The hearing date and time, if known.

15 (8) The conditions that apply to the respondent, either
16 in checklist form or handwritten.

17 (9) The name of the judge who signed the order.

18 (b) The short form notification must contain the following
19 notice in bold print:

20 "The order of protection is now enforceable. You must
21 report to the office of the sheriff or the office of the
22 circuit court in (name of county) County to obtain a copy
23 of the order of protection. You are subject to arrest and
24 may be charged with a misdemeanor or felony if you violate
25 any of the terms of the order of protection."

26 (c) Upon verification of the identity of the respondent and

1 the existence of an unserved order of protection against the
2 respondent, a sheriff or other law enforcement official may
3 detain the respondent for a reasonable time necessary to
4 complete and serve the short form notification.

5 (d) When service is made by short form notification under
6 this Section, it may be proved by the affidavit of the person
7 ~~sheriff, other law enforcement official, or special process~~
8 ~~server~~ making the service.

9 (e) The Attorney General shall provide adequate copies of
10 the short form notification form to law enforcement agencies in
11 this State.

12 (Source: P.A. 92-162, eff. 1-1-02.)

13 Section 99. Effective date. This Act takes effect upon
14 becoming law.