



Sen. Chapin Rose

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1 AMENDMENT TO SENATE BILL 899

2 AMENDMENT NO. _____. Amend Senate Bill 899 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Department of State Police Law of the Civil
5 Administrative Code of Illinois is amended by changing Section
6 2605-375 as follows:

7 (20 ILCS 2605/2605-375) (was 20 ILCS 2605/55a in part)

8 Sec. 2605-375. Missing persons; Law Enforcement Agencies
9 Data System (LEADS).

10 (a) To establish and maintain a statewide Law Enforcement
11 Agencies Data System (LEADS) for the purpose of providing
12 electronic access by authorized entities to criminal justice
13 data repositories and effecting an immediate law enforcement
14 response to reports of missing persons, including lost, missing
15 or runaway minors, lost or missing individuals with
16 developmental or intellectual disabilities, and missing

1 endangered seniors. The Department shall implement an
2 automatic data exchange system to compile, to maintain, and to
3 make available to other law enforcement agencies for immediate
4 dissemination data that can assist appropriate agencies in
5 recovering missing persons and provide access by authorized
6 entities to various data repositories available through LEADS
7 for criminal justice and related purposes. To assist the
8 Department in this effort, funds may be appropriated from the
9 LEADS Maintenance Fund. Funds may be appropriated from the
10 LEADS Maintenance Fund to the Department to finance any of its
11 lawful purposes or functions in relation to defraying the
12 expenses associated with establishing, maintaining, and
13 supporting the issuance of electronic citations. Information
14 required to be entered into the statewide Law Enforcement
15 Agencies Data System (LEADS) shall be electronically entered
16 into the System upon receipt. Arrest information shall be
17 electronically transmitted by the arresting agency to the
18 Department immediately upon a person's arrest. Charge and
19 dispositional information shall be electronically transmitted
20 by the clerk of the court to the Department which shall
21 immediately enter that information into the System upon
22 receipt.

23 (b) In exercising its duties under this Section, the
24 Department shall provide a uniform reporting format (LEADS) for
25 the entry of pertinent information regarding the report of a
26 missing person into LEADS. The report must include all of the

1 following:

2 (1) Relevant information obtained from the
3 notification concerning the missing person, including all
4 of the following:

5 (A) a physical description of the missing person;

6 (B) the date, time, and place that the missing
7 person was last seen; and

8 (C) the missing person's address.

9 (2) Information gathered by a preliminary
10 investigation, if one was made.

11 (3) A statement by the law enforcement officer in
12 charge stating the officer's assessment of the case based
13 on the evidence and information received.

14 (b-5) The Department of State Police shall:

15 (1) Develop and implement a policy whereby a statewide
16 or regional alert would be used in situations relating to
17 the disappearances of individuals, based on criteria and in
18 a format established by the Department. Such a format shall
19 include, but not be limited to, the age of the missing
20 person and the suspected circumstance of the
21 disappearance.

22 (2) Notify all law enforcement agencies that reports of
23 missing persons shall be entered as soon as the minimum
24 level of data specified by the Department is available to
25 the reporting agency and that no waiting period for the
26 entry of the data exists.

1 (3) Compile and retain information regarding lost,
2 abducted, missing, or runaway minors in a separate data
3 file, in a manner that allows that information to be used
4 by law enforcement and other agencies deemed appropriate by
5 the Director, for investigative purposes. The information
6 shall include the disposition of all reported lost,
7 abducted, missing, or runaway minor cases.

8 (4) Compile and maintain an historic data repository
9 relating to lost, abducted, missing, or runaway minors and
10 other missing persons, including, but not limited to, lost
11 or missing individuals with developmental or intellectual
12 disabilities and missing endangered seniors, in order to
13 develop and improve techniques utilized by law enforcement
14 agencies when responding to reports of missing persons.

15 (5) Create a quality control program regarding
16 confirmation of missing person data, timeliness of entries
17 of missing person reports into LEADS, and performance
18 audits of all entering agencies.

19 (c) The Illinois Law Enforcement Training Standards Board
20 shall conduct a training program for law enforcement personnel
21 of local governmental agencies in the Missing Persons
22 Identification Act.

23 (d) The Department of State Police shall perform the duties
24 prescribed in the Missing Persons Identification Act, subject
25 to appropriation.

26 (Source: P.A. 100-662, eff. 1-1-19.)

1 Section 10. The Firearms Restraining Order Act is amended
2 by changing Sections 50 and 55 as follows:

3 (430 ILCS 67/50)

4 Sec. 50. Notice of orders.

5 (a) Entry and issuance. Upon issuance of any firearms
6 restraining order, the clerk shall immediately ~~;~~ ~~or on the next~~
7 ~~court day if an emergency firearms restraining order is issued~~
8 ~~in accordance with Section 35 of this Act (emergency firearms~~
9 ~~restraining order)~~, (i) enter the order on the record and file
10 it in accordance with the circuit court procedures and (ii)
11 provide a file stamped copy of the order to the respondent, if
12 present, and to the petitioner.

13 (b) Filing with sheriff. The clerk of the issuing judge
14 shall, or the petitioner may, immediately electronically
15 transmit, when ~~on the same day that~~ a firearms restraining
16 order is issued, ~~file~~ a certified copy of that order with the
17 sheriff or other law enforcement officials charged with
18 maintaining Department of State Police records or charged with
19 serving the order upon the respondent. If the order was issued
20 in accordance with Section 35 of this Act (emergency firearms
21 restraining order), the clerk shall immediately electronically
22 transmit ~~on the next court day,~~ ~~file~~ a certified copy of the
23 order ~~to~~ with the sheriff or other law enforcement officials
24 charged with maintaining Department of State Police records,

1 which shall immediately enter the order into the Law
2 Enforcement Agencies Data System.

3 (c) Service by sheriff. Unless the respondent was present
4 in court when the order was issued, the sheriff or other law
5 enforcement official shall promptly serve that order upon the
6 respondent and file proof of the service, in the manner
7 provided for service of process in civil proceedings. Instead
8 of serving the order upon the respondent, however, the sheriff,
9 other law enforcement official, or other persons defined in
10 Section 112A-22.10 of the Code of Criminal Procedure ~~Criminal~~
11 ~~Code~~ of 1963 may serve the respondent with a short form
12 notification as provided in that Section. If process has not
13 yet been served upon the respondent, it shall be served with
14 the order or short form notification if the service is made by
15 the sheriff, or other law enforcement official.

16 (d) Any order renewing or terminating any firearms
17 restraining order shall be promptly recorded, issued, and
18 served as provided in this Section.

19 (Source: P.A. 100-607, eff. 1-1-19; revised 10-2-18.)

20 (430 ILCS 67/55)

21 Sec. 55. Data maintenance by law enforcement agencies.

22 (a) All sheriffs shall furnish to the Department of State
23 Police, daily, in the form and detail the Department requires,
24 copies of any recorded firearms restraining orders ~~order~~ issued
25 by the court, and any foreign orders of protection filed by the

1 clerk of the court, and transmitted to the sheriff by the clerk
2 of the court under Section 50. Each firearms restraining order
3 shall be immediately entered in the Law Enforcement Agencies
4 Data System (LEADS) electronically when ~~on the same day~~ it is
5 issued by the court. If an emergency firearms restraining order
6 was issued in accordance with Section 35 of this Act, the order
7 shall be immediately entered in the Law Enforcement Agencies
8 Data System (LEADS) ~~as soon as possible~~ after receipt from the
9 clerk.

10 (b) The Department of State Police shall maintain a
11 complete and systematic record and index of all valid and
12 recorded firearms restraining orders issued or filed under this
13 Act. The data shall be used to inform all dispatchers and law
14 enforcement officers at the scene of a violation of a firearms
15 restraining order of the effective dates and terms of any
16 recorded order of protection.

17 (c) The data, records, and transmittals required under this
18 Section shall pertain to any valid emergency or 6-month
19 firearms restraining order, whether issued in a civil or
20 criminal proceeding or authorized under the laws of another
21 state, tribe, or United States territory.

22 (Source: P.A. 100-607, eff. 1-1-19; revised 10-2-18.)

23 Section 15. The Code of Criminal Procedure of 1963 is
24 amended by changing Section 112A-28 as follows:

1 (725 ILCS 5/112A-28) (from Ch. 38, par. 112A-28)

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

4 (a) All sheriffs shall furnish to the Department of State
5 Police, daily, in the form and detail the Department requires,
6 copies of any recorded protective orders issued by the court,
7 and any foreign protective orders filed by the clerk of the
8 court, and transmitted to the sheriff by the clerk of the
9 court. Each protective order shall be immediately entered in
10 the Law Enforcement Agencies Data System electronically when ~~on~~
11 ~~the same day~~ it is issued by the court.

12 (b) The Department of State Police shall maintain a
13 complete and systematic record and index of all valid and
14 recorded protective orders issued or filed under this Act. The
15 data shall be used to inform all dispatchers and law
16 enforcement officers at the scene of an alleged incident of
17 abuse or violation of a protective order of any recorded prior
18 incident of abuse involving the abused party and the effective
19 dates and terms of any recorded protective order.

20 (c) The data, records and transmittals required under this
21 Section shall pertain to:

22 (1) any valid emergency, interim or plenary domestic
23 violence order of protection, civil no contact or stalking
24 no contact order issued in a civil proceeding; and

25 (2) any valid ex parte or final protective order issued
26 in a criminal proceeding or authorized under the laws of

1 another state, tribe, or United States territory.

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

3 Section 20. The Stalking No Contact Order Act is amended by
4 changing Sections 95 and 115 as follows:

5 (740 ILCS 21/95)

6 Sec. 95. Emergency stalking no contact order.

7 (a) An emergency stalking no contact order shall issue if
8 the petitioner satisfies the requirements of this subsection

9 (a). The petitioner shall establish that:

10 (1) the court has jurisdiction under Section 50;

11 (2) the requirements of Section 80 are satisfied; and

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

19 An emergency stalking no contact order shall be issued by
20 the court if it appears from the contents of the petition and
21 the examination of the petitioner that the averments are
22 sufficient to indicate stalking by the respondent and to
23 support the granting of relief under the issuance of the
24 stalking no contact order.

1 An emergency stalking no contact order shall be issued if
2 the court finds that items (1), (2), and (3) of this subsection
3 (a) are met.

4 (b) If the respondent appears in court for this hearing for
5 an emergency order, he or she may elect to file a general
6 appearance and testify. Any resulting order may be an emergency
7 order, governed by this Section. Notwithstanding the
8 requirements of this Section, if all requirements of Section
9 100 have been met, the court may issue a plenary order.

10 (c) Emergency orders; court holidays and evenings.

11 (1) When the court is unavailable at the close of
12 business, the petitioner may file a petition for a 21-day
13 emergency order before any available circuit judge or
14 associate judge who may grant relief under this Act. If the
15 judge finds that there is an immediate and present danger
16 of abuse against the petitioner and that the petitioner has
17 satisfied the prerequisites set forth in subsection (a),
18 that judge may issue an emergency stalking no contact
19 order.

20 (2) The chief judge of the circuit court may designate
21 for each county in the circuit at least one judge to be
22 reasonably available to issue orally, by telephone, by
23 facsimile, or otherwise, an emergency stalking no contact
24 order at all times, whether or not the court is in session.

25 (3) Any order issued under this Section and any
26 documentation in support of the order shall be certified

1 immediately ~~on the next court day~~ to the appropriate court.
2 The clerk of that court shall immediately assign a case
3 number, file the petition, order, and other documents with
4 the court, and enter the order of record and file it with
5 the sheriff for service, in accordance with Section 60.
6 Filing the petition shall commence proceedings for further
7 relief under Section 20. Failure to comply with the
8 requirements of this paragraph (3) does not affect the
9 validity of the order.

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

11 (740 ILCS 21/115)

12 Sec. 115. Notice of orders.

13 (a) Upon issuance of any stalking no contact order, the
14 clerk shall immediately, ~~or on the next court day if an~~
15 ~~emergency order is issued in accordance with subsection (c) of~~
16 ~~Section 95:~~

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

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

21 (b) The clerk of the issuing judge shall, or the petitioner
22 may, immediately, when ~~on the same day that~~ a stalking no
23 contact order is issued, electronically transmit ~~file~~ a
24 certified copy of that order to ~~with~~ the sheriff or other law
25 enforcement officials charged with maintaining Department of

1 State Police records or charged with serving the order upon the
2 respondent, which shall immediately enter the order into the
3 Law Enforcement Agencies Data System. ~~If the order was issued~~
4 ~~in accordance with subsection (c) of Section 95, the clerk~~
5 ~~shall, on the next court day, file a certified copy of the~~
6 ~~order with the sheriff or other law enforcement officials~~
7 ~~charged with maintaining Department of State Police records.~~ If
8 the respondent, at the time of the issuance of the order, is
9 committed to the custody of the Illinois Department of
10 Corrections or Illinois Department of Juvenile Justice or is on
11 parole, aftercare release, or mandatory supervised release,
12 the sheriff or other law enforcement officials charged with
13 maintaining Department of State Police records shall notify the
14 Department of Corrections or Department of Juvenile Justice
15 within 48 hours of receipt of a copy of the stalking no contact
16 order from the clerk of the issuing judge or the petitioner.
17 Such notice shall include the name of the respondent, the
18 respondent's IDOC inmate number or IDJJ youth identification
19 number, the respondent's date of birth, and the LEADS Record
20 Index Number.

21 (c) Unless the respondent was present in court when the
22 order was issued, the sheriff, other law enforcement official,
23 or special process server shall promptly serve that order upon
24 the respondent and file proof of such service in the manner
25 provided for service of process in civil proceedings. Instead
26 of serving the order upon the respondent, however, the sheriff,

1 other law enforcement official, special process server, or
2 other persons defined in Section 117 may serve the respondent
3 with a short form notification as provided in Section 117. If
4 process has not yet been served upon the respondent, it shall
5 be served with the order or short form notification if such
6 service is made by the sheriff, other law enforcement official,
7 or special process server.

8 (d) If the person against whom the stalking no contact
9 order is issued is arrested and the written order is issued in
10 accordance with subsection (c) of Section 95 and received by
11 the custodial law enforcement agency before the respondent or
12 arrestee is released from custody, the custodial law
13 enforcement agent shall promptly serve the order upon the
14 respondent or arrestee before the respondent or arrestee is
15 released from custody. In no event shall detention of the
16 respondent or arrestee be extended for hearing on the petition
17 for stalking no contact order or receipt of the order issued
18 under Section 95 of this Act.

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

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

1 (Source: P.A. 97-904, eff. 1-1-13; 97-1017, eff. 1-1-13;
2 98-463, eff. 8-16-13; 98-558, eff. 1-1-14.)

3 Section 25. The Civil No Contact Order Act is amended by
4 changing Sections 214 and 218 as follows:

5 (740 ILCS 22/214)

6 Sec. 214. Emergency civil no contact order.

7 (a) An emergency civil no contact order shall issue if the
8 petitioner satisfies the requirements of this subsection (a).
9 The petitioner shall establish that:

- 10 (1) the court has jurisdiction under Section 206;
11 (2) the requirements of Section 213 are satisfied; and
12 (3) there is good cause to grant the remedy, regardless
13 of prior service of process or of notice upon the
14 respondent, because the harm which that remedy is intended
15 to prevent would be likely to occur if the respondent were
16 given any prior notice, or greater notice than was actually
17 given, of the petitioner's efforts to obtain judicial
18 relief.

19 An emergency civil no contact order shall be issued by the
20 court if it appears from the contents of the petition and the
21 examination of the petitioner that the averments are sufficient
22 to indicate nonconsensual sexual conduct or nonconsensual
23 sexual penetration by the respondent and to support the
24 granting of relief under the issuance of the civil no contact

1 order.

2 An emergency civil no contact order shall be issued if the
3 court finds that subsections (1), (2), and (3) above are met.

4 (b) If the respondent appears in court for this hearing for
5 an emergency order, he or she may elect to file a general
6 appearance and testify. Any resulting order may be an emergency
7 order, governed by this Section. Notwithstanding the
8 requirements of this Section, if all requirements of Section
9 215 have been met, the court may issue a plenary order.

10 (c) Emergency orders; court holidays and evenings.

11 (1) When the court is unavailable at the close of
12 business, the petitioner may file a petition for a 21-day
13 emergency order before any available circuit judge or
14 associate judge who may grant relief under this Act. If the
15 judge finds that there is an immediate and present danger
16 of abuse against the petitioner and that the petitioner has
17 satisfied the prerequisites set forth in subsection (a),
18 that judge may issue an emergency civil no contact order.

19 (2) The chief judge of the circuit court may designate
20 for each county in the circuit at least one judge to be
21 reasonably available to issue orally, by telephone, by
22 facsimile, or otherwise, an emergency civil no contact
23 order at all times, whether or not the court is in session.

24 (3) Any order issued under this Section and any
25 documentation in support of the order shall be certified
26 immediately ~~on the next court day~~ to the appropriate court.

1 The clerk of that court shall immediately assign a case
2 number, file the petition, order, and other documents with
3 the court, and enter the order of record and file it with
4 the sheriff for service, in accordance with Section 222.
5 Filing the petition shall commence proceedings for further
6 relief under Section 202. Failure to comply with the
7 requirements of this paragraph (3) does not affect the
8 validity of the order.

9 (Source: P.A. 93-236, eff. 1-1-04; 93-811, eff. 1-1-05; 94-360,
10 eff. 1-1-06.)

11 (740 ILCS 22/218)

12 Sec. 218. Notice of orders.

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

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

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

21 (b) The clerk of the issuing judge shall, or the petitioner
22 may, immediately, when ~~on the same day that~~ a civil no contact
23 order is issued, electronically transmit file a certified copy
24 of that order to ~~with~~ the sheriff or other law enforcement
25 officials charged with maintaining Department of State Police

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

21 (c) Unless the respondent was present in court when the
22 order was issued, the sheriff, other law enforcement official,
23 or special process server shall promptly serve that order upon
24 the respondent and file proof of such service in the manner
25 provided for service of process in civil proceedings. Instead
26 of serving the order upon the respondent, however, the sheriff,

1 other law enforcement official, special process server, or
2 other persons defined in Section 218.1 may serve the respondent
3 with a short form notification as provided in Section 218.1. If
4 process has not yet been served upon the respondent, it shall
5 be served with the order or short form notification if such
6 service is made by the sheriff, other law enforcement official,
7 or special process server.

8 (d) If the person against whom the civil no contact order
9 is issued is arrested and the written order is issued in
10 accordance with subsection (c) of Section 214 and received by
11 the custodial law enforcement agency before the respondent or
12 arrestee is released from custody, the custodial law
13 enforcement agent shall promptly serve the order upon the
14 respondent or arrestee before the respondent or arrestee is
15 released from custody. In no event shall detention of the
16 respondent or arrestee be extended for hearing on the petition
17 for civil no contact order or receipt of the order issued under
18 Section 214 of this Act.

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

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

1 (Source: P.A. 97-904, eff. 1-1-13; 97-1017, eff. 1-1-13;
2 98-463, eff. 8-16-13; 98-558, eff. 1-1-14.)

3 Section 30. The Illinois Domestic Violence Act of 1986 is
4 amended by changing Sections 217, 222, and 302 as follows:

5 (750 ILCS 60/217) (from Ch. 40, par. 2312-17)

6 Sec. 217. Emergency order of protection.

7 (a) Prerequisites. An emergency order of protection shall
8 issue if petitioner satisfies the requirements of this
9 subsection for one or more of the requested remedies. For each
10 remedy requested, petitioner shall establish that:

- 11 (1) The court has jurisdiction under Section 208;
12 (2) The requirements of Section 214 are satisfied; and
13 (3) There is good cause to grant the remedy, regardless
14 of prior service of process or of notice upon the
15 respondent, because:

16 (i) For the remedies of "prohibition of abuse"
17 described in Section 214(b)(1), "stay away order and
18 additional prohibitions" described in Section
19 214(b)(3), "removal or concealment of minor child"
20 described in Section 214(b)(8), "order to appear"
21 described in Section 214(b)(9), "physical care and
22 possession of the minor child" described in Section
23 214(b)(5), "protection of property" described in
24 Section 214(b)(11), "prohibition of entry" described

1 in Section 214(b)(14), "prohibition of firearm
2 possession" described in Section 214(b)(14.5),
3 "prohibition of access to records" described in
4 Section 214(b)(15), and "injunctive relief" described
5 in Section 214(b)(16), the harm which that remedy is
6 intended to prevent would be likely to occur if the
7 respondent were given any prior notice, or greater
8 notice than was actually given, of the petitioner's
9 efforts to obtain judicial relief;

10 (ii) For the remedy of "grant of exclusive
11 possession of residence" described in Section
12 214(b)(2), the immediate danger of further abuse of
13 petitioner by respondent, if petitioner chooses or had
14 chosen to remain in the residence or household while
15 respondent was given any prior notice or greater notice
16 than was actually given of petitioner's efforts to
17 obtain judicial relief, outweighs the hardships to
18 respondent of an emergency order granting petitioner
19 exclusive possession of the residence or household.
20 This remedy shall not be denied because petitioner has
21 or could obtain temporary shelter elsewhere while
22 prior notice is given to respondent, unless the
23 hardships to respondent from exclusion from the home
24 substantially outweigh those to petitioner;

25 (iii) For the remedy of "possession of personal
26 property" described in Section 214(b)(10), improper

1 disposition of the personal property would be likely to
2 occur if respondent were given any prior notice, or
3 greater notice than was actually given, of
4 petitioner's efforts to obtain judicial relief, or
5 petitioner has an immediate and pressing need for
6 possession of that property.

7 An emergency order may not include the counseling, legal
8 custody, payment of support or monetary compensation remedies.

9 (b) Appearance by respondent. If respondent appears in
10 court for this hearing for an emergency order, he or she may
11 elect to file a general appearance and testify. Any resulting
12 order may be an emergency order, governed by this Section.
13 Notwithstanding the requirements of this Section, if all
14 requirements of Section 218 have been met, the court may issue
15 a 30-day interim order.

16 (c) Emergency orders: court holidays and evenings.

17 (1) Prerequisites. When the court is unavailable at the
18 close of business, the petitioner may file a petition for a
19 21-day emergency order before any available circuit judge
20 or associate judge who may grant relief under this Act. If
21 the judge finds that there is an immediate and present
22 danger of abuse to petitioner and that petitioner has
23 satisfied the prerequisites set forth in subsection (a) of
24 Section 217, that judge may issue an emergency order of
25 protection.

26 (1.5) Issuance of order. The chief judge of the circuit

1 court may designate for each county in the circuit at least
2 one judge to be reasonably available to issue orally, by
3 telephone, by facsimile, or otherwise, an emergency order
4 of protection at all times, whether or not the court is in
5 session.

6 (2) Certification and transfer. The judge who issued
7 the order under this Section shall promptly communicate or
8 convey the order to the sheriff to immediately, upon
9 issuance, facilitate the entry of the order into the Law
10 Enforcement Agencies Data System by the Department of State
11 Police pursuant to Section 302. Any order issued under this
12 Section and any documentation in support thereof shall be
13 certified immediately, upon issuance, ~~on the next court day~~
14 to the appropriate court. The clerk of that court shall
15 immediately assign a case number, file the petition, order
16 and other documents with the court, and enter the order of
17 record and file it with the sheriff for service, in
18 accordance with Section 222. Filing the petition shall
19 commence proceedings for further relief under Section 202.
20 Failure to comply with the requirements of this subsection
21 shall not affect the validity of the order.

22 (Source: P.A. 96-701, eff. 1-1-10; 96-1241, eff. 1-1-11.)

23 (750 ILCS 60/222) (from Ch. 40, par. 2312-22)

24 Sec. 222. Notice of orders.

25 (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, immediately, when ~~on the same day~~
9 ~~that~~ an order of protection is issued, electronically transmit
10 ~~file~~ a certified copy of that order with the sheriff or other
11 law enforcement officials charged with maintaining Department
12 of State Police records or charged with serving the order upon
13 respondent. If the order was issued in accordance with
14 subsection (c) of Section 217, the clerk shall immediately
15 electronically transmit ~~on the next court day, file~~ a certified
16 copy of the order to ~~with~~ the Sheriff or other law enforcement
17 officials charged with maintaining Department of State Police
18 records which shall immediately enter the order into the Law
19 Enforcement Agencies Data System. If the respondent, at the
20 time of the issuance of the order, is committed to the custody
21 of the Illinois Department of Corrections or Illinois
22 Department of Juvenile Justice or is on parole, aftercare
23 release, or mandatory supervised release, the sheriff or other
24 law enforcement officials charged with maintaining Department
25 of State Police records shall notify the Department of
26 Corrections or Department of Juvenile Justice within 48 hours

1 of receipt of a copy of the order of protection from the clerk
2 of the issuing judge or the petitioner. Such notice shall
3 include the name of the respondent, the respondent's IDOC
4 inmate number or IDJJ youth identification number, the
5 respondent's date of birth, and the LEADS Record Index Number.

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

22 (c-5) If the person against whom the order of protection is
23 issued is arrested and the written order is issued in
24 accordance with subsection (c) of Section 217 and received by
25 the custodial law enforcement agency before the respondent or
26 arrestee is released from custody, the custodial law

1 enforcement agent shall promptly serve the order upon the
2 respondent or arrestee before the respondent or arrestee is
3 released from custody. In no event shall detention of the
4 respondent or arrestee be extended for hearing on the petition
5 for order of protection or receipt of the order issued under
6 Section 217 of this Act.

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

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

1 transferring to another day-care facility, pre-school,
2 pre-kindergarten, private school, public school, college, or
3 university, the clerk shall send a certified copy of the order
4 to the institution to which the child is transferring.

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

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

1 provided by the petitioner.

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

23 (Source: P.A. 97-50, eff. 6-28-11; 97-904, eff. 1-1-13; 98-558,
24 eff. 1-1-14.)

25 (750 ILCS 60/302) (from Ch. 40, par. 2313-2)

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

2 (a) All sheriffs shall immediately transmit electronically
3 ~~furnish~~ to the Department of State Police, on receipt ~~the same~~
4 ~~day as received~~, in the form and detail the Department
5 requires, copies of any recorded emergency, interim, or plenary
6 orders of protection issued by the court, and any foreign
7 orders of protection filed by the clerk of the court, and
8 electronically transmitted to the sheriff by the clerk of the
9 court pursuant to subsection (b) of Section 222 of this Act.
10 Each order of protection shall be immediately, upon
11 transmission, entered in the Law Enforcement Agencies Data
12 System when ~~on the same day~~ it is issued by the court. If an
13 emergency order of protection was issued in accordance with
14 subsection (c) of Section 217, the order shall be entered in
15 the Law Enforcement Agencies Data System as soon as possible
16 after receipt from the clerk.

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

1 (c) The data, records and transmittals required under this
2 Section shall pertain to any valid emergency, interim or
3 plenary order of protection, whether issued in a civil or
4 criminal proceeding or authorized under the laws of another
5 state, tribe, or United States territory.
6 (Source: P.A. 95-331, eff. 8-21-07.)".