



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

SB1864

Introduced 2/20/2015, by Sen. Dan Kotowski

SYNOPSIS AS INTRODUCED:

See Index

Creates the Lethal Violence Order of Protection Act. Provides that a petitioner may request an emergency lethal violence order of protection by filing an affidavit or verified pleading alleging that the respondent poses an immediate and present danger of causing personal injury to himself, herself, or another by having in his or her custody or control, owning, purchasing, possessing, or receiving a firearm. Provides that the petition shall also describe the type, and location of any firearm or firearms presently believed by the petitioner to be possessed or controlled by the respondent. Provides that the petitioner may be a family member of the respondent or a law enforcement officer, who files a petition alleging that the respondent poses a danger of causing personal injury to himself, herself, or another by having in his or her custody or control, owning, purchasing, possessing, or receiving a firearm. Establishes factors that the court must consider before issuing a lethal violence order of protection. Provides for the issuance of ex parte orders and one year orders. Provides that if the court issues the order the respondent must: (1) refrain from having in his or her custody or control, owning, purchasing, possessing, or receiving additional firearms for the duration of the order; and (2) turn over to the local law enforcement agency any firearm, Firearm Owner's Identification Card, or concealed carry license in his or her possession. Establishes factors for renewing and terminating lethal violence orders of protection. Amends the Firearm Owners Identification Card Act and the Firearm Concealed Carry Act to make conforming changes.

LRB099 09505 RLC 29713 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

FISCAL NOTE ACT
MAY APPLY

STATE MANDATES
ACT MAY REQUIRE
REIMBURSEMENT

A BILL FOR

1 AN ACT concerning orders of protection.

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

4 Section 1. Short title. This Act may be cited as the Lethal
5 Violence Order of Protection Act.

6 Section 5. Definitions. As used in this Act:

7 "Lethal violence order of protection" means an order issued
8 by the court, prohibiting and enjoining a named person from
9 having in his or her custody or control, owning, purchasing,
10 possessing, or receiving any firearms.

11 "Petitioner" means:

12 (1) a family member of the respondent as defined in
13 Section 103 of the Illinois Domestic Violence Act of 1986;
14 or

15 (2) a law enforcement officer, who files a petition
16 alleging that the respondent poses a danger of causing
17 personal injury to himself, herself, or another by having
18 in his or her custody or control, owning, purchasing,
19 possessing, or receiving a firearm.

20 "Respondent" means the person alleged in the petition to
21 pose a danger of causing personal injury to himself, herself,
22 or another by having in his or her custody or control, owning,
23 purchasing, possessing, or receiving a firearm.

1 Section 10. Commencement of action; procedure.

2 (a) Actions for a lethal violence order of protection are
3 commenced by filing a verified petition for a lethal violence
4 order of protection in any circuit court.

5 (b) A petition for a lethal violence order of protection
6 may be filed in any county where the respondent resides.

7 (c) No fee shall be charged by the clerk for filing,
8 amending, vacating, certifying, or photocopying petitions or
9 orders; or for issuing alias summons; or for any related filing
10 service. No fee shall be charged by the sheriff for service by
11 the sheriff of a petition, rule, motion, or order in an action
12 commenced under this Section.

13 (d) The court shall provide, through the office of the
14 clerk of the court, simplified forms and clerical assistance to
15 help with the writing and filing of a petition under this
16 Section by any person not represented by counsel. In addition,
17 that assistance may be provided by the State's Attorney.

18 Section 15. Subject matter jurisdiction. Each of the
19 circuit courts shall have the power to issue lethal violence
20 orders of protection.

21 Section 20. Jurisdiction over persons. The circuit courts
22 of this State have jurisdiction to bind (1) State residents and
23 (2) non-residents having minimum contacts with this State, to

1 the extent permitted by Section 2-209 of the Code of Civil
2 Procedure.

3 Section 25. Process. The summons shall be in the form
4 prescribed by Supreme Court Rule 101(d), except that it shall
5 require respondent to answer or appear within 7 days.
6 Attachments to the summons or notice shall include the petition
7 for the lethal violence order of protection and supporting
8 affidavits, if any, and any emergency lethal violence order of
9 protection that has been issued. The enforcement of an order
10 under Section 35 shall not be affected by the lack of service,
11 delivery, or notice, provided the requirements of subsection
12 (d) of that Section are otherwise met.

13 Section 30. Service of notice of hearings. Service of
14 notice of hearings. Except as provided in Section 25, notice of
15 hearings on petitions or motions shall be served in accordance
16 with Supreme Court Rules 11 and 12, unless notice is excused by
17 Section 35 of this Act, or by the Code of Civil Procedure,
18 Supreme Court Rules, or local rules.

19 Section 35. Ex parte orders and emergency hearings.

20 (a) A petitioner may request an emergency lethal violence
21 order of protection by filing an affidavit or verified pleading
22 alleging that the respondent poses an immediate and present
23 danger of causing personal injury to himself, herself, or

1 another by having in his or her custody or control, owning,
2 purchasing, possessing, or receiving a firearm. The petition
3 shall also describe the type, and location of any firearm or
4 firearms presently believed by the petitioner to be possessed
5 or controlled by the respondent.

6 (b) An emergency order of protection shall be issued on an
7 ex parte basis, that is, without notice to the respondent.

8 (c) An emergency hearing held on an ex parte basis shall be
9 held the same day that the petition is filed or the next day
10 that the court is in session.

11 (d) If a circuit or associate judge finds reasonable cause
12 to believe that the respondent poses an immediate and present
13 danger of causing personal injury to himself, herself, or
14 another by having in his or her custody or control, owning,
15 purchasing, possessing, or receiving a firearm the circuit or
16 associate judge shall issue an emergency order.

17 (e) An emergency lethal violence order of protection shall
18 require:

19 (1) the respondent to refrain from having in his or her
20 custody or control, owning, purchasing, possessing, or
21 receiving additional firearms for the duration of the
22 order;

23 (2) the respondent to turn over to the local law
24 enforcement agency any Firearm Owner's Identification Card
25 and concealed carry license in his or her possession. The
26 local law enforcement agency shall immediately mail the

1 card and concealed carry license to the Department of State
2 Police Firearm Owner's Identification Card Office for
3 safekeeping. The firearm or firearms and Firearm Owner's
4 Identification Card and concealed carry license, if
5 unexpired, shall at the respondent's request, be returned
6 to the respondent after the lethal violence order of
7 protection is terminated or expired. It is the respondent's
8 responsibility to notify the Department of State Police
9 Firearm Owner's Identification Card Office; and

10 (3) any law-enforcement agency to forthwith search for
11 and seize firearms of the respondent upon probable cause
12 that the respondent has possession of a firearm, and
13 petitioner or the court can describe, with sufficient
14 particularity, the location of the firearm or firearms.

15 (f) Upon expiration of the period of safekeeping, if the
16 firearms or Firearm Owner's Identification Card and concealed
17 carry license cannot be returned to respondent because
18 respondent cannot be located, fails to respond to requests to
19 retrieve the firearms, or is not lawfully eligible to possess a
20 firearm, upon petition from the local law enforcement agency,
21 the court may order the local law enforcement agency to destroy
22 the firearms, use the firearms for training purposes, or for
23 any other application as deemed appropriate by the local law
24 enforcement agency.

25 (g) In accordance with subsection (c) of this Section, the
26 court shall schedule a full hearing within 14 days of the

1 issuance of an ex parte lethal violence order of protection to
2 determine if a one-year lethal violence order of protection
3 shall be issued. The court may extend an ex parte order as
4 needed, but not to exceed 30 days, to effectuate service of the
5 order or if necessary to continue protection.

6 Section 40. One-year orders.

7 (a) A petitioner may request a one-year lethal violence
8 order of protection by filing an affidavit or verified pleading
9 alleging that the respondent poses a significant danger of
10 causing personal injury to himself, herself, or another in the
11 near future by having in his or her custody or control, owning,
12 purchasing, possessing, or receiving a firearm. The petition
13 shall also describe the number, types, and locations of any
14 firearms presently believed by the petitioner to be possessed
15 or controlled by the respondent.

16 (b) Upon receipt of a petition for a one-year lethal
17 violence order of protection, the court shall order a hearing
18 within 30 days.

19 (c) In determining whether to issue a lethal violence order
20 of protection under this Section, the court shall consider
21 evidence of:

22 (1) A recent threat of violence or act of violence by
23 the respondent directed toward himself, herself, or
24 another.

25 (2) A violation of an emergency order of protection

1 issued under Section 217 of the Illinois Domestic Violence
2 Act of 1986 or Section 112A-17 of the Code of Criminal
3 Procedure of 1963 or of an order of protection issued under
4 Section 214 of the Illinois Domestic Violence Act of 1986
5 or Section 112A-14 of the Code of Criminal Procedure of
6 1963.

7 (3) A pattern of violent acts or violent threats,
8 including, but not limited to, threats of violence or acts
9 of violence by the respondent directed toward himself,
10 herself, or another.

11 (d) In determining whether to issue a lethal violence order
12 of protection under this Section, the court may consider
13 evidence including, but not limited to, the following:

14 (1) The unlawful and reckless use, display, or
15 brandishing of a firearm by the respondent.

16 (2) The history of use, attempted use, or threatened
17 use of physical force by the respondent against another
18 person.

19 (3) Any prior arrest of the respondent for a felony
20 offense.

21 (4) Evidence of the abuse of controlled substances or
22 alcohol by the respondent.

23 (5) Evidence of recent acquisition of firearms,
24 ammunition, or other deadly weapons.

25 (e) At the hearing, the petitioner shall have the burden of
26 proving, by preponderance of the evidence, that the respondent

1 poses a significant danger of personal injury to himself,
2 herself, or another by having in his or her custody or control,
3 owning, purchasing, possessing, or receiving a firearm.

4 (f) If the court finds that there is a preponderance of the
5 evidence to issue a lethal violence order of protection, the
6 court shall issue a lethal violence order of protection that
7 shall be in effect for one year subject to renewal under
8 Section 45 of this Act or termination under that Section.

9 (g) A one-year lethal violence order of protection shall
10 require:

11 (1) the respondent to refrain from having in his or her
12 custody or control, owning, purchasing, possessing or
13 receiving additional firearms for the duration of the
14 order;

15 (2) the respondent to turn over to the local law
16 enforcement agency any firearm or Firearm Owner's
17 Identification Card and concealed carry license in his or
18 her possession. The local law enforcement agency shall
19 immediately mail the card and concealed carry license to
20 the Department of State Police Firearm Owner's
21 Identification Card Office for safekeeping. The firearm or
22 firearms and Firearm Owner's Identification Card and
23 concealed carry license, if unexpired shall at the
24 respondent's request, be returned to the respondent after
25 the lethal violence order of protection is terminated or
26 expired. It is the respondent's responsibility to notify

1 the Department of State Police Firearm Owner's
2 Identification Card Office; and

3 (3) any law-enforcement agency to forthwith search for
4 and seize firearms of the respondent upon probable cause
5 that the respondent has possession of a firearm, and
6 petitioner can describe, with sufficient particularity,
7 the location of the firearm or firearms.

8 (h) Upon expiration of the period of safekeeping, if the
9 firearms or Firearm Owner's Identification Card cannot be
10 returned to respondent because respondent cannot be located,
11 fails to respond to requests to retrieve the firearms, or is
12 not lawfully eligible to possess a firearm, upon petition from
13 the local law enforcement agency, the court may order the local
14 law enforcement agency to destroy the firearms, use the
15 firearms for training purposes, or for any other application as
16 deemed appropriate by the local law enforcement agency.

17 (i) If the court does not issue a lethal violence order of
18 protection at the hearing, the court shall dissolve any
19 emergency lethal violence order of protection then in effect.

20 (j) When the court issues a lethal violence order of
21 protection under this Section, the court shall inform the
22 respondent that he or she is entitled to one hearing during the
23 period of the order to request a termination of the order,
24 under Section 45 of this Act, and shall provide the respondent
25 with a form to request a hearing.

1 Section 45. Termination and renewal.

2 (a) A person subject to a lethal violence order of
3 protection issued under this Act may submit one written request
4 at any time during the effective period of the order for a
5 hearing to terminate the order.

6 (1) The respondent shall have the burden of proving by
7 a preponderance of the evidence that the respondent does
8 not pose a danger of causing personal injury to himself,
9 herself, or another in the near future by having in his or
10 her custody or control, owning, purchasing, possessing, or
11 receiving a firearm.

12 (2) If the court finds after the hearing that the
13 respondent has met his or her burden, the court shall
14 terminate the order.

15 (b) A petitioner may request a renewal of a lethal violence
16 order of protection at any time within the 3 months before the
17 expiration of a lethal violence order of protection.

18 (1) A court shall, after notice and a hearing, renew a
19 lethal violence order of protection issued under this part
20 if the petitioner proves, by a preponderance of the
21 evidence, that the respondent continues to pose a danger of
22 causing personal injury to himself, herself, or another in
23 the near future by having in his or her custody or control,
24 owning, purchasing, possessing, or receiving a firearm.

25 (2) In determining whether to renew a lethal violence
26 order of protection issued under this Act, the court shall

1 consider evidence of the facts identified in subsection (c)
2 of Section 40 of this Act and any other evidence of an
3 increased risk for violence, including, but not limited to,
4 evidence of any of the factors identified in subsection (d)
5 of Section 40 of this Act.

6 (3) At the hearing, the petitioner shall have the
7 burden of proving, by a preponderance of the evidence that
8 the respondent continues to pose a danger of causing
9 personal injury to himself, herself, or another in the near
10 future by having in his or her custody or control, owning,
11 purchasing, possessing, or receiving a firearm.

12 (4) The renewal of a lethal violence order of
13 protection issued under this Section shall be in effect for
14 one year, subject to termination by further order of the
15 court at a hearing held under this Section and further
16 renewal by further order of the court under this Section.

17 Section 50. Notice of orders.

18 (a) Entry and issuance. Upon issuance of any lethal
19 violence order of protection, the clerk shall immediately, or
20 on the next court day if an emergency lethal violence order of
21 protection is issued in accordance with Section 35 of this Act
22 (emergency lethal violence order of protection), (i) enter the
23 order on the record and file it in accordance with the circuit
24 court procedures and (ii) provide a file stamped copy of the
25 order to respondent, if present, and to petitioner.

1 (b) Filing with sheriff. The clerk of the issuing judge
2 shall, or the petitioner may, on the same day that a lethal
3 violence order of protection is issued, file a certified copy
4 of that order with the sheriff or other law enforcement
5 officials charged with maintaining Department of State Police
6 records or charged with serving the order upon respondent. If
7 the order was issued in accordance with Section 35 of this Act
8 (emergency lethal violence order of protection), the clerk
9 shall on the next court day, file a certified copy of the order
10 with the sheriff or other law enforcement officials charged
11 with maintaining Department of State Police records.

12 (c) Service by sheriff. Unless respondent was present in
13 court when the order was issued, the sheriff, other law
14 enforcement official, or special process server shall promptly
15 serve that order upon respondent and file proof of the service,
16 in the manner provided for service of process in civil
17 proceedings. Instead of serving the order upon the respondent,
18 however, the sheriff, other law enforcement official, special
19 process server, or other persons defined in Section 112A-22.10
20 of the Criminal Code of 1963 may serve the respondent with a
21 short form notification as provided in that Section. If process
22 has not yet been served upon the respondent, it shall be served
23 with the order or short form notification if the service is
24 made by the sheriff, other law enforcement official, or special
25 process server. A single fee may be charged for service of an
26 order obtained in circuit court, or for service of the order

1 together with process, unless waived or deferred under
2 subsection (c) of Section 10 of this Act.

3 (d) Any order renewing or terminating any lethal violence
4 order of protection shall be promptly recorded, issued, and
5 served as provided in this Section.

6 Section 55. Data maintenance by law enforcement agencies.

7 (a) All sheriffs shall furnish to the Department of State
8 Police, daily, in the form and detail the Department requires,
9 copies of any recorded lethal violence order of protection
10 issued by the court, and any foreign orders of protection filed
11 by the clerk of the court, and transmitted to the sheriff by
12 the clerk of the court under Section 50. Each lethal violence
13 order of protection shall be entered in the Law Enforcement
14 Agencies Data System (LEADS) on the same day it is issued by
15 the court. If an emergency lethal violence order of protection
16 was issued in accordance with Section 35 of this Act, the order
17 shall be entered in the Law Enforcement Agencies Data System
18 (LEADS) as soon as possible after receipt from the clerk.

19 (b) The Department of State Police shall maintain a
20 complete and systematic record and index of all valid and
21 recorded lethal violence orders of protection issued or filed
22 under this Act. The data shall be used to inform all
23 dispatchers and law enforcement officers at the scene of a
24 violation of lethal violence order of protection of the
25 effective dates and terms of any recorded order of protection.

1 (c) The data, records and transmittals required under this
2 Section shall pertain to any valid emergency or one-year lethal
3 violence 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 Section 60. Filing of a lethal violence order of protection
7 issued by another state.

8 (a) A person entitled to protection under a lethal violence
9 order of protection or similar order issued by the court of
10 another state, tribe, or United States territory may file a
11 certified copy of the lethal violence order of protection with
12 the clerk of the court in a judicial circuit in which the
13 person believes that enforcement may be necessary.

14 (b) The clerk shall:

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

22 (2) on the same day that a foreign lethal violence
23 order of protection is filed, file a certified copy of that
24 order with the sheriff or other law enforcement officials
25 charged with maintaining Department of State Police

1 records as set forth in Section 55 of this Act.

2 (c) Neither residence in this State nor filing of a foreign
3 lethal violence order of protection shall be required for
4 enforcement of the order by this State. Failure to file the
5 foreign order shall not be an impediment to its treatment in
6 all respects as an Illinois lethal violence order of
7 protection.

8 (d) The clerk shall not charge a fee to file a foreign
9 order of protection under this Section.

10 Section 65. Enforcement; sanctions for violation of order.

11 (a) A respondent who knowingly violates a lethal violence
12 order of protection is guilty of a Class A misdemeanor.
13 Prosecution for a violation of a lethal violence order of
14 protection shall not bar concurrent prosecution for any other
15 crime, including any crime that may have been committed at the
16 time of the violation of the lethal violence order of
17 protection.

18 (b) A petitioner who files a petition for a lethal violence
19 order of protection knowing the information in the petition to
20 be false is guilty of a Class A misdemeanor.

21 Section 70. Non-preclusion of remedies. Nothing in this Act
22 shall preclude a petitioner or law-enforcement officer from
23 removing weapons under other authority, or filing criminal
24 charges when probable cause exists.

1 Section 135. The Firearm Owners Identification Card Act is
2 amended by changing Section 8.2 as follows:

3 (430 ILCS 65/8.2)

4 Sec. 8.2. Firearm Owner's Identification Card denial or
5 revocation. The Department of State Police shall deny an
6 application or shall revoke and seize a Firearm Owner's
7 Identification Card previously issued under this Act if the
8 Department finds that the applicant or person to whom such card
9 was issued is or was at the time of issuance subject to an
10 existing order of protection or lethal violence order of
11 protection.

12 (Source: P.A. 96-701, eff. 1-1-10.)

13 Section 140. The Firearm Concealed Carry Act is amended by
14 changing Section 70 as follows:

15 (430 ILCS 66/70)

16 Sec. 70. Violations.

17 (a) A license issued or renewed under this Act shall be
18 revoked if, at any time, the licensee is found to be ineligible
19 for a license under this Act or the licensee no longer meets
20 the eligibility requirements of the Firearm Owners
21 Identification Card Act.

22 (b) A license shall be suspended if an order of protection,

1 including an emergency order of protection, plenary order of
2 protection, or interim order of protection under Article 112A
3 of the Code of Criminal Procedure of 1963 or under the Illinois
4 Domestic Violence Act of 1986, or if a lethal violence order of
5 protection, including an emergency lethal violence order of
6 protection, under the Lethal Violence Order of Protection Act,
7 is issued against a licensee for the duration of the order, or
8 if the Department is made aware of a similar order issued
9 against the licensee in any other jurisdiction. If an order of
10 protection is issued against a licensee, the licensee shall
11 surrender the license, as applicable, to the court at the time
12 the order is entered or to the law enforcement agency or entity
13 serving process at the time the licensee is served the order.
14 The court, law enforcement agency, or entity responsible for
15 serving the order of protection shall notify the Department
16 within 7 days and transmit the license to the Department.

17 (c) A license is invalid upon expiration of the license,
18 unless the licensee has submitted an application to renew the
19 license, and the applicant is otherwise eligible to possess a
20 license under this Act.

21 (d) A licensee shall not carry a concealed firearm while
22 under the influence of alcohol, other drug or drugs,
23 intoxicating compound or combination of compounds, or any
24 combination thereof, under the standards set forth in
25 subsection (a) of Section 11-501 of the Illinois Vehicle Code.

26 A licensee in violation of this subsection (d) shall be

1 guilty of a Class A misdemeanor for a first or second violation
2 and a Class 4 felony for a third violation. The Department may
3 suspend a license for up to 6 months for a second violation and
4 shall permanently revoke a license for a third violation.

5 (e) Except as otherwise provided, a licensee in violation
6 of this Act shall be guilty of a Class B misdemeanor. A second
7 or subsequent violation is a Class A misdemeanor. The
8 Department may suspend a license for up to 6 months for a
9 second violation and shall permanently revoke a license for 3
10 or more violations of Section 65 of this Act. Any person
11 convicted of a violation under this Section shall pay a \$150
12 fee to be deposited into the Mental Health Reporting Fund, plus
13 any applicable court costs or fees.

14 (f) A licensee convicted or found guilty of a violation of
15 this Act who has a valid license and is otherwise eligible to
16 carry a concealed firearm shall only be subject to the
17 penalties under this Section and shall not be subject to the
18 penalties under Section 21-6, paragraph (4), (8), or (10) of
19 subsection (a) of Section 24-1, or subparagraph (A-5) or (B-5)
20 of paragraph (3) of subsection (a) of Section 24-1.6 of the
21 Criminal Code of 2012. Except as otherwise provided in this
22 subsection, nothing in this subsection prohibits the licensee
23 from being subjected to penalties for violations other than
24 those specified in this Act.

25 (g) A licensee whose license is revoked, suspended, or
26 denied shall, within 48 hours of receiving notice of the

1 revocation, suspension, or denial, surrender his or her
2 concealed carry license to the local law enforcement agency
3 where the person resides. The local law enforcement agency
4 shall provide the licensee a receipt and transmit the concealed
5 carry license to the Department of State Police. If the
6 licensee whose concealed carry license has been revoked,
7 suspended, or denied fails to comply with the requirements of
8 this subsection, the law enforcement agency where the person
9 resides may petition the circuit court to issue a warrant to
10 search for and seize the concealed carry license in the
11 possession and under the custody or control of the licensee
12 whose concealed carry license has been revoked, suspended, or
13 denied. The observation of a concealed carry license in the
14 possession of a person whose license has been revoked,
15 suspended, or denied constitutes a sufficient basis for the
16 arrest of that person for violation of this subsection. A
17 violation of this subsection is a Class A misdemeanor.

18 (h) A license issued or renewed under this Act shall be
19 revoked if, at any time, the licensee is found ineligible for a
20 Firearm Owner's Identification Card, or the licensee no longer
21 possesses a valid Firearm Owner's Identification Card. A
22 licensee whose license is revoked under this subsection (h)
23 shall surrender his or her concealed carry license as provided
24 for in subsection (g) of this Section.

25 This subsection shall not apply to a person who has filed
26 an application with the State Police for renewal of a Firearm

1 Owner's Identification Card and who is not otherwise ineligible
2 to obtain a Firearm Owner's Identification Card.

3 (i) A certified firearms instructor who knowingly provides
4 or offers to provide a false certification that an applicant
5 has completed firearms training as required under this Act is
6 guilty of a Class A misdemeanor. A person guilty of a violation
7 of this subsection (i) is not eligible for court supervision.
8 The Department shall permanently revoke the firearms
9 instructor certification of a person convicted under this
10 subsection (i).

11 (Source: P.A. 98-63, eff. 7-9-13; 98-756, eff. 7-16-14; 98-899,
12 eff. 8-15-14.)

1 INDEX

2 Statutes amended in order of appearance

3 New Act

4 430 ILCS 65/8.2

5 430 ILCS 66/70