

HB1904



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

HB1904

Introduced 1/29/2025, by Rep. Jennifer Sanalitro

SYNOPSIS AS INTRODUCED:

740 ILCS 21/80
740 ILCS 22/213

Amends the Stalking No Contact Order Act and the Civil No Contact Order Act. Provides that the court shall (rather than may) award the petitioner costs and attorney's fees if a stalking no contact order is granted. Provides that the court shall award the petitioner costs and attorney's fees if a civil no contact order is granted.

LRB104 07481 RLC 17524 b

A BILL FOR

1 AN ACT concerning civil law.

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

4 Section 5. The Stalking No Contact Order Act is amended by
5 changing Section 80 as follows:

6 (740 ILCS 21/80)

7 Sec. 80. Stalking no contact orders; remedies.

8 (a) If the court finds that the petitioner has been a
9 victim of stalking, a stalking no contact order shall issue;
10 provided that the petitioner must also satisfy the
11 requirements of Section 95 on emergency orders or Section 100
12 on plenary orders. The petitioner shall not be denied a
13 stalking no contact order because the petitioner or the
14 respondent is a minor. The court, when determining whether or
15 not to issue a stalking no contact order, may not require
16 physical injury on the person of the petitioner. Modification
17 and extension of prior stalking no contact orders shall be in
18 accordance with this Act.

19 (b) A stalking no contact order shall order one or more of
20 the following:

21 (1) prohibit the respondent from threatening to commit
22 or committing stalking;

23 (2) order the respondent not to have any contact with

1 the petitioner or a third person specifically named by the
2 court;

3 (3) prohibit the respondent from knowingly coming
4 within, or knowingly remaining within a specified distance
5 of the petitioner or the petitioner's residence, school,
6 daycare, or place of employment, or any specified place
7 frequented by the petitioner; however, the court may order
8 the respondent to stay away from the respondent's own
9 residence, school, or place of employment only if the
10 respondent has been provided actual notice of the
11 opportunity to appear and be heard on the petition;

12 (4) prohibit the respondent from possessing a Firearm
13 Owners Identification Card, or possessing or buying
14 firearms;

15 (5) prohibit the respondent from using any electronic
16 tracking system or acquiring tracking information to
17 determine the petitioner's location, movement, or travel
18 pattern; and

19 (6) order other injunctive relief the court determines
20 to be necessary to protect the petitioner or third party
21 specifically named by the court.

22 (b-5) When the petitioner and the respondent attend the
23 same public, private, or non-public elementary, middle, or
24 high school, the court when issuing a stalking no contact
25 order and providing relief shall consider the severity of the
26 act, any continuing physical danger or emotional distress to

1 the petitioner, the educational rights guaranteed to the
2 petitioner and respondent under federal and State law, the
3 availability of a transfer of the respondent to another
4 school, a change of placement or a change of program of the
5 respondent, the expense, difficulty, and educational
6 disruption that would be caused by a transfer of the
7 respondent to another school, and any other relevant facts of
8 the case. The court may order that the respondent not attend
9 the public, private, or non-public elementary, middle, or high
10 school attended by the petitioner, order that the respondent
11 accept a change of placement or program, as determined by the
12 school district or private or non-public school, or place
13 restrictions on the respondent's movements within the school
14 attended by the petitioner. The respondent bears the burden of
15 proving by a preponderance of the evidence that a transfer,
16 change of placement, or change of program of the respondent is
17 not available. The respondent also bears the burden of
18 production with respect to the expense, difficulty, and
19 educational disruption that would be caused by a transfer of
20 the respondent to another school. A transfer, change of
21 placement, or change of program is not unavailable to the
22 respondent solely on the ground that the respondent does not
23 agree with the school district's or private or non-public
24 school's transfer, change of placement, or change of program
25 or solely on the ground that the respondent fails or refuses to
26 consent to or otherwise does not take an action required to

1 effectuate a transfer, change of placement, or change of
2 program. When a court orders a respondent to stay away from the
3 public, private, or non-public school attended by the
4 petitioner and the respondent requests a transfer to another
5 attendance center within the respondent's school district or
6 private or non-public school, the school district or private
7 or non-public school shall have sole discretion to determine
8 the attendance center to which the respondent is transferred.
9 In the event the court order results in a transfer of the minor
10 respondent to another attendance center, a change in the
11 respondent's placement, or a change of the respondent's
12 program, the parents, guardian, or legal custodian of the
13 respondent is responsible for transportation and other costs
14 associated with the transfer or change.

15 (b-6) The court may order the parents, guardian, or legal
16 custodian of a minor respondent to take certain actions or to
17 refrain from taking certain actions to ensure that the
18 respondent complies with the order. In the event the court
19 orders a transfer of the respondent to another school, the
20 parents, guardian, or legal custodian of the respondent are
21 responsible for transportation and other costs associated with
22 the change of school by the respondent.

23 (b-7) The court shall not hold a school district or
24 private or non-public school or any of its employees in civil
25 or criminal contempt unless the school district or private or
26 non-public school has been allowed to intervene.

(b-8) 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) The court shall ~~may~~ award the petitioner costs and attorney's attorneys fees if a stalking no contact order is granted.

(d) Monetary damages are not recoverable as a remedy.

(e) If the stalking no contact order prohibits the respondent from possessing a Firearm Owner's Identification Card, or possessing or buying firearms; the court shall confiscate the respondent's Firearm Owner's Identification Card and immediately return the card to the Illinois State Police Firearm Owner's Identification Card Office.

(Source: P.A. 102-538, eff. 8-20-21; 103-760, eff. 1-1-25.)

Section 10. The Civil No Contact Order Act is amended by changing Section 213 as follows:

(740 ILCS 22/213)

Sec. 213. Civil no contact order; remedies.

(a) If the court finds that the petitioner has been a victim of non-consensual sexual conduct or non-consensual

1 sexual penetration, a civil no contact order shall issue;
2 provided that the petitioner must also satisfy the
3 requirements of Section 214 on emergency orders or Section 215
4 on plenary orders. The petitioner shall not be denied a civil
5 no contact order because the petitioner or the respondent is a
6 minor. The court, when determining whether or not to issue a
7 civil no contact order, may not require physical injury on the
8 person of the victim. Modification and extension of prior
9 civil no contact orders shall be in accordance with this Act.

10 (a-5) (Blank).

11 (b) (Blank).

12 (b-5) The court may provide relief as follows:

13 (1) prohibit the respondent from knowingly coming
14 within, or knowingly remaining within, a specified
15 distance from the petitioner;

16 (2) restrain the respondent from having any contact,
17 including nonphysical contact and electronic communication
18 as defined in Section 26.5-0.1 of the Criminal Code of
19 2012, with the petitioner directly, indirectly, or through
20 third parties, regardless of whether those third parties
21 know of the order;

22 (3) prohibit the respondent from knowingly coming
23 within, or knowingly remaining within, a specified
24 distance from the petitioner's residence, school, day care
25 or other specified location;

26 (4) order the respondent to stay away from any

1 property or animal owned, possessed, leased, kept, or held
2 by the petitioner and forbid the respondent from taking,
3 transferring, encumbering, concealing, harming, or
4 otherwise disposing of the property or animal; and

5 (5) order any other injunctive relief as necessary or
6 appropriate for the protection of the petitioner.

7 (b-6) When the petitioner and the respondent attend the
8 same public or private elementary, middle, or high school, the
9 court when issuing a civil no contact order and providing
10 relief shall consider the severity of the act, any continuing
11 physical danger or emotional distress to the petitioner, the
12 educational rights guaranteed to the petitioner and respondent
13 under federal and State law, the availability of a transfer of
14 the respondent to another school, a change of placement or a
15 change of program of the respondent, the expense, difficulty,
16 and educational disruption that would be caused by a transfer
17 of the respondent to another school, and any other relevant
18 facts of the case. The court may order that the respondent not
19 attend the public, private, or non-public elementary, middle,
20 or high school attended by the petitioner, order that the
21 respondent accept a change of placement or program, as
22 determined by the school district or private or non-public
23 school, or place restrictions on the respondent's movements
24 within the school attended by the petitioner. The respondent
25 bears the burden of proving by a preponderance of the evidence
26 that a transfer, change of placement, or change of program of

1 the respondent is not available. The respondent also bears the
2 burden of production with respect to the expense, difficulty,
3 and educational disruption that would be caused by a transfer
4 of the respondent to another school. A transfer, change of
5 placement, or change of program is not unavailable to the
6 respondent solely on the ground that the respondent does not
7 agree with the school district's or private or non-public
8 school's transfer, change of placement, or change of program
9 or solely on the ground that the respondent fails or refuses to
10 consent to or otherwise does not take an action required to
11 effectuate a transfer, change of placement, or change of
12 program. When a court orders a respondent to stay away from the
13 public, private, or non-public school attended by the
14 petitioner and the respondent requests a transfer to another
15 attendance center within the respondent's school district or
16 private or non-public school, the school district or private
17 or non-public school shall have sole discretion to determine
18 the attendance center to which the respondent is transferred.
19 In the event the court order results in a transfer of the minor
20 respondent to another attendance center, a change in the
21 respondent's placement, or a change of the respondent's
22 program, the parents, guardian, or legal custodian of the
23 respondent is responsible for transportation and other costs
24 associated with the transfer or change.

25 (b-7) The court may order the parents, guardian, or legal
26 custodian of a minor respondent to take certain actions or to

1 refrain from taking certain actions to ensure that the
2 respondent complies with the order. In the event the court
3 orders a transfer of the respondent to another school, the
4 parents or legal guardians of the respondent are responsible
5 for transportation and other costs associated with the change
6 of school by the respondent.

7 (c) Denial of a remedy may not be based, in whole or in
8 part, on evidence that:

9 (1) the respondent has cause for any use of force,
10 unless that cause satisfies the standards for justifiable
11 use of force provided by Article 7 of the Criminal Code of
12 2012;

13 (2) the respondent was voluntarily intoxicated;

14 (3) the petitioner acted in self-defense or defense of
15 another, provided that, if the petitioner utilized force,
16 such force was justifiable under Article 7 of the Criminal
17 Code of 2012;

18 (4) the petitioner did not act in self-defense or
19 defense of another;

20 (5) the petitioner left the residence or household to
21 avoid further non-consensual sexual conduct or
22 non-consensual sexual penetration by the respondent; or

23 (6) the petitioner did not leave the residence or
24 household to avoid further non-consensual sexual conduct
25 or non-consensual sexual penetration by the respondent.

26 (d) Monetary damages are not recoverable as a remedy.

1 (e) The court shall award the petitioner costs and
2 attorney's fees if a civil no contact order is granted.

3 (Source: P.A. 101-255, eff. 1-1-20; 102-220, eff. 1-1-22;
4 102-831, eff. 5-13-22.)