



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

SB2869

Introduced 2/1/2012, by Sen. Michael Noland

SYNOPSIS AS INTRODUCED:

725 ILCS 5/112A-22	from Ch. 38, par. 112A-22
740 ILCS 21/115	
740 ILCS 22/218	
750 ILCS 60/222	from Ch. 40, par. 2312-22

Amends the Code of Criminal Procedure of 1963, the Stalking No Contact Order Act, the Civil No Contact Order Act, and the Illinois Domestic Violence Act of 1986 relating to a respondent of an order of protection, stalking no contact order, or civil no contact order. Provides that if the respondent, at the time of the issuance of the order, is committed to the custody of the Illinois Department of Corrections or is on parole or mandatory supervised release, the sheriff or other law enforcement officials charged with maintaining Department of State Police records shall notify the Department of Corrections within 48 hours of receipt of a copy of the order from the clerk of the issuing judge or the petitioner. Provides that such notice shall include the name of the respondent, the respondent's IDOC inmate number, the respondent's date of birth, and the LEADS Record Index Number.

LRB097 14652 RLC 59540 b

1 AN ACT concerning certain court orders.

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 Section 112A-22 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. If the
2 respondent, at the time of the issuance of the order, is
3 committed to the custody of the Illinois Department of
4 Corrections or is on parole or mandatory supervised release,
5 the sheriff or other law enforcement officials charged with
6 maintaining Department of State Police records shall notify the
7 Department of Corrections within 48 hours of receipt of a copy
8 of the order of protection from the clerk of the issuing judge
9 or the petitioner. Such notice shall include the name of the
10 respondent, the respondent's IDOC inmate number, the
11 respondent's date of birth, and the LEADS Record Index Number.

12 (c) Service by sheriff. Unless respondent was present in
13 court when the order was issued, the sheriff, other law
14 enforcement official or special process server shall promptly
15 serve that order upon respondent and file proof of such
16 service, in the manner provided for service of process in civil
17 proceedings. Instead of serving the order upon the respondent,
18 however, the sheriff, other law enforcement official, special
19 process server, or other persons defined in Section 112A-22.10
20 may serve the respondent with a short form notification as
21 provided in Section 112A-22.10. If process has not yet been
22 served upon the respondent, it shall be served with the order
23 or short form notification if such service is made by the
24 sheriff, other law enforcement official, or special process
25 server.

26 (c-5) If the person against whom the order of protection is

1 issued is arrested and the written order is issued in
2 accordance with subsection (c) of Section 112A-17 and received
3 by the custodial law enforcement agency before the respondent
4 or arrestee is released from custody, the custodial law
5 enforcement agent shall promptly serve the order upon the
6 respondent or arrestee before the respondent or arrestee is
7 released from custody. In no event shall detention of the
8 respondent or arrestee be extended for hearing on the petition
9 for order of protection or receipt of the order issued under
10 Section 112A-17 of this Code.

11 (d) Extensions, modifications and revocations. Any order
12 extending, modifying or revoking any order of protection shall
13 be promptly recorded, issued and served as provided in this
14 Section.

15 (e) Notice to health care facilities and health care
16 practitioners. Upon the request of the petitioner, the clerk of
17 the circuit court shall send a certified copy of the order of
18 protection to any specified health care facility or health care
19 practitioner requested by the petitioner at the mailing address
20 provided by the petitioner.

21 (f) Disclosure by health care facilities and health care
22 practitioners. After receiving a certified copy of an order of
23 protection that prohibits a respondent's access to records, no
24 health care facility or health care practitioner shall allow a
25 respondent access to the records of any child who is a
26 protected person under the order of protection, or release

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

16 (g) Notice to schools. Upon the request of the petitioner,
17 within 24 hours of the issuance of an order of protection, the
18 clerk of the issuing judge shall send a certified copy of the
19 order of protection to the day-care facility, pre-school or
20 pre-kindergarten, or private school or the principal office of
21 the public school district or any college or university in
22 which any child who is a protected person under the order of
23 protection or any child of the petitioner is enrolled as
24 requested by the petitioner at the mailing address provided by
25 the petitioner. If the child transfers enrollment to another
26 day-care facility, pre-school, pre-kindergarten, private

1 school, public school, college, or university, the petitioner
2 may, within 24 hours of the transfer, send to the clerk written
3 notice of the transfer, including the name and address of the
4 institution to which the child is transferring. Within 24 hours
5 of receipt of notice from the petitioner that a child is
6 transferring to another day-care facility, pre-school,
7 pre-kindergarten, private school, public school, college, or
8 university, the clerk shall send a certified copy of the order
9 to the institution to which the child is transferring.

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

1 (Source: P.A. 96-651, eff. 1-1-10; 97-50, eff. 6-28-11.)

2 Section 10. The Stalking No Contact Order Act is amended by
3 changing Section 115 as follows:

4 (740 ILCS 21/115)

5 Sec. 115. Notice of orders.

6 (a) Upon issuance of any stalking no contact order, the
7 clerk shall immediately, or on the next court day if an
8 emergency order is issued in accordance with subsection (c) of
9 Section 95:

10 (1) enter the order on the record and file it in
11 accordance with the circuit court procedures; and

12 (2) provide a file stamped copy of the order to the
13 respondent, if present, and to the petitioner.

14 (b) The clerk of the issuing judge shall, or the petitioner
15 may, on the same day that a stalking no contact order is
16 issued, file a certified copy of that order with the sheriff or
17 other law enforcement officials charged with maintaining
18 Department of State Police records or charged with serving the
19 order upon the respondent. If the order was issued in
20 accordance with subsection (c) of Section 95, the clerk shall,
21 on the next court day, file a certified copy of the order with
22 the sheriff or other law enforcement officials charged with
23 maintaining Department of State Police records. If the
24 respondent, at the time of the issuance of the order, is

1 committed to the custody of the Illinois Department of
2 Corrections or is on parole or mandatory supervised release,
3 the sheriff or other law enforcement officials charged with
4 maintaining Department of State Police records shall notify the
5 Department of Corrections within 48 hours of receipt of a copy
6 of the stalking no contact order from the clerk of the issuing
7 judge or the petitioner. Such notice shall include the name of
8 the respondent, the respondent's IDOC inmate number, the
9 respondent's date of birth, and the LEADS Record Index Number.

10 (c) Unless the respondent was present in court when the
11 order was issued, the sheriff, other law enforcement official,
12 or special process server shall promptly serve that order upon
13 the respondent and file proof of such service in the manner
14 provided for service of process in civil proceedings. If
15 process has not yet been served upon the respondent, it shall
16 be served with the order or short form notification.

17 (d) If the person against whom the stalking no contact
18 order is issued is arrested and the written order is issued in
19 accordance with subsection (c) of Section 95 and received by
20 the custodial law enforcement agency before the respondent or
21 arrestee is released from custody, the custodial law
22 enforcement agent shall promptly serve the order upon the
23 respondent or arrestee before the respondent or arrestee is
24 released from custody. In no event shall detention of the
25 respondent or arrestee be extended for hearing on the petition
26 for stalking no contact order or receipt of the order issued

1 under Section 95 of this Act.

2 (e) Any order extending, modifying, or revoking any
3 stalking no contact order shall be promptly recorded, issued,
4 and served as provided in this Section.

5 (f) Upon the request of the petitioner, within 24 hours of
6 the issuance of a stalking no contact order, the clerk of the
7 issuing judge shall send written notice of the order along with
8 a certified copy of the order to any school, daycare, college,
9 or university at which the petitioner is enrolled.

10 (Source: P.A. 96-246, eff. 1-1-10.)

11 Section 15. The Civil No Contact Order Act is amended by
12 changing Section 218 as follows:

13 (740 ILCS 22/218)

14 Sec. 218. Notice of orders.

15 (a) Upon issuance of any civil no contact order, the clerk
16 shall immediately, or on the next court day if an emergency
17 order is issued in accordance with subsection (c) of Section
18 214:

19 (1) enter the order on the record and file it in
20 accordance with the circuit court procedures; and

21 (2) provide a file stamped copy of the order to the
22 respondent, if present, and to the petitioner.

23 (b) The clerk of the issuing judge shall, or the petitioner
24 may, on the same day that a civil no contact order is issued,

1 file a certified copy of that order with the sheriff or other
2 law enforcement officials charged with maintaining Department
3 of State Police records or charged with serving the order upon
4 the respondent. If the order was issued in accordance with
5 subsection (c) of Section 214, the clerk shall, on the next
6 court day, file a certified copy of the order with the Sheriff
7 or other law enforcement officials charged with maintaining
8 Department of State Police records. If the respondent, at the
9 time of the issuance of the order, is committed to the custody
10 of the Illinois Department of Corrections or is on parole or
11 mandatory supervised release, the sheriff or other law
12 enforcement officials charged with maintaining Department of
13 State Police records shall notify the Department of Corrections
14 within 48 hours of receipt of a copy of the civil no contact
15 order from the clerk of the issuing judge or the petitioner.
16 Such notice shall include the name of the respondent, the
17 respondent's IDOC inmate number, the respondent's date of
18 birth, and the LEADS Record Index Number.

19 (c) Unless the respondent was present in court when the
20 order was issued, the sheriff, other law enforcement official,
21 or special process server shall promptly serve that order upon
22 the respondent and file proof of such service in the manner
23 provided for service of process in civil proceedings. If
24 process has not yet been served upon the respondent, it shall
25 be served with the order or short form notification.

26 (d) If the person against whom the civil no contact order

1 is issued is arrested and the written order is issued in
2 accordance with subsection (c) of Section 214 and received by
3 the custodial law enforcement agency before the respondent or
4 arrestee is released from custody, the custodial law
5 enforcement agent shall promptly serve the order upon the
6 respondent or arrestee before the respondent or arrestee is
7 released from custody. In no event shall detention of the
8 respondent or arrestee be extended for hearing on the petition
9 for civil no contact order or receipt of the order issued under
10 Section 214 of this Act.

11 (e) Any order extending, modifying, or revoking any civil
12 no contact order shall be promptly recorded, issued, and served
13 as provided in this Section.

14 (f) Upon the request of the petitioner, within 24 hours of
15 the issuance of a civil no contact order, the clerk of the
16 issuing judge shall send written notice of the order along with
17 a certified copy of the order to any school, college, or
18 university at which the petitioner is enrolled.

19 (Source: P.A. 93-236, eff. 1-1-04; 93-811, eff. 1-1-05.)

20 Section 20. The Illinois Domestic Violence Act of 1986 is
21 amended by changing Section 222 as follows:

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

23 Sec. 222. Notice of orders.

24 (a) Entry and issuance. Upon issuance of any order of

1 protection, the clerk shall immediately, or on the next court
2 day if an emergency order is issued in accordance with
3 subsection (c) of Section 217, (i) enter the order on the
4 record and file it in accordance with the circuit court
5 procedures and (ii) provide a file stamped copy of the order to
6 respondent, if present, and to petitioner.

7 (b) Filing with sheriff. The clerk of the issuing judge
8 shall, or the petitioner may, on the same day that an order of
9 protection is issued, file a certified copy of that order with
10 the sheriff or other law enforcement officials charged with
11 maintaining Department of State Police records or charged with
12 serving the order upon respondent. If the order was issued in
13 accordance with subsection (c) of Section 217, the clerk shall
14 on the next court day, file a certified copy of the order with
15 the Sheriff or other law enforcement officials charged with
16 maintaining Department of State Police records. If the
17 respondent, at the time of the issuance of the order, is
18 committed to the custody of the Illinois Department of
19 Corrections or is on parole or mandatory supervised release,
20 the sheriff or other law enforcement officials charged with
21 maintaining Department of State Police records shall notify the
22 Department of Corrections within 48 hours of receipt of a copy
23 of the order of protection from the clerk of the issuing judge
24 or the petitioner. Such notice shall include the name of the
25 respondent, the respondent's IDOC inmate number, the
26 respondent's date of birth, and the LEADS Record Index Number.

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

17 (c-5) If the person against whom the order of protection is
18 issued is arrested and the written order is issued in
19 accordance with subsection (c) of Section 217 and received by
20 the custodial law enforcement agency before the respondent or
21 arrestee is released from custody, the custodial law
22 enforcement agent shall promptly serve the order upon the
23 respondent or arrestee before the respondent or arrestee is
24 released from custody. In no event shall detention of the
25 respondent or arrestee be extended for hearing on the petition
26 for order of protection or receipt of the order issued under

1 Section 217 of this Act.

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

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

23 (h) Disclosure by health care facilities and health care
24 practitioners. After receiving a certified copy of an order of
25 protection that prohibits a respondent's access to records, no
26 health care facility or health care practitioner shall allow a

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

18 (Source: P.A. 96-651, eff. 1-1-10; 97-50, eff. 6-28-11.)