



## 94TH GENERAL ASSEMBLY

### State of Illinois

2005 and 2006

HB2356

Introduced 2/16/2005, by Rep. Marlow H. Colvin

#### SYNOPSIS AS INTRODUCED:

750 ILCS 60/201.5 new

Amends the Illinois Domestic Violence Act of 1986. Provides that the presiding judge of the circuit court, during the hours that the courts are closed, shall make available on a rotating basis a judge who shall issue emergency orders of protection by telephone. Provides a list of what may be included in an emergency order of protection. Provides that an emergency order of protection expires one week from the day of issue unless otherwise continued by the court. Provides that a judge may issue an oral emergency order of protection upon request of the alleged victim, if there is a finding that a person's life or health is in imminent danger.

LRB094 07655 LCB 37828 b

FISCAL NOTE ACT  
MAY APPLY

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 5. The Illinois Domestic Violence Act of 1986 is  
5 amended by adding Section 201.5 as follows:

6 (750 ILCS 60/201.5 new)

7 Sec. 201.5. Emergency orders of protection; release  
8 orders.

9 (a) The presiding judge of the circuit court, during the  
10 hours that the courts are closed, shall make available on a  
11 rotating basis a judge who shall issue emergency orders of  
12 protection by telephone.

13 (b) The judge who is authorized to issue emergency orders  
14 of protection may issue a written or oral ex parte emergency  
15 order of protection if a police officer or peace officer states  
16 that the officer has reasonable grounds to believe that a  
17 person is in immediate and present danger of domestic violence  
18 based on an allegation of a recent incident of actual domestic  
19 violence.

20 (c) An emergency order of protection may include any of the  
21 following:

22 (1) The defendant may be enjoined from committing a  
23 violation of one or more of the offenses included in  
24 domestic violence.

25 (2) One party may be granted the use and exclusive  
26 possession of the parties' residence on a showing that  
27 there is reasonable cause to believe that physical harm may  
28 otherwise result.

29 (3) The defendant may be restrained from contacting the  
30 plaintiff, coming near the residence, place of employment  
31 or school of the plaintiff, or other specifically  
32 designated locations or persons on a showing that there is

1 reasonable cause to believe that physical harm may  
2 otherwise result.

3 (4) If the court finds that the defendant may inflict  
4 bodily injury or death on the plaintiff, the defendant may  
5 be prohibited from possessing or purchasing a firearm for  
6 the duration of the order.

7 (d) An emergency order of protection expires one week from  
8 the day of issue unless otherwise continued by the court.

9 (e) A judge may issue an oral emergency order of protection  
10 pursuant to subsection (b) of this Section upon request of the  
11 alleged victim, if there is a finding that a person's life or  
12 health is in imminent danger. If a person is either temporarily  
13 or permanently unable to request an order, a third party may  
14 request an order of protection on behalf of the plaintiff.  
15 After the request, the judicial officer shall determine if the  
16 third party is an appropriate requesting party for the  
17 plaintiff. The police officer or peace officer who receives the  
18 verbal order shall write and sign the order. The emergency  
19 order shall be served on the respondent, and a copy shall be  
20 given to the protected party. The emergency order shall be  
21 filed as soon as practicable after its issuance. The officer  
22 shall file a certificate of service with the court and shall  
23 verbally notify the sheriff's office that the emergency order  
24 of protection has been issued. If a person who is named in the  
25 order and who has not received personal service of the order  
26 but has received actual notice of the existence and substance  
27 of the order commits an act that violates the order, the person  
28 is subject to any penalty for the violation.

29 (f) The availability of an emergency order of protection is  
30 not affected by either party leaving the residence.

31 (g) A law enforcement agency that has jurisdiction to  
32 enforce an emergency order of protection shall enforce the  
33 emergency order when it has reasonable cause to believe that  
34 the order has been violated.

35 (h) In cases where the defendant is arrested for an act of  
36 domestic violence, the court, within 24 hours after the arrest,

1 shall register a certified copy of the release order with the  
2 sheriff's office of the county in which the order was issued.  
3 The court shall notify the sheriff's office of material changes  
4 in the release order, if the conditions of the release order  
5 are no longer in effect and when the charges are resolved. The  
6 sheriff in each county shall maintain a central repository for  
7 release orders so that the existence and validity of the orders  
8 can be easily verified. The law enforcement agency shall advise  
9 domestic violence victims where the victim may verify the  
10 registration and conditions of a release order.