

1 AN ACT concerning domestic violence.

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

4 Section 1. Short Title. This Act may be cited as the
5 Uniform Interstate Enforcement of Domestic-Violence
6 Protection Orders Act.

7 Section 2. Definitions. In this Act:

8 (1) "Foreign protection order" means a protection
9 order issued by a tribunal of another state.

10 (2) "Issuing state" means the state whose tribunal
11 issues a protection order.

12 (3) "Mutual foreign protection order" means a
13 foreign protection order that includes provisions in
14 favor of both the protected individual seeking
15 enforcement of the order and the respondent.

16 (4) "Protected individual" means an individual
17 protected by a protection order.

18 (5) "Protection order" means an injunction or other
19 order, issued by a tribunal under the domestic-violence
20 or family-violence laws of the issuing state, to prevent
21 an individual from engaging in violent or threatening
22 acts against, harassment of, contact or communication
23 with, or physical proximity to, another individual.

24 (6) "Respondent" means the individual against whom
25 enforcement of a protection order is sought.

26 (7) "State" means a state of the United States, the
27 District of Columbia, Puerto Rico, the United States
28 Virgin Islands, or any territory or insular possession
29 subject to the jurisdiction of the United States. The
30 term includes an Indian tribe or band that has
31 jurisdiction to issue protection orders.

1 (8) "Tribunal" means a court, agency, or other
2 entity authorized by law to issue or modify a protection
3 order.

4 Section 3. Judicial Enforcement of Order.

5 (a) A person authorized by the law of this State to seek
6 enforcement of a protection order may seek enforcement of a
7 valid foreign protection order in a tribunal of this State.
8 The tribunal shall enforce the terms of the order, including
9 terms that provide relief that a tribunal of this State would
10 lack power to provide but for this Section. The tribunal
11 shall enforce the order, whether the order was obtained by
12 independent action or in another proceeding, if it is an
13 order issued in response to a complaint, petition, or motion
14 filed by or on behalf of an individual seeking protection. In
15 a proceeding to enforce a foreign protection order, the
16 tribunal shall follow the procedures of this State for the
17 enforcement of protection orders.

18 (b) A tribunal of this State may not a enforce a foreign
19 protection order issued by a tribunal of a state that does
20 not recognize the standing of a protected individual to seek
21 enforcement of the order.

22 (c) A tribunal of this State shall enforce the
23 provisions of a valid foreign protection order which govern
24 custody and visitation, if the order was issued in accordance
25 with the jurisdictional requirements governing the issuance
26 of custody and visitation orders in the issuing state.

27 (d) A tribunal of this State may not enforce under this
28 Act a provision of a foreign protection order with respect to
29 support.

30 (e) A foreign protection order is valid if it:
31 (1) identifies the protected individual and the
32 respondent;
33 (2) is currently in effect;

1 (3) was issued by a tribunal that had jurisdiction
2 over the parties and subject matter under the law of the
3 issuing state; and

4 (4) was issued after the respondent was given
5 reasonable notice and had an opportunity to be heard
6 before the tribunal issued the order or, in the case of
7 an order ex parte, the respondent was given notice and
8 had an opportunity to be heard within a reasonable time
9 after the order was issued, consistent with the rights of
10 the respondent to due process.

11 (e) A foreign protection order valid on its face is
12 prima facie evidence of its validity.

13 (f) Absence of any of the criteria for validity of a
14 foreign protection order is an affirmative defense in an
15 action seeking enforcement of the order.

16 (g) A tribunal of this State may enforce provisions of a
17 mutual foreign protection order which favor a respondent only
18 if:

19 (1) the respondent filed a written pleading seeking
20 a protection order from the tribunal of the issuing
21 state; and

22 (2) the tribunal of the issuing state made specific
23 findings in favor of the respondent.

24 Section 4. Nonjudicial Enforcement of Order.

25 (a) A law enforcement officer of this State, upon
26 determining that there is probable cause to believe that a
27 valid foreign protection order exists and that the order has
28 been violated, shall enforce the order as if it were the
29 order of a tribunal of this State. Presentation of a
30 protection order that identifies both the protected
31 individual and the respondent and, on its face, is currently
32 in effect constitutes probable cause to believe that a valid
33 foreign protection order exists. For the purposes of this

1 Section, the protection order may be inscribed on a tangible
2 medium or may have been stored in an electronic or other
3 medium if it is retrievable in perceivable form. Presentation
4 of a certified copy of a protection order is not required for
5 enforcement.

6 (b) If a foreign protection order is not presented, a
7 law enforcement officer of this State may consider other
8 information in determining whether there is probable cause to
9 believe that a valid foreign protection order exists.

10 (c) If a law enforcement officer of this State
11 determines that an otherwise valid foreign protection order
12 cannot be enforced because the respondent has not been
13 notified or served with the order, the officer shall inform
14 the respondent of the order, make a reasonable effort to
15 serve the order upon the respondent, and allow the respondent
16 a reasonable opportunity to comply with the order before
17 enforcing the order.

18 (d) Registration or filing of an order in this State is
19 not required for the enforcement of a valid foreign
20 protection order pursuant to this Act.

21 Section 5. (Blank.)

22 Section 6. Immunity. This State or a local governmental
23 agency, or a law enforcement officer, prosecuting attorney,
24 clerk of court, or any state or local governmental official
25 acting in an official capacity, is immune from civil and
26 criminal liability for an act or omission arising out of the
27 registration or enforcement of a foreign protection order or
28 the detention or arrest of an alleged violator of a foreign
29 protection order if the act or omission was done in good
30 faith in an effort to comply with this Act.

31 Section 7. Other Remedies. A protected individual who

1 pursues remedies under this Act is not precluded from
2 pursuing other legal or equitable remedies against the
3 respondent.

4 Section 8. Uniformity of Application and Construction.
5 In applying and construing this Uniform Act, consideration
6 must be given to the need to promote uniformity of the law
7 with respect to its subject matter among states that enact
8 it.

9 Section 9. Severability Clause. If any provision of this
10 Act or its application to any person or circumstance is held
11 invalid, the invalidity does not affect other provisions or
12 applications of this Act which can be given effect without
13 the invalid provision or application, and to this end the
14 provisions of this Act are severable.

15 Section 10. (Blank).

16 Section 11. Transitional Provision. This Act applies to
17 protection orders issued before the effective date of this
18 Act and to continuing actions for enforcement of foreign
19 protection orders commenced before the effective date of this
20 Act. A request for enforcement of a foreign protection order
21 made on or after the effective date of this Act for
22 violations of a foreign protection order occurring before the
23 effective date of this Act is governed by this Act.

24 Section 11.1. The Code of Criminal Procedure of 1963 is
25 amended by changing Sections 110-10, 112A-22.5, and 112A-28
26 as follows:

27 (725 ILCS 5/110-10) (from Ch. 38, par. 110-10)

28 Sec. 110-10. Conditions of bail bond.

1 (a) If a person is released prior to conviction, either
2 upon payment of bail security or on his or her own
3 recognizance, the conditions of the bail bond shall be that
4 he or she will:

5 (1) Appear to answer the charge in the court having
6 jurisdiction on a day certain and thereafter as ordered
7 by the court until discharged or final order of the
8 court;

9 (2) Submit himself or herself to the orders and
10 process of the court;

11 (3) Not depart this State without leave of the
12 court;

13 (4) Not violate any criminal statute of any
14 jurisdiction;

15 (5) At a time and place designated by the court,
16 surrender all firearms in his or her possession to a law
17 enforcement officer designated by the court to take
18 custody of and impound the firearms when the offense the
19 person has been charged with is a forcible felony,
20 stalking, aggravated stalking, domestic battery, any
21 violation of either the Illinois Controlled Substances
22 Act or the Cannabis Control Act that is classified as a
23 Class 2 or greater felony, or any felony violation of
24 Article 24 of the Criminal Code of 1961; the court may,
25 however, forgo the imposition of this condition when the
26 circumstances of the case clearly do not warrant it or
27 when its imposition would be impractical; all legally
28 possessed firearms shall be returned to the person upon
29 that person completing a sentence for a conviction on a
30 misdemeanor domestic battery, upon the charges being
31 dismissed, or if the person is found not guilty, unless
32 the finding of not guilty is by reason of insanity; and

33 (6) At a time and place designated by the court,
34 submit to a psychological evaluation when the person has

1 been charged with a violation of item (4) of subsection
2 (a) of Section 24-1 of the Criminal Code of 1961 and that
3 violation occurred in a school or in any conveyance
4 owned, leased, or contracted by a school to transport
5 students to or from school or a school-related activity,
6 or on any public way within 1,000 feet of real property
7 comprising any school.

8 Psychological evaluations ordered pursuant to this
9 Section shall be completed promptly and made available to the
10 State, the defendant, and the court. As a further condition
11 of bail under these circumstances, the court shall order the
12 defendant to refrain from entering upon the property of the
13 school, including any conveyance owned, leased, or contracted
14 by a school to transport students to or from school or a
15 school-related activity, or on any public way within 1,000
16 feet of real property comprising any school. Upon receipt of
17 the psychological evaluation, either the State or the
18 defendant may request a change in the conditions of bail,
19 pursuant to Section 110-6 of this Code. The court may change
20 the conditions of bail to include a requirement that the
21 defendant follow the recommendations of the psychological
22 evaluation, including undergoing psychiatric treatment. The
23 conclusions of the psychological evaluation and any
24 statements elicited from the defendant during its
25 administration are not admissible as evidence of guilt during
26 the course of any trial on the charged offense, unless the
27 defendant places his or her mental competency in issue.

28 (b) The court may impose other conditions, such as the
29 following, if the court finds that such conditions are
30 reasonably necessary to assure the defendant's appearance in
31 court, protect the public from the defendant, or prevent the
32 defendant's unlawful interference with the orderly
33 administration of justice:

34 (1) Report to or appear in person before such

1 person or agency as the court may direct;

2 (2) Refrain from possessing a firearm or other
3 dangerous weapon;

4 (3) Refrain from approaching or communicating with
5 particular persons or classes of persons;

6 (4) Refrain from going to certain described
7 geographical areas or premises;

8 (5) Refrain from engaging in certain activities or
9 indulging in intoxicating liquors or in certain drugs;

10 (6) Undergo treatment for drug addiction or
11 alcoholism;

12 (7) Undergo medical or psychiatric treatment;

13 (8) Work or pursue a course of study or vocational
14 training;

15 (9) Attend or reside in a facility designated by
16 the court;

17 (10) Support his or her dependents;

18 (11) If a minor resides with his or her parents or
19 in a foster home, attend school, attend a non-residential
20 program for youths, and contribute to his or her own
21 support at home or in a foster home;

22 (12) Observe any curfew ordered by the court;

23 (13) Remain in the custody of such designated
24 person or organization agreeing to supervise his release.
25 Such third party custodian shall be responsible for
26 notifying the court if the defendant fails to observe the
27 conditions of release which the custodian has agreed to
28 monitor, and shall be subject to contempt of court for
29 failure so to notify the court;

30 (14) Be placed under direct supervision of the
31 Pretrial Services Agency, Probation Department or Court
32 Services Department in a pretrial bond home supervision
33 capacity with or without the use of an approved
34 electronic monitoring device subject to Article 8A of

1 Chapter V of the Unified Code of Corrections;

2 (14.1) The court shall impose upon a defendant who
3 is charged with any alcohol, cannabis or controlled
4 substance violation and is placed under direct
5 supervision of the Pretrial Services Agency, Probation
6 Department or Court Services Department in a pretrial
7 bond home supervision capacity with the use of an
8 approved monitoring device, as a condition of such bail
9 bond, a fee that represents costs incidental to the
10 electronic monitoring for each day of such bail
11 supervision ordered by the court, unless after
12 determining the inability of the defendant to pay the
13 fee, the court assesses a lesser fee or no fee as the
14 case may be. The fee shall be collected by the clerk of
15 the circuit court. The clerk of the circuit court shall
16 pay all monies collected from this fee to the county
17 treasurer for deposit in the substance abuse services
18 fund under Section 5-1086.1 of the Counties Code;

19 (14.2) The court shall impose upon all defendants,
20 including those defendants subject to paragraph (14.1)
21 above, placed under direct supervision of the Pretrial
22 Services Agency, Probation Department or Court Services
23 Department in a pretrial bond home supervision capacity
24 with the use of an approved monitoring device, as a
25 condition of such bail bond, a fee which shall represent
26 costs incidental to such electronic monitoring for each
27 day of such bail supervision ordered by the court, unless
28 after determining the inability of the defendant to pay
29 the fee, the court assesses a lesser fee or no fee as the
30 case may be. The fee shall be collected by the clerk of
31 the circuit court. The clerk of the circuit court shall
32 pay all monies collected from this fee to the county
33 treasurer who shall use the monies collected to defray
34 the costs of corrections. The county treasurer shall

1 deposit the fee collected in the county working cash fund
2 under Section 6-27001 or Section 6-29002 of the Counties
3 Code, as the case may be;

4 (15) Comply with the terms and conditions of an
5 order of protection issued by the court under the
6 Illinois Domestic Violence Act of 1986 or a foreign
7 protection order (as defined in the Uniform Interstate
8 Enforcement of Domestic-Violence Protection Orders Act)
9 ~~an-order-of-protection-issued-by--the--court--of--another~~
10 ~~state,-tribe,-or-United-States-territory;~~

11 (16) Under Section 110-6.5 comply with the
12 conditions of the drug testing program; and

13 (17) Such other reasonable conditions as the court
14 may impose.

15 (c) When a person is charged with an offense under
16 Section 12-13, 12-14, 12-14.1, 12-15 or 12-16 of the
17 "Criminal Code of 1961", involving a victim who is a minor
18 under 18 years of age living in the same household with the
19 defendant at the time of the offense, in granting bail or
20 releasing the defendant on his own recognizance, the judge
21 shall impose conditions to restrict the defendant's access to
22 the victim which may include, but are not limited to
23 conditions that he will:

- 24 1. Vacate the Household.
- 25 2. Make payment of temporary support to his
26 dependents.
- 27 3. Refrain from contact or communication with the
28 child victim, except as ordered by the court.

29 (d) When a person is charged with a criminal offense and
30 the victim is a family or household member as defined in
31 Article 112A, conditions shall be imposed at the time of the
32 defendant's release on bond that restrict the defendant's
33 access to the victim. Unless provided otherwise by the court,
34 the restrictions shall include requirements that the

1 defendant do the following:

2 (1) refrain from contact or communication with the
3 victim for a minimum period of 72 hours following the
4 defendant's release; and

5 (2) refrain from entering or remaining at the
6 victim's residence for a minimum period of 72 hours
7 following the defendant's release.

8 (e) Local law enforcement agencies shall develop
9 standardized bond forms for use in cases involving family or
10 household members as defined in Article 112A, including
11 specific conditions of bond as provided in subsection (d).
12 Failure of any law enforcement department to develop or use
13 those forms shall in no way limit the applicability and
14 enforcement of subsections (d) and (f).

15 (f) If the defendant is admitted to bail after
16 conviction the conditions of the bail bond shall be that he
17 will, in addition to the conditions set forth in subsections
18 (a) and (b) hereof:

19 (1) Duly prosecute his appeal;

20 (2) Appear at such time and place as the court may
21 direct;

22 (3) Not depart this State without leave of the
23 court;

24 (4) Comply with such other reasonable conditions as
25 the court may impose; and,

26 (5) If the judgment is affirmed or the cause
27 reversed and remanded for a new trial, forthwith
28 surrender to the officer from whose custody he was
29 bailed.

30 (Source: P.A. 90-399, eff. 1-1-98; 91-11, eff. 6-4-99;
31 91-312, eff. 1-1-00; 91-696, eff. 4-13-00; 91-903, eff.
32 1-1-01.)

33 (725 ILCS 5/112A-22.5)

1 Sec. 112A-22.5. Filing of a foreign protection order an
2 ~~order-of-protection-issued-in-another-state.~~

3 (a) A person entitled to protection under a foreign
4 protection order (as defined in the Uniform Interstate
5 Enforcement of Domestic-Violence Protection Orders Act) an
6 ~~order-of-protection-issued-by-the--court--of--another--state,~~
7 ~~tribe,--or--United-States-territory~~ may file a certified copy
8 of the foreign ~~order-of~~ protection order with the clerk of
9 the court in a judicial circuit in which the person believes
10 that enforcement may be necessary.

11 (b) The clerk shall:

12 (1) treat the foreign ~~order-of~~ protection order in
13 the same manner as a judgment of the circuit court for
14 any county of this State in accordance with the
15 provisions of the Uniform Enforcement of Foreign
16 Judgments Act, except that the clerk shall not mail
17 notice of the filing of the foreign protection order to
18 the respondent named in the order; and

19 (2) on the same day that a foreign ~~order--of~~
20 protection order is filed, file a certified copy of that
21 order with the sheriff or other law enforcement officials
22 charged with maintaining Department of State Police
23 records as set forth in Section 112A-22 of this Act.

24 (c) Neither residence in this State nor filing of a
25 foreign ~~order-of~~ protection order shall be required for
26 enforcement of the order by this State. Failure to file the
27 foreign order shall not be an impediment to its treatment in
28 all respects as an Illinois order of protection nor its
29 enforcement under the Uniform Interstate Enforcement of
30 Domestic-Violence Protection Orders Act.

31 (d) The clerk shall not charge a fee to file a foreign
32 ~~order-of~~ protection order under this Section.

33 (e) The sheriff shall inform the Department of State
34 Police as set forth in Section 112A-28 of this Act.

1 (Source: P.A. 91-903, eff. 1-1-01.)

2 (725 ILCS 5/112A-28) (from Ch. 38, par. 112A-28)

3 Sec. 112A-28. Data maintenance by law enforcement
4 agencies.

5 (a) All sheriffs shall furnish to the Department of
6 State Police, daily, in the form and detail the Department
7 requires, copies of any recorded orders of protection issued
8 by the court, and any foreign ~~orders~~ of protection orders
9 filed with by the clerk of the court, and transmitted to the
10 sheriff by the clerk of the court pursuant to subsection (b)
11 of Section 112A-22 of this Act. In this Section, "order of
12 protection" includes an order of protection issued in this
13 State and a foreign protection order filed with the clerk of
14 the court. Each order of protection shall be entered in the
15 Law Enforcement Automated Data System on the same day it is
16 issued by the court or filed with the clerk of the court. If
17 an emergency order of protection was issued in accordance
18 with subsection (c) of Section 112A-17, the order shall be
19 entered in the Law Enforcement Automated Data System as soon
20 as possible after receipt from the clerk.

21 (b) The Department of State Police shall maintain a
22 complete and systematic record and index of all valid and
23 recorded orders of protection issued or filed pursuant to
24 this Act. The data shall be used to inform all dispatchers
25 and law enforcement officers at the scene of an alleged
26 incident of abuse or violation of an order of protection of
27 any recorded prior incident of abuse involving the abused
28 party and the effective dates and terms of any recorded order
29 of protection.

30 (c) The data, records and transmittals required under
31 this Section shall pertain to any valid emergency, interim or
32 plenary order of protection, whether issued in a civil or
33 criminal proceeding or issued by a tribunal as defined in the

1 Uniform Interstate Enforcement of Domestic-Violence
2 Protection Orders Act authorized under the laws of another
3 state, tribe, or United States territory.

4 (Source: P.A. 90-392, eff. 1-1-98; 91-903, eff. 1-1-01.)

5 Section 11.2. The Unified Code of Corrections is amended
6 by changing Sections 3-3-7 and 5-6-3 as follows:

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

8 Sec. 3-3-7. Conditions of Parole or Mandatory Supervised
9 Release.

10 (a) The conditions of parole or mandatory supervised
11 release shall be such as the Prisoner Review Board deems
12 necessary to assist the subject in leading a law-abiding
13 life. The conditions of every parole and mandatory supervised
14 release are that the subject:

15 (1) not violate any criminal statute of any
16 jurisdiction during the parole or release term; and

17 (2) refrain from possessing a firearm or other
18 dangerous weapon.

19 (b) The Board may in addition to other conditions
20 require that the subject:

21 (1) work or pursue a course of study or vocational
22 training;

23 (2) undergo medical or psychiatric treatment, or
24 treatment for drug addiction or alcoholism;

25 (3) attend or reside in a facility established for
26 the instruction or residence of persons on probation or
27 parole;

28 (4) support his dependents;

29 (5) report to an agent of the Department of
30 Corrections;

31 (6) permit the agent to visit him at his home or
32 elsewhere to the extent necessary to discharge his

1 duties;

2 (7) comply with the terms and conditions of an
3 order of protection issued pursuant to the Illinois
4 Domestic Violence Act of 1986, enacted by the 84th
5 General Assembly, or a foreign protection order (as
6 defined in the Uniform Interstate Enforcement of
7 Domestic-Violence Protection Orders Act) an--order-of
8 ~~protection-issued-by-the-court-of-another--state,--tribe,~~
9 ~~or-United-States-territory.~~

10 (8) and, in addition, if a minor:

11 (i) reside with his parents or in a foster
12 home;

13 (ii) attend school;

14 (iii) attend a non-residential program for
15 youth;

16 (iv) contribute to his own support at home or
17 in a foster home.

18 (c) The conditions under which the parole or mandatory
19 supervised release is to be served shall be communicated to
20 the person in writing prior to his release, and he shall sign
21 the same before release. A signed copy of these conditions,
22 including a copy of an order of protection where one had been
23 issued by the criminal court, shall be retained by the person
24 and another copy forwarded to the officer in charge of his
25 supervision.

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

29 (e) The Department shall inform all offenders committed
30 to the Department of the optional services available to them
31 upon release and shall assist inmates in availing themselves
32 of such optional services upon their release on a voluntary
33 basis.

34 (Source: P.A. 91-903, eff. 1-1-01.)

1 (730 ILCS 5/5-6-3) (from Ch. 38, par. 1005-6-3)
2 Sec. 5-6-3. Conditions of Probation and of Conditional
3 Discharge.

4 (a) The conditions of probation and of conditional
5 discharge shall be that the person:

6 (1) not violate any criminal statute of any
7 jurisdiction;

8 (2) report to or appear in person before such
9 person or agency as directed by the court;

10 (3) refrain from possessing a firearm or other
11 dangerous weapon;

12 (4) not leave the State without the consent of the
13 court or, in circumstances in which the reason for the
14 absence is of such an emergency nature that prior consent
15 by the court is not possible, without the prior
16 notification and approval of the person's probation
17 officer;

18 (5) permit the probation officer to visit him at
19 his home or elsewhere to the extent necessary to
20 discharge his duties;

21 (6) perform no less than 30 hours of community
22 service and not more than 120 hours of community service,
23 if community service is available in the jurisdiction and
24 is funded and approved by the county board where the
25 offense was committed, where the offense was related to
26 or in furtherance of the criminal activities of an
27 organized gang and was motivated by the offender's
28 membership in or allegiance to an organized gang. The
29 community service shall include, but not be limited to,
30 the cleanup and repair of any damage caused by a
31 violation of Section 21-1.3 of the Criminal Code of 1961
32 and similar damage to property located within the
33 municipality or county in which the violation occurred.
34 When possible and reasonable, the community service

1 should be performed in the offender's neighborhood. For
2 purposes of this Section, "organized gang" has the
3 meaning ascribed to it in Section 10 of the Illinois
4 Streetgang Terrorism Omnibus Prevention Act;

5 (7) if he or she is at least 17 years of age and
6 has been sentenced to probation or conditional discharge
7 for a misdemeanor or felony in a county of 3,000,000 or
8 more inhabitants and has not been previously convicted of
9 a misdemeanor or felony, may be required by the
10 sentencing court to attend educational courses designed
11 to prepare the defendant for a high school diploma and to
12 work toward a high school diploma or to work toward
13 passing the high school level Test of General Educational
14 Development (GED) or to work toward completing a
15 vocational training program approved by the court. The
16 person on probation or conditional discharge must attend
17 a public institution of education to obtain the
18 educational or vocational training required by this
19 clause (7). The court shall revoke the probation or
20 conditional discharge of a person who wilfully fails to
21 comply with this clause (7). The person on probation or
22 conditional discharge shall be required to pay for the
23 cost of the educational courses or GED test, if a fee is
24 charged for those courses or test. The court shall
25 resentence the offender whose probation or conditional
26 discharge has been revoked as provided in Section 5-6-4.
27 This clause (7) does not apply to a person who has a high
28 school diploma or has successfully passed the GED test.
29 This clause (7) does not apply to a person who is
30 determined by the court to be developmentally disabled or
31 otherwise mentally incapable of completing the
32 educational or vocational program; and

33 (8) if convicted of possession of a substance
34 prohibited by the Cannabis Control Act or Illinois

1 Controlled Substances Act after a previous conviction or
2 disposition of supervision for possession of a substance
3 prohibited by the Cannabis Control Act or Illinois
4 Controlled Substances Act or after a sentence of
5 probation under Section 10 of the Cannabis Control Act or
6 Section 410 of the Illinois Controlled Substances Act and
7 upon a finding by the court that the person is addicted,
8 undergo treatment at a substance abuse program approved
9 by the court.

10 (b) The Court may in addition to other reasonable
11 conditions relating to the nature of the offense or the
12 rehabilitation of the defendant as determined for each
13 defendant in the proper discretion of the Court require that
14 the person:

15 (1) serve a term of periodic imprisonment under
16 Article 7 for a period not to exceed that specified in
17 paragraph (d) of Section 5-7-1;

18 (2) pay a fine and costs;

19 (3) work or pursue a course of study or vocational
20 training;

21 (4) undergo medical, psychological or psychiatric
22 treatment; or treatment for drug addiction or alcoholism;

23 (5) attend or reside in a facility established for
24 the instruction or residence of defendants on probation;

25 (6) support his dependents;

26 (7) and in addition, if a minor:

27 (i) reside with his parents or in a foster
28 home;

29 (ii) attend school;

30 (iii) attend a non-residential program for
31 youth;

32 (iv) contribute to his own support at home or
33 in a foster home;

34 (8) make restitution as provided in Section 5-5-6

1 of this Code;

2 (9) perform some reasonable public or community
3 service;

4 (10) serve a term of home confinement. In addition
5 to any other applicable condition of probation or
6 conditional discharge, the conditions of home confinement
7 shall be that the offender:

8 (i) remain within the interior premises of the
9 place designated for his confinement during the
10 hours designated by the court;

11 (ii) admit any person or agent designated by
12 the court into the offender's place of confinement
13 at any time for purposes of verifying the offender's
14 compliance with the conditions of his confinement;
15 and

16 (iii) if further deemed necessary by the court
17 or the Probation or Court Services Department, be
18 placed on an approved electronic monitoring device,
19 subject to Article 8A of Chapter V;

20 (iv) for persons convicted of any alcohol,
21 cannabis or controlled substance violation who are
22 placed on an approved monitoring device as a
23 condition of probation or conditional discharge, the
24 court shall impose a reasonable fee for each day of
25 the use of the device, as established by the county
26 board in subsection (g) of this Section, unless
27 after determining the inability of the offender to
28 pay the fee, the court assesses a lesser fee or no
29 fee as the case may be. This fee shall be imposed in
30 addition to the fees imposed under subsections (g)
31 and (i) of this Section. The fee shall be collected
32 by the clerk of the circuit court. The clerk of the
33 circuit court shall pay all monies collected from
34 this fee to the county treasurer for deposit in the

1 substance abuse services fund under Section 5-1086.1
2 of the Counties Code; and

3 (v) for persons convicted of offenses other
4 than those referenced in clause (iv) above and who
5 are placed on an approved monitoring device as a
6 condition of probation or conditional discharge, the
7 court shall impose a reasonable fee for each day of
8 the use of the device, as established by the county
9 board in subsection (g) of this Section, unless
10 after determining the inability of the defendant to
11 pay the fee, the court assesses a lesser fee or no
12 fee as the case may be. This fee shall be imposed
13 in addition to the fees imposed under subsections
14 (g) and (i) of this Section. The fee shall be
15 collected by the clerk of the circuit court. The
16 clerk of the circuit court shall pay all monies
17 collected from this fee to the county treasurer who
18 shall use the monies collected to defray the costs
19 of corrections. The county treasurer shall deposit
20 the fee collected in the county working cash fund
21 under Section 6-27001 or Section 6-29002 of the
22 Counties Code, as the case may be.

23 (11) comply with the terms and conditions of an
24 order of protection issued by the court pursuant to the
25 Illinois Domestic Violence Act of 1986, as now or
26 hereafter amended, or a foreign protection order (as
27 defined in the Uniform Interstate Enforcement of
28 Domestic-Violence Protection Orders Act) ~~an--order--of~~
29 ~~protection--issued--by--the--court--of--another--state,--tribe,~~
30 ~~or--United--States--territory.~~ A copy of the order of
31 protection or foreign protection order shall be
32 transmitted to the probation officer or agency having
33 responsibility for the case;

34 (12) reimburse any "local anti-crime program" as

1 defined in Section 7 of the Anti-Crime Advisory Council
2 Act for any reasonable expenses incurred by the program
3 on the offender's case, not to exceed the maximum amount
4 of the fine authorized for the offense for which the
5 defendant was sentenced;

6 (13) contribute a reasonable sum of money, not to
7 exceed the maximum amount of the fine authorized for the
8 offense for which the defendant was sentenced, to a
9 "local anti-crime program", as defined in Section 7 of
10 the Anti-Crime Advisory Council Act;

11 (14) refrain from entering into a designated
12 geographic area except upon such terms as the court finds
13 appropriate. Such terms may include consideration of the
14 purpose of the entry, the time of day, other persons
15 accompanying the defendant, and advance approval by a
16 probation officer, if the defendant has been placed on
17 probation or advance approval by the court, if the
18 defendant was placed on conditional discharge;

19 (15) refrain from having any contact, directly or
20 indirectly, with certain specified persons or particular
21 types of persons, including but not limited to members of
22 street gangs and drug users or dealers;

23 (16) refrain from having in his or her body the
24 presence of any illicit drug prohibited by the Cannabis
25 Control Act or the Illinois Controlled Substances Act,
26 unless prescribed by a physician, and submit samples of
27 his or her blood or urine or both for tests to determine
28 the presence of any illicit drug.

29 (c) The court may as a condition of probation or of
30 conditional discharge require that a person under 18 years of
31 age found guilty of any alcohol, cannabis or controlled
32 substance violation, refrain from acquiring a driver's
33 license during the period of probation or conditional
34 discharge. If such person is in possession of a permit or

1 license, the court may require that the minor refrain from
2 driving or operating any motor vehicle during the period of
3 probation or conditional discharge, except as may be
4 necessary in the course of the minor's lawful employment.

5 (d) An offender sentenced to probation or to conditional
6 discharge shall be given a certificate setting forth the
7 conditions thereof.

8 (e) The court shall not require as a condition of the
9 sentence of probation or conditional discharge that the
10 offender be committed to a period of imprisonment in excess
11 of 6 months. This 6 month limit shall not include periods of
12 confinement given pursuant to a sentence of county impact
13 incarceration under Section 5-8-1.2.

14 Persons committed to imprisonment as a condition of
15 probation or conditional discharge shall not be committed to
16 the Department of Corrections.

17 (f) The court may combine a sentence of periodic
18 imprisonment under Article 7 or a sentence to a county impact
19 incarceration program under Article 8 with a sentence of
20 probation or conditional discharge.

21 (g) An offender sentenced to probation or to conditional
22 discharge and who during the term of either undergoes
23 mandatory drug or alcohol testing, or both, or is assigned to
24 be placed on an approved electronic monitoring device, shall
25 be ordered to pay all costs incidental to such mandatory drug
26 or alcohol testing, or both, and all costs incidental to such
27 approved electronic monitoring in accordance with the
28 defendant's ability to pay those costs. The county board
29 with the concurrence of the Chief Judge of the judicial
30 circuit in which the county is located shall establish
31 reasonable fees for the cost of maintenance, testing, and
32 incidental expenses related to the mandatory drug or alcohol
33 testing, or both, and all costs incidental to approved
34 electronic monitoring, involved in a successful probation

1 program for the county. The concurrence of the Chief Judge
2 shall be in the form of an administrative order. The fees
3 shall be collected by the clerk of the circuit court. The
4 clerk of the circuit court shall pay all moneys collected
5 from these fees to the county treasurer who shall use the
6 moneys collected to defray the costs of drug testing, alcohol
7 testing, and electronic monitoring. The county treasurer
8 shall deposit the fees collected in the county working cash
9 fund under Section 6-27001 or Section 6-29002 of the Counties
10 Code, as the case may be.

11 (h) Jurisdiction over an offender may be transferred
12 from the sentencing court to the court of another circuit
13 with the concurrence of both courts, or to another state
14 under an Interstate Probation Reciprocal Agreement as
15 provided in Section 3-3-11. Further transfers or retransfers
16 of jurisdiction are also authorized in the same manner. The
17 court to which jurisdiction has been transferred shall have
18 the same powers as the sentencing court.

19 (i) The court shall impose upon an offender sentenced to
20 probation after January 1, 1989 or to conditional discharge
21 after January 1, 1992, as a condition of such probation or
22 conditional discharge, a fee of \$25 for each month of
23 probation or conditional discharge supervision ordered by the
24 court, unless after determining the inability of the person
25 sentenced to probation or conditional discharge to pay the
26 fee, the court assesses a lesser fee. The court may not
27 impose the fee on a minor who is made a ward of the State
28 under the Juvenile Court Act of 1987 while the minor is in
29 placement. The fee shall be imposed only upon an offender who
30 is actively supervised by the probation and court services
31 department. The fee shall be collected by the clerk of the
32 circuit court. The clerk of the circuit court shall pay all
33 monies collected from this fee to the county treasurer for
34 deposit in the probation and court services fund under

1 Section 15.1 of the Probation and Probation Officers Act.

2 (j) All fines and costs imposed under this Section for
3 any violation of Chapters 3, 4, 6, and 11 of the Illinois
4 Vehicle Code, or a similar provision of a local ordinance,
5 and any violation of the Child Passenger Protection Act, or a
6 similar provision of a local ordinance, shall be collected
7 and disbursed by the circuit clerk as provided under Section
8 27.5 of the Clerks of Courts Act.

9 (Source: P.A. 90-14, eff. 7-1-97; 90-399, eff. 1-1-98;
10 90-504, eff. 1-1-98; 90-655, eff. 7-30-98; 91-325, eff.
11 7-29-99; 91-696, eff. 4-13-00; 91-903, eff. 1-1-01.)

12 (730 ILCS 5/5-6-3.1) (from Ch. 38, par. 1005-6-3.1)

13 Sec. 5-6-3.1. Incidents and Conditions of Supervision.

14 (a) When a defendant is placed on supervision, the court
15 shall enter an order for supervision specifying the period of
16 such supervision, and shall defer further proceedings in the
17 case until the conclusion of the period.

18 (b) The period of supervision shall be reasonable under
19 all of the circumstances of the case, but may not be longer
20 than 2 years, unless the defendant has failed to pay the
21 assessment required by Section 10.3 of the Cannabis Control
22 Act or Section 411.2 of the Illinois Controlled Substances
23 Act, in which case the court may extend supervision beyond 2
24 years. Additionally, the court shall order the defendant to
25 perform no less than 30 hours of community service and not
26 more than 120 hours of community service, if community
27 service is available in the jurisdiction and is funded and
28 approved by the county board where the offense was committed,
29 when the offense (1) was related to or in furtherance of the
30 criminal activities of an organized gang or was motivated by
31 the defendant's membership in or allegiance to an organized
32 gang; or (2) is a violation of any Section of Article 24 of
33 the Criminal Code of 1961 where a disposition of supervision

1 is not prohibited by Section 5-6-1 of this Code. The
2 community service shall include, but not be limited to, the
3 cleanup and repair of any damage caused by violation of
4 Section 21-1.3 of the Criminal Code of 1961 and similar
5 damages to property located within the municipality or county
6 in which the violation occurred. Where possible and
7 reasonable, the community service should be performed in the
8 offender's neighborhood.

9 For the purposes of this Section, "organized gang" has
10 the meaning ascribed to it in Section 10 of the Illinois
11 Streetgang Terrorism Omnibus Prevention Act.

12 (c) The court may in addition to other reasonable
13 conditions relating to the nature of the offense or the
14 rehabilitation of the defendant as determined for each
15 defendant in the proper discretion of the court require that
16 the person:

17 (1) make a report to and appear in person before or
18 participate with the court or such courts, person, or
19 social service agency as directed by the court in the
20 order of supervision;

21 (2) pay a fine and costs;

22 (3) work or pursue a course of study or vocational
23 training;

24 (4) undergo medical, psychological or psychiatric
25 treatment; or treatment for drug addiction or alcoholism;

26 (5) attend or reside in a facility established for
27 the instruction or residence of defendants on probation;

28 (6) support his dependents;

29 (7) refrain from possessing a firearm or other
30 dangerous weapon;

31 (8) and in addition, if a minor:

32 (i) reside with his parents or in a foster
33 home;

34 (ii) attend school;

1 (iii) attend a non-residential program for
2 youth;

3 (iv) contribute to his own support at home or
4 in a foster home; and

5 (9) make restitution or reparation in an amount not
6 to exceed actual loss or damage to property and pecuniary
7 loss or make restitution under Section 5-5-6 to a
8 domestic violence shelter. The court shall determine the
9 amount and conditions of payment;

10 (10) perform some reasonable public or community
11 service;

12 (11) comply with the terms and conditions of an
13 order of protection issued by the court pursuant to the
14 Illinois Domestic Violence Act of 1986 or a foreign
15 protection order (as defined in the Uniform Interstate
16 Enforcement of Domestic-Violence Protection Orders Act)
17 ~~an--order--of--protection--issued--by--the--court--of--another~~
18 ~~state,--tribe,--or--United--States--territory.~~ If the court
19 has ordered the defendant to make a report and appear in
20 person under paragraph (1) of this subsection, a copy of
21 the order of protection or foreign protection order shall
22 be transmitted to the person or agency so designated by
23 the court;

24 (12) reimburse any "local anti-crime program" as
25 defined in Section 7 of the Anti-Crime Advisory Council
26 Act for any reasonable expenses incurred by the program
27 on the offender's case, not to exceed the maximum amount
28 of the fine authorized for the offense for which the
29 defendant was sentenced;

30 (13) contribute a reasonable sum of money, not to
31 exceed the maximum amount of the fine authorized for the
32 offense for which the defendant was sentenced, to a
33 "local anti-crime program", as defined in Section 7 of
34 the Anti-Crime Advisory Council Act;

1 (14) refrain from entering into a designated
2 geographic area except upon such terms as the court finds
3 appropriate. Such terms may include consideration of the
4 purpose of the entry, the time of day, other persons
5 accompanying the defendant, and advance approval by a
6 probation officer;

7 (15) refrain from having any contact, directly or
8 indirectly, with certain specified persons or particular
9 types of person, including but not limited to members of
10 street gangs and drug users or dealers;

11 (16) refrain from having in his or her body the
12 presence of any illicit drug prohibited by the Cannabis
13 Control Act or the Illinois Controlled Substances Act,
14 unless prescribed by a physician, and submit samples of
15 his or her blood or urine or both for tests to determine
16 the presence of any illicit drug;

17 (17) refrain from operating any motor vehicle not
18 equipped with an ignition interlock device as defined in
19 Section 1-129.1 of the Illinois Vehicle Code. Under this
20 condition the court may allow a defendant who is not
21 self-employed to operate a vehicle owned by the
22 defendant's employer that is not equipped with an
23 ignition interlock device in the course and scope of the
24 defendant's employment.

25 (d) The court shall defer entering any judgment on the
26 charges until the conclusion of the supervision.

27 (e) At the conclusion of the period of supervision, if
28 the court determines that the defendant has successfully
29 complied with all of the conditions of supervision, the court
30 shall discharge the defendant and enter a judgment dismissing
31 the charges.

32 (f) Discharge and dismissal upon a successful conclusion
33 of a disposition of supervision shall be deemed without
34 adjudication of guilt and shall not be termed a conviction

1 for purposes of disqualification or disabilities imposed by
2 law upon conviction of a crime. Two years after the
3 discharge and dismissal under this Section, unless the
4 disposition of supervision was for a violation of Sections
5 3-707, 3-708, 3-710, 5-401.3, or 11-503 of the Illinois
6 Vehicle Code or a similar provision of a local ordinance, or
7 for a violation of Sections 12-3.2 or 16A-3 of the Criminal
8 Code of 1961, in which case it shall be 5 years after
9 discharge and dismissal, a person may have his record of
10 arrest sealed or expunged as may be provided by law.
11 However, any defendant placed on supervision before January
12 1, 1980, may move for sealing or expungement of his arrest
13 record, as provided by law, at any time after discharge and
14 dismissal under this Section. A person placed on supervision
15 for a sexual offense committed against a minor as defined in
16 subsection (g) of Section 5 of the Criminal Identification
17 Act or for a violation of Section 11-501 of the Illinois
18 Vehicle Code or a similar provision of a local ordinance
19 shall not have his or her record of arrest sealed or
20 expunged.

21 (g) A defendant placed on supervision and who during the
22 period of supervision undergoes mandatory drug or alcohol
23 testing, or both, or is assigned to be placed on an approved
24 electronic monitoring device, shall be ordered to pay the
25 costs incidental to such mandatory drug or alcohol testing,
26 or both, and costs incidental to such approved electronic
27 monitoring in accordance with the defendant's ability to pay
28 those costs. The county board with the concurrence of the
29 Chief Judge of the judicial circuit in which the county is
30 located shall establish reasonable fees for the cost of
31 maintenance, testing, and incidental expenses related to the
32 mandatory drug or alcohol testing, or both, and all costs
33 incidental to approved electronic monitoring, of all
34 defendants placed on supervision. The concurrence of the

1 Chief Judge shall be in the form of an administrative order.
2 The fees shall be collected by the clerk of the circuit
3 court. The clerk of the circuit court shall pay all moneys
4 collected from these fees to the county treasurer who shall
5 use the moneys collected to defray the costs of drug testing,
6 alcohol testing, and electronic monitoring. The county
7 treasurer shall deposit the fees collected in the county
8 working cash fund under Section 6-27001 or Section 6-29002 of
9 the Counties Code, as the case may be.

10 (h) A disposition of supervision is a final order for
11 the purposes of appeal.

12 (i) The court shall impose upon a defendant placed on
13 supervision after January 1, 1992, as a condition of
14 supervision, a fee of \$25 for each month of supervision
15 ordered by the court, unless after determining the inability
16 of the person placed on supervision to pay the fee, the court
17 assesses a lesser fee. The court may not impose the fee on a
18 minor who is made a ward of the State under the Juvenile
19 Court Act of 1987 while the minor is in placement. The fee
20 shall be imposed only upon a defendant who is actively
21 supervised by the probation and court services department.
22 The fee shall be collected by the clerk of the circuit court.
23 The clerk of the circuit court shall pay all monies collected
24 from this fee to the county treasurer for deposit in the
25 probation and court services fund pursuant to Section 15.1 of
26 the Probation and Probation Officers Act.

27 (j) All fines and costs imposed under this Section for
28 any violation of Chapters 3, 4, 6, and 11 of the Illinois
29 Vehicle Code, or a similar provision of a local ordinance,
30 and any violation of the Child Passenger Protection Act, or a
31 similar provision of a local ordinance, shall be collected
32 and disbursed by the circuit clerk as provided under Section
33 27.5 of the Clerks of Courts Act.

34 (k) A defendant at least 17 years of age who is placed

1 on supervision for a misdemeanor in a county of 3,000,000 or
2 more inhabitants and who has not been previously convicted of
3 a misdemeanor or felony may as a condition of his or her
4 supervision be required by the court to attend educational
5 courses designed to prepare the defendant for a high school
6 diploma and to work toward a high school diploma or to work
7 toward passing the high school level Test of General
8 Educational Development (GED) or to work toward completing a
9 vocational training program approved by the court. The
10 defendant placed on supervision must attend a public
11 institution of education to obtain the educational or
12 vocational training required by this subsection (k). The
13 defendant placed on supervision shall be required to pay for
14 the cost of the educational courses or GED test, if a fee is
15 charged for those courses or test. The court shall revoke
16 the supervision of a person who wilfully fails to comply with
17 this subsection (k). The court shall resentence the
18 defendant upon revocation of supervision as provided in
19 Section 5-6-4. This subsection (k) does not apply to a
20 defendant who has a high school diploma or has successfully
21 passed the GED test. This subsection (k) does not apply to a
22 defendant who is determined by the court to be
23 developmentally disabled or otherwise mentally incapable of
24 completing the educational or vocational program.

25 (1) The court shall require a defendant placed on
26 supervision for possession of a substance prohibited by the
27 Cannabis Control Act or Illinois Controlled Substances Act
28 after a previous conviction or disposition of supervision for
29 possession of a substance prohibited by the Cannabis Control
30 Act or Illinois Controlled Substances Act or a sentence of
31 probation under Section 10 of the Cannabis Control Act or
32 Section 410 of the Illinois Controlled Substances Act and
33 after a finding by the court that the person is addicted, to
34 undergo treatment at a substance abuse program approved by

1 the court.

2 (m) The court shall require a defendant placed on
3 supervision for a violation of Section 3-707 of the Illinois
4 Vehicle Code or a similar provision of a local ordinance, as
5 a condition of supervision, to give proof of his or her
6 financial responsibility as defined in Section 7-315 of the
7 Illinois Vehicle Code. The proof shall be maintained by the
8 defendant in a manner satisfactory to the Secretary of State
9 for a minimum period of one year after the date the proof is
10 first filed. The Secretary of State shall suspend the
11 driver's license of any person determined by the Secretary to
12 be in violation of this subsection.

13 (Source: P.A. 90-14, eff. 7-1-97; 90-399, eff. 1-1-98;
14 90-504, eff. 1-1-98; 90-655, eff. 7-30-98; 90-784, eff.
15 1-1-99; 91-127, eff. 1-1-00; 91-696, eff. 4-13-00; 91-903,
16 eff. 1-1-01.)

17 Section 11.3. The Code of Civil Procedure is amended by
18 changing Sections 12-652, 12-653, and 12-655 as follows:

19 (735 ILCS 5/12-652) (from Ch. 110, par. 12-652)

20 Sec. 12-652. Filing and Status of Foreign Judgments.

21 (a) A copy of any foreign judgment authenticated in
22 accordance with the acts of Congress or the statutes of this
23 State may be filed in the office of the circuit clerk for any
24 county of this State. The clerk shall treat the foreign
25 judgment in the same manner as a judgment of the circuit
26 court for any county of this State. A judgment so filed has
27 the same effect and is subject to the same procedures,
28 defenses and proceedings for reopening, vacating, or staying
29 as a judgment of a circuit court for any county of this State
30 and may be enforced or satisfied in like manner.

31 (b) A foreign judgment or lien arising by operation of
32 law, and resulting from an order requiring child support

1 payments shall be entitled to full faith and credit in this
 2 State, shall be enforceable in the same manner as any
 3 judgment or lien of this State resulting from an order
 4 requiring child support payments, and shall not be required
 5 to be filed with the office of the circuit clerk in any
 6 county of this State, except as provided for in Sections
 7 10-25 and 10-25.5 of the Illinois Public Aid Code.

8 (c) A foreign protection order (as defined in the
 9 Uniform Interstate Enforcement of Domestic-Violence
 10 Protection Orders Act) ~~order--of--protection-issued-by-the~~
 11 ~~court-of-another-state,-tribe,-or-United-States-territory~~ is
 12 entitled to full faith and credit in this State, is
 13 enforceable in the same manner as any order of protection
 14 issued by a circuit court for any county of this State, and
 15 may be filed with the circuit clerk in any county of this
 16 State as provided in Section 222.5 of the Illinois Domestic
 17 Violence Act of 1986 or Section 22.5 of the Code of Criminal
 18 Procedure of 1963. A foreign ~~order-of~~ protection order shall
 19 not be required to be filed with the circuit clerk to be
 20 entitled to full faith and credit in this State and
 21 enforcement under the Uniform Interstate Enforcement of
 22 Domestic-Violence Protection Orders Act.

23 (Source: P.A. 90-18, eff. 7-1-97; 91-903, eff. 1-1-01.)

24 (735 ILCS 5/12-653) (from Ch. 110, par. 12-653)
 25 Sec. 12-653. Notice of Filing.

26 (a) At the time of the filing of the foreign judgment,
 27 the judgment creditor or his lawyer shall make and file with
 28 the circuit clerk an affidavit setting forth the name and
 29 last known post office address of the judgment debtor, and
 30 the judgment creditor.

31 (b) Promptly upon the filing of a foreign judgment
 32 (other than a foreign ~~order-of~~ protection order) and the
 33 affidavit, the clerk shall mail notice of the filing of the

1 foreign judgment to the judgment debtor at the address given
2 and shall make a note of the mailing in the docket. The
3 notice shall include the name and post office address of the
4 judgment creditor and the judgment creditor's lawyer, if any,
5 in this State. In addition, the judgment creditor may mail a
6 notice of the filing of the judgment to the judgment debtor
7 and may file proof of mailing with the clerk. Lack of
8 mailing notice of filing by the clerk shall not affect the
9 enforcement proceedings if proof of mailing by the judgment
10 creditor has been filed.

11 (c) The clerk shall not mail notice of the filing of a
12 foreign ~~order-of~~ protection order to the respondent named in
13 the order.

14 (Source: P.A. 91-903, eff. 1-1-01.)

15 (735 ILCS 5/12-655) (from Ch. 110, par. 12-655)
16 Sec. 12-655. Fees.

17 (a) Any person filing a foreign judgment shall pay a fee
18 to the circuit clerk equivalent to the fee which would be
19 required were the person filing a complaint seeking the
20 amount awarded in the foreign judgment. Fees for docketing,
21 transcription or other enforcement proceedings shall be as
22 provided for judgments of the circuit court.

23 (b) The clerk shall not charge a fee to any person to
24 register a foreign ~~order-of~~ protection order.

25 (Source: P.A. 91-903, eff. 1-1-01.)

26 Section 11.4. The Illinois Domestic Violence Act of 1986
27 is amended by changing Sections 222.5, 223, and 302 as
28 follows:

29 (750 ILCS 60/222.5)

30 Sec. 222.5. Filing of a foreign protection order an
31 ~~order-of-protection-issued-in-another-state~~.

1 (a) A person entitled to protection under a foreign
2 protection order (as defined in the Uniform Interstate
3 Enforcement of Domestic-Violence Protection Orders Act) an
4 ~~order--of--protection--issued--by--the--court--of--another--state,~~
5 ~~tribe,~~ ~~or--United--States--territory~~ may file a certified copy
6 of the ~~order--of~~ foreign protection order with the clerk of
7 the court in a judicial circuit in which the person believes
8 that enforcement may be necessary.

9 (b) The clerk shall:

10 (1) treat the foreign ~~order--of~~ protection order in
11 the same manner as a judgment of the circuit court for
12 any county of this State in accordance with the
13 provisions of the Uniform Enforcement of Foreign
14 Judgments Act, except that the clerk shall not mail
15 notice of the filing of the foreign protection order to
16 the respondent named in the order; and

17 (2) on the same day that a foreign ~~order--of~~
18 protection order is filed, file a certified copy of that
19 order with the sheriff or other law enforcement officials
20 charged with maintaining Department of State Police
21 records as set forth in Section 222 of this Act.

22 (c) Neither residence in this State nor filing of a
23 foreign ~~order--of~~ protection order shall be required for
24 enforcement of the order by this State. Failure to file the
25 foreign order shall not be an impediment to its treatment in
26 all respects as an Illinois order of protection nor its
27 enforcement under the Uniform Interstate Enforcement of
28 Domestic-Violence Protection Orders Act.

29 (d) The clerk shall not charge a fee to file a foreign
30 ~~order--of~~ protection order under this Section.

31 (e) The sheriff shall inform the Department of State
32 Police as set forth in Section 302 of this Act.

33 (Source: P.A. 91-903, eff. 1-1-01.)

1 (750 ILCS 60/223) (from Ch. 40, par. 2312-23)

2 Sec. 223. Enforcement of orders of protection.

3 (a) When violation is crime. A violation of any order of
4 protection, whether issued in a civil or criminal proceeding,
5 may be enforced by a criminal court when:

6 (1) The respondent commits the crime of violation
7 of an order of protection pursuant to Section 12-30 of
8 the Criminal Code of 1961, by having knowingly violated:

9 (i) remedies described in paragraphs (1), (2),
10 (3), (14), or (14.5) of subsection (b) of Section
11 214 of this Act; or

12 (ii) a remedy, which is substantially similar
13 to the remedies authorized under paragraphs (1),
14 (2), (3), (14), and (14.5) of subsection (b) of
15 Section 214 of this Act, in a valid order of foreign
16 protection order ~~which is authorized under the laws~~
17 ~~of another state, tribe, or United States territory;~~
18 or

19 (iii) any other remedy when the act
20 constitutes a crime against the protected parties as
21 defined by the Criminal Code of 1961.

22 Prosecution for a violation of an order of
23 protection shall not bar concurrent prosecution for any
24 other crime, including any crime that may have been
25 committed at the time of the violation of the order of
26 protection; or

27 (2) The respondent commits the crime of child
28 abduction pursuant to Section 10-5 of the Criminal Code
29 of 1961, by having knowingly violated:

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

33 (ii) a remedy, which is substantially similar
34 to the remedies authorized under paragraphs (5),

1 (6), or (8) of subsection (b) of Section 214 of this
2 Act, in a valid foreign order of protection order
3 ~~which is authorized under the laws of another state,~~
4 ~~tribe, or United States territory.~~

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

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

29 (2) A petition for a rule to show cause for
30 violation of an order of protection shall be treated as
31 an expedited proceeding.

32 (c) Violation of custody or support orders. A violation
33 of remedies described in paragraphs (5), (6), (8), or (9) of
34 subsection (b) of Section 214 of this Act may be enforced by

1 any remedy provided by Section 611 of the Illinois Marriage
2 and Dissolution of Marriage Act. The court may enforce any
3 order for support issued under paragraph (12) of subsection
4 (b) of Section 214 in the manner provided for under Articles
5 V and VII of the Illinois Marriage and Dissolution of
6 Marriage Act.

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

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

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

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

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

17 (e) The enforcement of an order of protection in civil
18 or criminal court shall not be affected by either of the
19 following:

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

22 (2) Any finding or order entered in a conjoined
23 criminal proceeding.

24 (f) Circumstances. The court, when determining whether
25 or not a violation of an order of protection has occurred,
26 shall not require physical manifestations of abuse on the
27 person of the victim.

28 (g) Penalties.

29 (1) Except as provided in paragraph (3) of this
30 subsection, where the court finds the commission of a
31 crime or contempt of court under subsections (a) or (b)
32 of this Section, the penalty shall be the penalty that
33 generally applies in such criminal or contempt
34 proceedings, and may include one or more of the

1 following: incarceration, payment of restitution, a fine,
2 payment of attorneys' fees and costs, or community
3 service.

4 (2) The court shall hear and take into account
5 evidence of any factors in aggravation or mitigation
6 before deciding an appropriate penalty under paragraph
7 (1) of this subsection.

8 (3) To the extent permitted by law, the court is
9 encouraged to:

10 (i) increase the penalty for the knowing
11 violation of any order of protection over any
12 penalty previously imposed by any court for
13 respondent's violation of any order of protection or
14 penal statute involving petitioner as victim and
15 respondent as defendant;

16 (ii) impose a minimum penalty of 24 hours
17 imprisonment for respondent's first violation of any
18 order of protection; and

19 (iii) impose a minimum penalty of 48 hours
20 imprisonment for respondent's second or subsequent
21 violation of an order of protection

22 unless the court explicitly finds that an increased
23 penalty or that period of imprisonment would be
24 manifestly unjust.

25 (4) In addition to any other penalties imposed for
26 a violation of an order of protection, a criminal court
27 may consider evidence of any violations of an order of
28 protection:

29 (i) to increase, revoke or modify the bail
30 bond on an underlying criminal charge pursuant to
31 Section 110-6 of the Code of Criminal Procedure of
32 1963;

33 (ii) to revoke or modify an order of
34 probation, conditional discharge or supervision,

1 pursuant to Section 5-6-4 of the Unified Code of
2 Corrections;

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

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

12 (Source: P.A. 90-241, eff. 1-1-98; 91-903, eff. 1-1-01.)

13 (750 ILCS 60/302) (from Ch. 40, par. 2313-2)

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

15 (a) All sheriffs shall furnish to the Department of
16 State Police, on the same day as received, in the form and
17 detail the Department requires, copies of any recorded
18 emergency, interim, or plenary orders of protection issued by
19 the court, and any foreign ~~orders-of~~ protection orders filed
20 with by the clerk of the court, and transmitted to the
21 sheriff by the clerk of the court pursuant to subsection (b)
22 of Section 222 of this Act. In this Section, "order of
23 protection" includes an order of protection issued in this
24 State and a foreign protection order filed with the clerk of
25 the court. Each order of protection shall be entered in the
26 Law Enforcement Automated Data System on the same day it is
27 issued by the court or filed with the clerk of the court. If
28 an emergency order of protection was issued in accordance
29 with subsection (c) of Section 217, the order shall be
30 entered in the Law Enforcement Automated Data System as soon
31 as possible after receipt from the clerk.

32 (b) The Department of State Police shall maintain a
33 complete and systematic record and index of all valid and

1 recorded orders of protection issued pursuant to this Act.
2 The data shall be used to inform all dispatchers and law
3 enforcement officers at the scene of an alleged incident of
4 abuse, neglect, or exploitation or violation of an order of
5 protection of any recorded prior incident of abuse, neglect,
6 or exploitation involving the abused, neglected, or exploited
7 party and the effective dates and terms of any recorded order
8 of protection.

9 (c) The data, records and transmittals required under
10 this Section shall pertain to any valid emergency, interim or
11 plenary order of protection, whether issued in a civil or
12 criminal proceeding or issued by a tribunal as defined in the
13 Uniform Interstate Enforcement of Domestic-Violence
14 Protection Orders Act ~~authorized under the laws of another~~
15 ~~state, tribe, or United States territory.~~

16 (Source: P.A. 90-392, eff. 1-1-98; 91-903, eff. 1-1-01.)