

AN ACT concerning domestic violence.

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

Section 5. The Criminal Code of 2012 is amended by changing Sections 12-3.4, 12-3.8, and 12-3.9 as follows:

(720 ILCS 5/12-3.4) (was 720 ILCS 5/12-30)

Sec. 12-3.4. Violation of an order of protection.

(a) A person commits violation of an order of protection if:

(1) He or she knowingly commits an act which was prohibited by a court or fails to commit an act which was ordered by a court in violation of:

(i) a remedy in a valid order of protection authorized under paragraphs (1), (2), (3), (14), or (14.5) of subsection (b) of Section 214 of the Illinois Domestic Violence Act of 1986,

(ii) a remedy, which is substantially similar to the remedies authorized under paragraphs (1), (2), (3), (14) or (14.5) of subsection (b) of Section 214 of the Illinois Domestic Violence Act of 1986, in a valid order of protection, which is authorized under the laws of another state, tribe or United States territory,

(iii) any other remedy when the act constitutes a crime against the protected parties as the term protected parties is defined in Section 112A-4 of the Code of Criminal Procedure of 1963; and

(2) Such violation occurs after the offender has been served notice of the contents of the order, pursuant to the Illinois Domestic Violence Act of 1986 or any substantially similar statute of another state, tribe or United States territory, or otherwise has acquired actual knowledge of the contents of the order.

A person alleged to have violated a plenary order of protection is presumed to have actual knowledge of the contents of the order if:

(i) the person has been served with a summons that includes the language set forth in paragraph (3) of subsection (a) of Section 210 of the Illinois Domestic Violence Act of 1986 or paragraph (2) of subsection (c) of Section 112A-5.5 of the Code of Criminal Procedure of 1963;

(ii) the person has been served with the petition for the order of protection;

(iii) the person has been held in default in the order of protection proceeding; and

(iv) the person has been served with an emergency order of protection in the same proceeding that grants the same remedy, including any specifics, that the person is

alleged to have violated.

An order of protection issued by a state, tribal or territorial court related to domestic or family violence shall be deemed valid if the issuing court had jurisdiction over the parties and matter under the law of the state, tribe or territory. There shall be a presumption of validity where an order is certified and appears authentic on its face. For purposes of this Section, an "order of protection" may have been issued in a criminal or civil proceeding.

(a-5) Failure to provide reasonable notice and opportunity to be heard shall be an affirmative defense to any charge or process filed seeking enforcement of a foreign order of protection.

(b) Nothing in this Section shall be construed to diminish the inherent authority of the courts to enforce their lawful orders through civil or criminal contempt proceedings.

(c) The limitations placed on law enforcement liability by Section 305 of the Illinois Domestic Violence Act of 1986 apply to actions taken under this Section.

(d) Violation of an order of protection is a Class A misdemeanor. Violation of an order of protection is a Class 4 felony if the defendant has any prior conviction under this Code for domestic battery (Section 12-3.2) or violation of an order of protection (Section 12-3.4 or 12-30) or any prior conviction under the law of another jurisdiction for an offense that could be charged in this State as a domestic

battery or violation of an order of protection. Violation of an order of protection is a Class 4 felony if the defendant has any prior conviction under this Code for first degree murder (Section 9-1), attempt to commit first degree murder (Section 8-4), aggravated domestic battery (Section 12-3.3), aggravated battery (Section 12-3.05 or 12-4), heinous battery (Section 12-4.1), aggravated battery with a firearm (Section 12-4.2), aggravated battery with a machine gun or a firearm equipped with a silencer (Section 12-4.2-5), aggravated battery of a child (Section 12-4.3), aggravated battery of an unborn child (subsection (a-5) of Section 12-3.1, or Section 12-4.4), aggravated battery of a senior citizen (Section 12-4.6), stalking (Section 12-7.3), aggravated stalking (Section 12-7.4), criminal sexual assault (Section 11-1.20 or 12-13), aggravated criminal sexual assault (Section 11-1.30 or 12-14), kidnapping (Section 10-1), aggravated kidnapping (Section 10-2), predatory criminal sexual assault of a child (Section 11-1.40 or 12-14.1), aggravated criminal sexual abuse (Section 11-1.60 or 12-16), unlawful restraint (Section 10-3), aggravated unlawful restraint (Section 10-3.1), aggravated arson (Section 20-1.1), aggravated discharge of a firearm (Section 24-1.2), or a violation of any former law of this State that is substantially similar to any listed offense, or any prior conviction under the law of another jurisdiction for an offense that could be charged in this State as one of the offenses listed in this Section, when any of these offenses

have been committed against a family or household member as defined in Section 112A-3 of the Code of Criminal Procedure of 1963. The court shall impose a minimum penalty of 24 hours imprisonment for defendant's second or subsequent violation of any order of protection; unless the court explicitly finds that an increased penalty or such period of imprisonment would be manifestly unjust. In addition to any other penalties, the court may order the defendant to pay a fine as authorized under Section 5-9-1 of the Unified Code of Corrections or to make restitution to the victim under Section 5-5-6 of the Unified Code of Corrections.

(e) (Blank).

(f) A defendant who directed the actions of a third party to violate this Section, under the principles of accountability set forth in Article 5 of this Code, is guilty of violating this Section as if the same had been personally done by the defendant, without regard to the mental state of the third party acting at the direction of the defendant.

(Source: P.A. 100-987, eff. 7-1-19.)

(720 ILCS 5/12-3.8)

Sec. 12-3.8. Violation of a civil no contact order.

(a) A person commits violation of a civil no contact order if:

(1) he or she knowingly commits an act which was prohibited by a court or fails to commit an act which was

ordered in violation of:

(A) a remedy of a valid civil no contact order authorized under Section 213 of the Civil No Contact Order Act or Section 112A-14.5 of the Code of Criminal Procedure of 1963; or

(B) a remedy, which is substantially similar to the remedies authorized under Section 213 of the Civil No Contact Order Act or Section 112A-14.5 of the Code of Criminal Procedure of 1963, or in a valid civil no contact order, which is authorized under the laws of another state, tribe, or United States territory; and

(2) the violation occurs after the offender has been served notice of the contents of the order under the Civil No Contact Order Act, Article 112A of the Code of Criminal Procedure of 1963, or any substantially similar statute of another state, tribe, or United States territory, or otherwise has acquired actual knowledge of the contents of the order.

A person alleged to have violated a civil no contact order is presumed to have actual knowledge of the contents of the order if:

(i) the person has been served with a summons that includes the language set forth in paragraph (3) of subsection (a) of Section 208 of the Civil No Contact Order Act or paragraph (2) of subsection (c) of Section 112A-5.5 of the Code of Criminal Procedure of 1963;

(ii) the person has been served with the petition for the civil no contact order;

(iii) the person has been held in default in the civil no contact proceeding; and

(iv) the person has been served with an emergency order in the same proceeding that grants the same remedy, including any specifics, that the person is alleged to have violated.

A civil no contact order issued by a state, tribal, or territorial court shall be deemed valid if the issuing court had jurisdiction over the parties and matter under the law of the state, tribe, or territory. There shall be a presumption of validity when an order is certified and appears authentic on its face.

(a-3) For purposes of this Section, a "civil no contact order" may have been issued in a criminal or civil proceeding.

(a-5) Failure to provide reasonable notice and opportunity to be heard shall be an affirmative defense to any charge or process filed seeking enforcement of a foreign civil no contact order.

(b) Prosecution for a violation of a civil no contact order shall not bar a concurrent prosecution for any other crime, including any crime that may have been committed at the time of the violation of the civil no contact order.

(c) Nothing in this Section shall be construed to diminish the inherent authority of the courts to enforce their lawful

orders through civil or criminal contempt proceedings.

(d) A defendant who directed the actions of a third party to violate this Section, under the principles of accountability set forth in Article 5 of this Code, is guilty of violating this Section as if the same had been personally done by the defendant, without regard to the mental state of the third party acting at the direction of the defendant.

(e) Sentence. A violation of a civil no contact order is a Class A misdemeanor for a first violation, and a Class 4 felony for a second or subsequent violation.

(Source: P.A. 100-199, eff. 1-1-18.)

(720 ILCS 5/12-3.9)

Sec. 12-3.9. Violation of a stalking no contact order.

(a) A person commits violation of a stalking no contact order if:

(1) he or she knowingly commits an act which was prohibited by a court or fails to commit an act which was ordered by a court in violation of:

(A) a remedy in a valid stalking no contact order of protection authorized under Section 80 of the Stalking No Contact Order Act or Section 112A-14.7 of the Code of Criminal Procedure of 1963; or

(B) a remedy, which is substantially similar to the remedies authorized under Section 80 of the Stalking No Contact Order Act or Section 112A-14.7 of

the Code of Criminal Procedure of 1963, or in a valid stalking no contact order, which is authorized under the laws of another state, tribe, or United States territory; and

(2) the violation occurs after the offender has been served notice of the contents of the order, under the Stalking No Contact Order Act, Article 112A of the Code of Criminal Procedure of 1963, or any substantially similar statute of another state, tribe, or United States territory, or otherwise has acquired actual knowledge of the contents of the order.

A person alleged to have violated a stalking no contact order is presumed to have actual knowledge of the contents of the order if:

(i) the person has been served with a summons that includes the language set forth in paragraph (3) of subsection (a) of Section 60 of the Stalking No Contact Order Act or paragraph (2) of subsection (c) of Section 112A-5.5 of the Code of Criminal Procedure of 1963;

(ii) the person has been served with the petition for the stalking no contact order;

(iii) the person has been held in default in the stalking no contact proceeding; and

(iv) the person has been served with an emergency order in the same proceeding that grants the same remedy, including any specifics, that the person is alleged to

have violated.

A stalking no contact order issued by a state, tribal, or territorial court shall be deemed valid if the issuing court had jurisdiction over the parties and matter under the law of the state, tribe, or territory. There shall be a presumption of validity when an order is certified and appears authentic on its face.

(a-3) For purposes of this Section, a "stalking no contact order" may have been issued in a criminal or civil proceeding.

(a-5) Failure to provide reasonable notice and opportunity to be heard shall be an affirmative defense to any charge or process filed seeking enforcement of a foreign stalking no contact order.

(b) Prosecution for a violation of a stalking no contact order shall not bar a concurrent prosecution for any other crime, including any crime that may have been committed at the time of the violation of the civil no contact order.

(c) Nothing in this Section shall be construed to diminish the inherent authority of the courts to enforce their lawful orders through civil or criminal contempt proceedings.

(d) A defendant who directed the actions of a third party to violate this Section, under the principles of accountability set forth in Article 5 of this Code, is guilty of violating this Section as if the same had been personally done by the defendant, without regard to the mental state of the third party acting at the direction of the defendant.

(e) Sentence. A violation of a stalking no contact order is a Class A misdemeanor for a first violation, and a Class 4 felony for a second or subsequent violation.

(Source: P.A. 100-199, eff. 1-1-18.)

Section 10. The Code of Criminal Procedure of 1963 is amended by changing Sections 112A-5.5 and 112A-23 as follows:

(725 ILCS 5/112A-5.5)

Sec. 112A-5.5. Time for filing petition; service on respondent, hearing on petition, and default orders.

(a) A petition for a protective order may be filed at any time, in person or online, after a criminal charge or delinquency petition is filed and before the charge or delinquency petition is dismissed, the defendant or juvenile is acquitted, or the defendant or juvenile completes service of his or her sentence.

(b) The request for an ex parte protective order may be considered without notice to the respondent under Section 112A-17.5 of this Code.

(c) (1) A summons shall be issued and served for a protective order. The summons may be served by delivery to the respondent personally in open court in the criminal or juvenile delinquency proceeding, in the form prescribed by subsection (d) of Supreme Court Rule 101, except that it shall require the respondent to answer or appear within 7 days.

(2) The summons shall include the following language:

(A) "If an emergency protective order has been ordered against you and included with this summons or you have otherwise received a copy of that order, you may be arrested or held criminally or civilly liable for violating certain terms of the order. The court may enter another protective order when the attached emergency order expires."

(B) "You must attend court on the date in this summons. If you do not attend that date or on any subsequent hearing date agreed to by the parties or set by the court, the judge may decide the case without hearing from you. This is called default."

(C) "A plenary protective order may be entered by default for any of the remedies sought in the petition if you fail to appear on the specified hearing date or on any subsequent hearing date agreed to by the parties or set by the court."

(D) "If a plenary order is entered at the next or subsequent court date, even if you do not attend or get a copy of the order, you may be arrested or held criminally or civilly liable for violating certain terms of that order."

(3) Attachments to the summons shall include the petition for protective order, supporting affidavits, if any, and any ex parte protective order that has been issued.

(d) The summons shall be served by the sheriff or other law enforcement officer at the earliest time available and shall take precedence over any other summons, except those of a similar emergency nature. Attachments to the summons shall include the petition for protective order, supporting affidavits, if any, and any ex parte protective order that has been issued. Special process servers may be appointed at any time and their designation shall not affect the responsibilities and authority of the sheriff or other official process servers. In a county with a population over 3,000,000, a special process server may not be appointed if the protective order grants the surrender of a child, the surrender of a firearm or Firearm Owner's Identification Card, or the exclusive possession of a shared residence.

(e) If the respondent is not served within 30 days of the filing of the petition, the court shall schedule a court proceeding on the issue of service. Either the petitioner, the petitioner's counsel, or the State's Attorney shall appear and the court shall either order continued attempts at personal service or shall order service by publication, in accordance with Sections 2-203, 2-206, and 2-207 of the Code of Civil Procedure.

(f) The request for a final protective order can be considered at any court proceeding in the delinquency or criminal case after service of the petition. If the petitioner has not been provided notice of the court proceeding at least

10 days in advance of the proceeding, the court shall schedule a hearing on the petition and provide notice to the petitioner.

(f-5) A court in a county with a population above 250,000 shall offer the option of a remote hearing to a petitioner for a protective order. The court has the discretion to grant or deny the request for a remote hearing. Each court shall determine the procedure for a remote hearing. The petitioner and respondent may appear remotely or in person.

The court shall issue and publish a court order, standing order, or local rule detailing information about the process for requesting and participating in a remote court appearance. The court order, standing order, or local rule shall be published on the court's website and posted on signs throughout the courthouse, including in the clerk's office. The sign shall be written in plain language and include information about the availability of remote court appearances and the process for requesting a remote hearing.

(g) Default orders.

(1) A final domestic violence order of protection may be entered by default:

(A) for any of the remedies sought in the petition, if the respondent has been served with documents under subsection (b) or (c) of this Section and if the respondent fails to appear on the specified return date or any subsequent hearing date agreed to

by the petitioner and respondent or set by the court;
or

(B) for any of the remedies provided under paragraph (1), (2), (3), (5), (6), (7), (8), (9), (10), (11), (14), (15), (17), or (18) of subsection (b) of Section 112A-14 of this Code, or if the respondent fails to answer or appear in accordance with the date set in the publication notice or the return date indicated on the service of a household member.

(2) A final civil no contact order may be entered by default for any of the remedies provided in Section 112A-14.5 of this Code, if the respondent has been served with documents under subsection (b) or (c) of this Section, and if the respondent fails to answer or appear in accordance with the date set in the publication notice or the return date indicated on the service of a household member.

(3) A final stalking no contact order may be entered by default for any of the remedies provided by Section 112A-14.7 of this Code, if the respondent has been served with documents under subsection (b) or (c) of this Section and if the respondent fails to answer or appear in accordance with the date set in the publication notice or the return date indicated on the service of a household member.

(4) When the court enters a default order under this Section, the court shall include a finding about whether the language required in paragraph (2) of subsection (c) was included in the summons. Whether the language required in paragraph (2) of subsection (c) was included in a summons shall not impact whether the court grants the default order if the summons was otherwise proper and the requirements for default are otherwise met.

(Source: P.A. 102-853, eff. 1-1-23; 103-154, eff. 6-30-23.)

(725 ILCS 5/112A-23) (from Ch. 38, par. 112A-23)

Sec. 112A-23. Enforcement of protective orders.

(a) When violation is crime. A violation of any protective order, whether issued in a civil, quasi-criminal proceeding or by a military judge, shall be enforced by a criminal court when:

(1) The respondent commits the crime of violation of a domestic violence order of protection pursuant to Section 12-3.4 or 12-30 of the Criminal Code of 1961 or the Criminal Code of 2012, by having knowingly violated:

(i) remedies described in paragraph (1), (2), (3), (14), or (14.5) of subsection (b) of Section 112A-14 of this Code,

(ii) a remedy, which is substantially similar to the remedies authorized under paragraph (1), (2), (3), (14), or (14.5) of subsection (b) of Section 214 of the

Illinois Domestic Violence Act of 1986, in a valid order of protection, which is authorized under the laws of another state, tribe, or United States territory, or

(iii) any other remedy when the act constitutes a crime against the protected parties as defined by the Criminal Code of 1961 or the Criminal Code of 2012.

Prosecution for a violation of a domestic violence order of protection shall not bar concurrent prosecution for any other crime, including any crime that may have been committed at the time of the violation of the domestic violence order of protection; or

(2) The respondent commits the crime of child abduction pursuant to Section 10-5 of the Criminal Code of 1961 or the Criminal Code of 2012, by having knowingly violated:

(i) remedies described in paragraph (5), (6), or (8) of subsection (b) of Section 112A-14 of this Code, or

(ii) a remedy, which is substantially similar to the remedies authorized under paragraph (1), (5), (6), or (8) of subsection (b) of Section 214 of the Illinois Domestic Violence Act of 1986, in a valid domestic violence order of protection, which is authorized under the laws of another state, tribe, or United States territory.

(3) The respondent commits the crime of violation of a civil no contact order when the respondent violates Section 12-3.8 of the Criminal Code of 2012. Prosecution for a violation of a civil no contact order shall not bar concurrent prosecution for any other crime, including any crime that may have been committed at the time of the violation of the civil no contact order.

(4) The respondent commits the crime of violation of a stalking no contact order when the respondent violates Section 12-3.9 of the Criminal Code of 2012. Prosecution for a violation of a stalking no contact order shall not bar concurrent prosecution for any other crime, including any crime that may have been committed at the time of the violation of the stalking no contact order.

(b) When violation is contempt of court. A violation of any valid protective order, whether issued in a civil or criminal proceeding or by a military judge, may be enforced through civil or criminal contempt procedures, as appropriate, by any court with jurisdiction, regardless where the act or acts which violated the protective order were committed, to the extent consistent with the venue provisions of this Article. Nothing in this Article shall preclude any Illinois court from enforcing any valid protective order issued in another state. Illinois courts may enforce protective orders through both criminal prosecution and contempt proceedings, unless the action which is second in time is barred by

collateral estoppel or the constitutional prohibition against double jeopardy.

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

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

(c) Violation of custody, allocation of parental responsibility, or support orders. A violation of remedies described in paragraph (5), (6), (8), or (9) of subsection (b) of Section 112A-14 of this Code may be enforced by any remedy provided by Section 607.5 of the Illinois Marriage and Dissolution of Marriage Act. The court may enforce any order for support issued under paragraph (12) of subsection (b) of Section 112A-14 of this Code in the manner provided for under Parts V and VII of the Illinois Marriage and Dissolution of Marriage Act.

(d) Actual knowledge. A protective order may be enforced pursuant to this Section if the respondent violates the order

after the respondent has actual knowledge of its contents as shown through one of the following means:

- (1) (Blank).
- (2) (Blank).
- (3) By service of a protective order under subsection (f) of Section 112A-17.5 or Section 112A-22 of this Code.
- (4) By other means demonstrating actual knowledge of the contents of the order.

A respondent alleged to have violated a protective order is presumed to have actual knowledge of the contents of the order if:

(i) the respondent has been served with a summons that includes the language set forth in paragraph (2) of subsection (c) of Section 112A-5.5;

(ii) the respondent has been served with the petition for the protective order;

(iii) the respondent has been held in default in the protective order proceeding; and

(iv) the respondent has been served with an emergency order in the same proceeding that grants the same remedy, including any specifics, that the respondent is alleged to have violated.

(e) The enforcement of a protective order in civil or criminal court shall not be affected by either of the following:

- (1) The existence of a separate, correlative order

entered under Section 112A-15 of this Code.

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

(e-5) If a civil no contact order entered under subsection (6) of Section 112A-20 of the Code of Criminal Procedure of 1963 conflicts with an order issued pursuant to the Juvenile Court Act of 1987 or the Illinois Marriage and Dissolution of Marriage Act, the conflicting order issued under subsection (6) of Section 112A-20 of the Code of Criminal Procedure of 1963 shall be void.

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

(g) Penalties.

(1) Except as provided in paragraph (3) of this subsection (g), where the court finds the commission of a crime or contempt of court under subsection (a) or (b) of this Section, the penalty shall be the penalty that generally applies in such criminal or contempt proceedings, and may include one or more of the following: incarceration, payment of restitution, a fine, payment of attorneys' fees and costs, or community service.

(2) The court shall hear and take into account evidence of any factors in aggravation or mitigation before deciding an appropriate penalty under paragraph (1)

of this subsection (g).

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

(i) increase the penalty for the knowing violation of any protective order over any penalty previously imposed by any court for respondent's violation of any protective order or penal statute involving petitioner as victim and respondent as defendant;

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

(iii) impose a minimum penalty of 48 hours imprisonment for respondent's second or subsequent violation of a protective order unless the court explicitly finds that an increased penalty or that period of imprisonment would be manifestly unjust.

(4) In addition to any other penalties imposed for a violation of a protective order, a criminal court may consider evidence of any violations of a protective order:

(i) to modify the conditions of pretrial release on an underlying criminal charge pursuant to Section 110-6 of this Code;

(ii) to revoke or modify an order of probation, conditional discharge, or supervision, pursuant to Section 5-6-4 of the Unified Code of Corrections;

(iii) to revoke or modify a sentence of periodic

imprisonment, pursuant to Section 5-7-2 of the Unified Code of Corrections.

(Source: P.A. 102-184, eff. 1-1-22; 102-558, eff. 8-20-21; 102-813, eff. 5-13-22; 102-890, eff. 5-19-22; 103-407, eff. 7-28-23.)

Section 15. The Stalking No Contact Order Act is amended by changing Section 60 as follows:

(740 ILCS 21/60)

Sec. 60. Process.

(a) (1) Any action for a stalking no contact order requires that a separate summons be issued and served.

(2) The summons shall be in the form prescribed by Supreme Court Rule 101(d), except that it shall require the respondent to answer or appear within 7 days.

(3) The summons shall include the following language:

(A) "If an emergency stalking no contact order has been ordered against you and included with this summons or you have otherwise received a copy of that order, you may be arrested or held criminally or civilly liable for violating certain terms of the order. The court may enter another protective order when the attached emergency order expires."

(B) "You must attend court on the date in this summons. If you do not attend that date or on any

subsequent hearing date agreed to by the parties or set by the court, the judge may decide the case without hearing from you. This is called default."

(C) "A plenary stalking no contact order may be entered by default for any of the remedies sought in the petition if you fail to appear on the specified hearing date or on any subsequent hearing date agreed to by the parties or set by the court."

(D) "If a plenary order is entered at the next or subsequent court date, even if you do not attend or get a copy of the order, you may be arrested or held criminally or civilly liable for violating certain terms of that order."

(4) Attachments to the summons or notice shall include the petition for stalking no contact order and supporting affidavits, if any, and any emergency stalking no contact order that has been issued.

(b) The summons shall be served by the sheriff or other law enforcement officer at the earliest time and shall take precedence over other summonses except those of a similar emergency nature. Special process servers may be appointed at any time, and their designation shall not affect the responsibilities and authority of the sheriff or other official process servers.

(c) Service of process on a member of the respondent's household or by publication shall be adequate if: (1) the

petitioner has made all reasonable efforts to accomplish actual service of process personally upon the respondent, but the respondent cannot be found to effect such service; and (2) the petitioner files an affidavit or presents sworn testimony as to those efforts.

(d) A plenary stalking no contact order may be entered by default for the remedy sought in the petition, if the respondent has been served or given notice in accordance with subsection (a) and if the respondent then fails to appear as directed or fails to appear on any subsequent appearance or hearing date agreed to by the parties or set by the court.

(e) If an order is granted under subsection (c) of Section 95, the court shall immediately file a certified copy of the order with the sheriff or other law enforcement official charged with maintaining Department of State Police records.

(Source: P.A. 101-508, eff. 1-1-20.)

Section 20. The Civil No Contact Order Act is amended by changing Sections 208 and 220 as follows:

(740 ILCS 22/208)

Sec. 208. Process.

(a) (1) Any action for a civil no contact order requires that a separate summons be issued and served.

(2) The summons shall be in the form prescribed by Supreme Court Rule 101(d), except that it shall require the respondent

to answer or appear within 7 days.

(3) The summons shall include the following language:

(A) "If an emergency civil no contact order has been ordered against you and included with this summons or you have otherwise received a copy of that order, you may be arrested or held criminally or civilly liable for violating certain terms of the order. The court may enter another protective order when the attached emergency order expires."

(B) "You must attend court on the date in this summons. If you do not attend that date or on any subsequent hearing date agreed to by the parties or set by the court, the judge may decide the case without hearing from you. This is called default."

(C) "A plenary civil no contact order may be entered by default for any of the remedies sought in the petition if you fail to appear on the specified hearing date or on any subsequent hearing date agreed to by the parties or set by the court."

(D) "If a plenary order is entered at the next or subsequent court date, even if you do not attend or get a copy of the order, you may be arrested or held criminally or civilly liable for violating certain terms of that order."

(4) Attachments to the summons or notice shall include the petition for civil no contact order and supporting affidavits,

if any, and any emergency civil no contact order that has been issued.

(b) The summons shall be served by the sheriff or other law enforcement officer at the earliest time and shall take precedence over other summonses except those of a similar emergency nature. Special process servers may be appointed at any time, and their designation shall not affect the responsibilities and authority of the sheriff or other official process servers.

(c) Service of process on a member of the respondent's household or by publication shall be adequate if: (1) the petitioner has made all reasonable efforts to accomplish actual service of process personally upon the respondent, but the respondent cannot be found to effect such service; and (2) the petitioner files an affidavit or presents sworn testimony as to those efforts.

(d) A plenary civil no contact order may be entered by default for the remedy sought in the petition, if the respondent has been served or given notice in accordance with subsection (a) and if the respondent then fails to appear as directed or fails to appear on any subsequent appearance or hearing date agreed to by the parties or set by the court.

(e) If an order is granted under subsection (c) of Section 214, the court shall immediately file a certified copy of the order with the sheriff or other law enforcement official charged with maintaining Department of State Police records.

(Source: P.A. 101-508, eff. 1-1-20.)

(740 ILCS 22/220)

Sec. 220. Enforcement of a civil no contact order.

(a) Nothing in this Act shall preclude any Illinois court from enforcing a valid protective order issued in another state or by a military judge.

(b) Illinois courts may enforce civil no contact orders through both criminal proceedings and civil contempt proceedings, unless the action which is second in time is barred by collateral estoppel or the constitutional prohibition against double jeopardy.

(b-1) The court shall not hold a school district or private or non-public school or any of its employees in civil or criminal contempt unless the school district or private or non-public school has been allowed to intervene.

(b-2) The court may hold the parents, guardian, or legal custodian of a minor respondent in civil or criminal contempt for a violation of any provision of any order entered under this Act for conduct of the minor respondent in violation of this Act if the parents, guardian, or legal custodian directed, encouraged, or assisted the respondent minor in such conduct.

(c) Criminal prosecution. A violation of any civil no contact order, whether issued in a civil or criminal proceeding or by a military judge, shall be enforced by a

criminal court when the respondent commits the crime of violation of a civil no contact order pursuant to Section 219 by having knowingly violated:

(1) remedies described in Section 213 and included in a civil no contact order; or

(2) a provision of an order, which is substantially similar to provisions of Section 213, in a valid civil no contact order which is authorized under the laws of another state, tribe, or United States territory.

Prosecution for a violation of a civil no contact order shall not bar a concurrent prosecution for any other crime, including any crime that may have been committed at the time of the violation of the civil no contact order.

(d) Contempt of court. A violation of any valid Illinois civil no contact order, whether issued in a civil or criminal proceeding, may be enforced through civil or criminal contempt procedures, as appropriate, by any court with jurisdiction, regardless of where the act or acts which violated the civil no contact order were committed, to the extent consistent with the venue provisions of this Act.

(1) In a contempt proceeding where the petition for a rule to show cause or petition for adjudication of criminal contempt sets forth facts evidencing an immediate danger that the respondent will flee the jurisdiction or inflict physical abuse on the petitioner or minor children or on dependent adults in the petitioner's care, the court

may order the attachment of the respondent without prior service of the petition for a rule to show cause, the rule to show cause, the petition for adjudication of criminal contempt or the adjudication of criminal contempt. Conditions of release shall be set unless specifically denied in writing.

(2) A petition for a rule to show cause or a petition for adjudication of criminal contempt for violation of a civil no contact order shall be treated as an expedited proceeding.

(e) Actual knowledge. A civil no contact order may be enforced pursuant to this Section if the respondent violates the order after the respondent has actual knowledge of its contents as shown through one of the following means:

(1) by service, delivery, or notice under Section 208;

(2) by notice under Section 218;

(3) by service of a civil no contact order under Section 218; or

(4) by other means demonstrating actual knowledge of the contents of the order.

A respondent alleged to have violated a civil no contact order is presumed to have actual knowledge of the contents of the order if:

(i) the respondent has been served with a summons that includes the language set forth in paragraph (3) of subsection (a) of Section 208;

(ii) the respondent has been served with the petition for the civil no contact order;

(iii) the respondent has been held in default in the civil no contact order proceeding; and

(iv) the respondent has been served with an emergency civil no contact order in the same proceeding that grants the same remedy, including any specifics, that the respondent is alleged to have violated.

(f) The enforcement of a civil no contact order in civil or criminal court shall not be affected by either of the following:

(1) the existence of a separate, correlative order, entered under Section 202; or

(2) any finding or order entered in a conjoined criminal proceeding.

(g) Circumstances. The court, when determining whether or not a violation of a civil no contact order has occurred, shall not require physical manifestations of abuse on the person of the victim.

(h) Penalties.

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

incarceration, payment of restitution, a fine, payment of attorneys' fees and costs, or community service.

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

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

(i) increase the penalty for the knowing violation of any civil no contact order over any penalty previously imposed by any court for respondent's violation of any civil no contact order or penal statute involving petitioner as victim and respondent as defendant;

(ii) impose a minimum penalty of 24 hours imprisonment for respondent's first violation of any civil no contact order; and

(iii) impose a minimum penalty of 48 hours imprisonment for respondent's second or subsequent violation of a civil no contact order unless the court explicitly finds that an increased penalty or that period of imprisonment would be manifestly unjust.

(4) In addition to any other penalties imposed for a violation of a civil no contact order, a criminal court may consider evidence of any previous violations of a civil no contact order:

(i) to modify the conditions of pretrial release on an underlying criminal charge pursuant to Section 110-6 of the Code of Criminal Procedure of 1963;

(ii) to revoke or modify an order of probation, conditional discharge or supervision, pursuant to Section 5-6-4 of the Unified Code of Corrections; or

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

(Source: P.A. 103-407, eff. 7-28-23.)

Section 25. The Illinois Domestic Violence Act of 1986 is amended by changing Sections 210, 210.1, and 223 as follows:

(750 ILCS 60/210) (from Ch. 40, par. 2312-10)

Sec. 210. Process.

(a) Summons.

(1) Any action for an order of protection, whether commenced alone or in conjunction with another proceeding, is a distinct cause of action and requires that a separate summons be issued and served, except that in pending cases the following methods may be used:

(A) ~~(1)~~ By delivery of the summons to respondent personally in open court in pending civil or criminal cases.

(B) ~~(2)~~ By notice in accordance with Section 210.1 in

civil cases in which the defendant has filed a general appearance.

(2) The summons shall be in the form prescribed by Supreme Court Rule 101(d), except that it shall require respondent to answer or appear within 7 days.

(3) The summons shall include the following language:

(A) "If an emergency order of protection has been ordered against you and included with this summons or you have otherwise received a copy of that order, you may be arrested or held criminally or civilly liable for violating certain terms of the order. The court may enter another order of protection when the attached emergency order expires."

(B) "You must attend court on the date in this summons. If you do not attend that date or on any subsequent hearing date agreed to by the parties or set by the court, the judge may decide the case without hearing from you. This is called default."

(C) "A plenary order of protection may be entered by default for any of the remedies sought in the petition if you fail to appear on the specified hearing date or on any subsequent hearing date agreed to by the parties or set by the court."

(D) "If a plenary order is entered at the next or subsequent court date, even if you do not attend or get a copy of the order, you may be arrested or held

criminally or civilly liable for violating certain terms of that order."

(4) Attachments to the summons or notice shall include the petition for order of protection and supporting affidavits, if any, and any emergency order of protection that has been issued.

(5) The enforcement of an order of protection under Section 223 shall not be affected by the lack of service, delivery, or notice, provided the requirements of subsection (d) of that Section are otherwise met.

(b) Blank.

(c) Expedited service. The summons shall be served by the sheriff or other law enforcement officer at the earliest time and shall take precedence over other summonses except those of a similar emergency nature. Special process servers may be appointed at any time, and their designation shall not affect the responsibilities and authority of the sheriff or other official process servers. In counties with a population over 3,000,000, a special process server may not be appointed if the order of protection grants the surrender of a child, the surrender of a firearm or firearm owners identification card, or the exclusive possession of a shared residence.

(d) Remedies requiring actual notice. The counseling, payment of support, payment of shelter services, and payment of losses remedies provided by paragraphs 4, 12, 13, and 16 of subsection (b) of Section 214 may be granted only if

respondent has been personally served with process, has answered or has made a general appearance.

(e) Remedies upon constructive notice. Service of process on a member of respondent's household or by publication shall be adequate for the remedies provided by paragraphs 1, 2, 3, 5, 6, 7, 8, 9, 10, 11, 14, 15, and 17 of subsection (b) of Section 214, but only if: (i) petitioner has made all reasonable efforts to accomplish actual service of process personally upon respondent, but respondent cannot be found to effect such service and (ii) petitioner files an affidavit or presents sworn testimony as to those efforts.

(f) Default. A plenary order of protection may be entered by default as follows:

(1) For any of the remedies sought in the petition, if respondent has been served or given notice in accordance with subsection (a) and if respondent then fails to appear as directed or fails to appear on any subsequent appearance or hearing date agreed to by the parties or set by the court; or

(2) For any of the remedies provided in accordance with subsection (e), if respondent fails to answer or appear in accordance with the date set in the publication notice or the return date indicated on the service of a household member.

(g) Emergency orders. If an order is granted under subsection (c) of Section 217, the court shall immediately

file a certified copy of the order with the sheriff or other law enforcement official charged with maintaining Department of State Police records.

(Source: P.A. 101-508, eff. 1-1-20.)

(750 ILCS 60/210.1) (from Ch. 40, par. 2312-10.1)

Sec. 210.1. Service of notice in conjunction with a pending civil case.

(a) Notice. When an action for an order of protection is sought in conjunction with a pending civil case in which the court has obtained jurisdiction over respondent, and respondent has filed a general appearance, then a separate summons need not issue. Original notice of a hearing on a petition for an order of protection may be given, and the documents served, in accordance with Illinois Supreme Court Rules 11 and 12. When, however, an emergency order of protection is sought in such a case on an ex parte application, then the procedure set forth in subsection (a) of Section 210 (other than in subparagraph (B) of paragraph (1) of subsection (a) ~~(2)~~) shall be followed. If an order of protection is issued using the notice provisions of this Section, then the order of protection or extensions of that order may survive the disposition of the main civil case. The enforcement of any order of protection under Section 223 shall not be affected by the lack of notice under this Section, provided the requirements of subsection (d) of that Section are otherwise

met.

(b) Default. The form of notice described in subsection (a) shall include the following language directed to the respondent:

A 2-year plenary order of protection may be entered by default for any of the remedies sought in the petition if you fail to appear on the specified hearing date or on any subsequent hearing date agreed to by the parties or set by the court.

(c) Party to give notice. Notice in the pending civil case shall be given (i) by either party under this Section, with respect to extensions, modifications, hearings, or other relief pertinent to an order of protection, in accordance with Illinois Supreme Court Rules 11 and 12 or (ii) by the respondent as provided in subsection (c) of Section 224.

(Source: P.A. 87-1186.)

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

Sec. 223. Enforcement of orders of protection.

(a) When violation is crime. A violation of any order of protection, whether issued in a civil or criminal proceeding or by a military judge, shall be enforced by a criminal court when:

(1) The respondent commits the crime of violation of an order of protection pursuant to Section 12-3.4 or 12-30 of the Criminal Code of 1961 or the Criminal Code of 2012,

by having knowingly violated:

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

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

- (iii) any other remedy when the act constitutes a crime against the protected parties as defined by the Criminal Code of 1961 or the Criminal Code of 2012.

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

(2) The respondent commits the crime of child abduction pursuant to Section 10-5 of the Criminal Code of 1961 or the Criminal Code of 2012, by having knowingly violated:

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

- (ii) a remedy, which is substantially similar to the remedies authorized under paragraphs (5), (6), or (8) of subsection (b) of Section 214 of this Act, in a

valid order of protection which is authorized under the laws of another state, tribe, or United States territory.

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

(1) In a contempt proceeding where the petition for a rule to show cause sets forth facts evidencing an immediate danger that the respondent will flee the jurisdiction, conceal a child, or inflict physical abuse on the petitioner or minor children or on dependent adults in petitioner's care, the court may order the attachment of the respondent without prior service of the rule to show cause or the petition for a rule to show cause. Conditions of release shall be set unless specifically

denied in writing.

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

(b-1) The court shall not hold a school district or private or non-public school or any of its employees in civil or criminal contempt unless the school district or private or non-public school has been allowed to intervene.

(b-2) The court may hold the parents, guardian, or legal custodian of a minor respondent in civil or criminal contempt for a violation of any provision of any order entered under this Act for conduct of the minor respondent in violation of this Act if the parents, guardian, or legal custodian directed, encouraged, or assisted the respondent minor in such conduct.

(c) Violation of custody or support orders or temporary or final judgments allocating parental responsibilities. A violation of remedies described in paragraphs (5), (6), (8), or (9) of subsection (b) of Section 214 of this Act may be enforced by any remedy provided by Section 607.5 of the Illinois Marriage and Dissolution of Marriage Act. The court may enforce any order for support issued under paragraph (12) of subsection (b) of Section 214 in the manner provided for under Parts V and VII of the Illinois Marriage and Dissolution of Marriage Act.

(d) Actual knowledge. An order of protection may be

enforced pursuant to this Section if the respondent violates the order after the respondent has actual knowledge of its contents as shown through one of the following means:

- (1) By service, delivery, or notice under Section 210.
- (2) By notice under Section 210.1 or 211.
- (3) By service of an order of protection under Section 222.
- (4) By other means demonstrating actual knowledge of the contents of the order.

A respondent alleged to have violated a plenary order of protection is presumed to have actual knowledge of the contents of the order if:

(i) the respondent has been served with a summons that includes the language set forth in paragraph (3) of subsection (a) of Section 210;

(ii) the respondent has been served with the petition for the order of protection;

(iii) the respondent has been held in default in the order of protection proceeding; and

(iv) the respondent has been served with an emergency order of protection in the same proceeding that grants the same remedy, including any specifics, that the respondent is alleged to have violated.

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

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

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

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

(g) Penalties.

(1) Except as provided in paragraph (3) of this subsection, where the court finds the commission of a crime or contempt of court under subsections (a) or (b) of this Section, the penalty shall be the penalty that generally applies in such criminal or contempt proceedings, and may include one or more of the following: incarceration, payment of restitution, a fine, payment of attorneys' fees and costs, or community service.

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

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

(i) increase the penalty for the knowing violation of any order of protection over any penalty previously imposed by any court for respondent's violation of any

order of protection or penal statute involving petitioner as victim and respondent as defendant;

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

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

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

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

(i) to increase, revoke or modify the conditions of pretrial release on an underlying criminal charge pursuant to Section 110-6 of the Code of Criminal Procedure of 1963;

(ii) to revoke or modify an order of probation, conditional discharge or supervision, pursuant to Section 5-6-4 of the Unified Code of Corrections;

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

(5) In addition to any other penalties, the court

shall impose an additional fine of \$20 as authorized by Section 5-9-1.11 of the Unified Code of Corrections upon any person convicted of or placed on supervision for a violation of an order of protection. The additional fine shall be imposed for each violation of this Section.

(Source: P.A. 102-890, eff. 5-19-22; 103-407, eff. 7-28-23.)

Section 99. Effective date. This Act takes effect January 1, 2028.