



Rep. Stephanie A. Kifowit

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LRB104 08630 HLH 24673 a

1 AMENDMENT TO HOUSE BILL 2708

2 AMENDMENT NO. _____. Amend House Bill 2708 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The State Finance Act is amended by changing
5 Section 6b-4 as follows:

6 (30 ILCS 105/6b-4) (from Ch. 127, par. 142b4)

7 Sec. 6b-4. On the second Monday of every month, the
8 Director of Public Health shall certify to the State
9 Comptroller and the State Treasurer the amount generated by
10 the issuance of commemorative birth certificates under
11 subsection (14) of Section 25 of the Vital Records Act in
12 excess of the costs incurred in issuing the documents. Within
13 15 days of receipt of the certification required by this
14 Section, the State Comptroller and the State Treasurer shall
15 transfer from the General Revenue Fund, one-half of the amount
16 certified as being received from the issuance of commemorative

1 birth certificates to the Child Abuse Prevention Fund and
2 one-half of the amount to the Domestic Violence Shelter and
3 Service Fund.

4 The State Treasurer shall deposit into the Domestic
5 Violence Shelter and Service Fund each assessment received
6 under the Criminal and Traffic Assessment Act.

7 In addition to any other amounts deposited into the
8 Domestic Violence Shelter and Service Fund, the State
9 Treasurer shall deposit into the Fund all moneys donated to
10 the State by private individuals or entities to support
11 domestic violence prevention and intervention comprehensive
12 services. Subject to appropriation, the Department of Human
13 Services shall use moneys in the Fund to make grants to support
14 victims of domestic violence, including victims of domestic
15 violence who were members of the United States Armed Forces
16 when the domestic violence occurred and who have been
17 discharged from the United States Armed Forces. Military
18 personnel who are victims of domestic violence may qualify for
19 comprehensive services, including transportation assistance to
20 participate in legal proceedings, medical appointments, and
21 other necessary appointments or services. County Veterans
22 Assistance Commissions and organizations described in Section
23 501(c)(19) of the Internal Revenue Code of 1986 may be
24 eligible to receive grants to support veterans who are victims
25 of domestic violence, as outlined in the Grant Accountability
26 and Transparency Act and Department grantmaking policies.

1 The State Treasurer shall deposit into the Sexual Assault
2 Services Fund and the Domestic Violence Shelter and Service
3 Fund each of those fines received from circuit clerks under
4 Section 5-9-1.7 of the Unified Code of Corrections in
5 accordance with the provisions of that Section.

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

7 Section 10. The Code of Criminal Procedure of 1963 is
8 amended by changing Sections 112A-6.1 and 112A-23 as follows:

9 (725 ILCS 5/112A-6.1)

10 Sec. 112A-6.1. Application of rules of civil procedure;
11 criminal law.

12 (a) Any proceeding to obtain, modify, re-open, or appeal a
13 protective order and service of pleadings and notices shall be
14 governed by the rules of civil procedure of this State. The
15 Code of Civil Procedure and Supreme Court and local court
16 rules applicable to civil proceedings shall apply, except as
17 otherwise provided by law. Civil law on venue, discovery, and
18 penalties for untrue statements shall not apply to protective
19 order proceedings heard under this Article.

20 (b) Criminal law on discovery, venue, and penalties for
21 untrue statements apply to protective order proceedings under
22 this Article.

23 (c) Court proceedings related to the entry of a protective
24 order and the determination of remedies shall not be used to

1 obtain discovery that would not otherwise be available in a
2 criminal prosecution or juvenile delinquency case.

3 (d) The Supreme Court of Illinois may adopt rules that
4 promote the use of attorneys serving on a pro bono basis to
5 represent victims under this Article.

6 (Source: P.A. 100-597, eff. 6-29-18.)

7 (725 ILCS 5/112A-23) (from Ch. 38, par. 112A-23)

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

9 (a) When violation is crime. A violation of any protective
10 order, whether issued in a civil, quasi-criminal proceeding or
11 by a military judge or by a military commander of the United
12 States Armed Forces, shall be enforced by a criminal court
13 when:

14 (1) The respondent commits the crime of violation of a
15 domestic violence order of protection pursuant to Section
16 12-3.4 or 12-30 of the Criminal Code of 1961 or the
17 Criminal Code of 2012, by having knowingly violated:

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

21 (ii) a remedy, which is substantially similar to
22 the remedies authorized under paragraph (1), (2), (3),
23 (14), or (14.5) of subsection (b) of Section 214 of the
24 Illinois Domestic Violence Act of 1986, in a valid
25 order of protection, which is authorized under the

1 laws of another state, tribe, or United States
2 territory, or

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

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

11 (2) The respondent commits the crime of child
12 abduction pursuant to Section 10-5 of the Criminal Code of
13 1961 or the Criminal Code of 2012, by having knowingly
14 violated:

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

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

25 (3) The respondent commits the crime of violation of a
26 civil no contact order when the respondent violates

1 Section 12-3.8 of the Criminal Code of 2012. Prosecution
2 for a violation of a civil no contact order shall not bar
3 concurrent prosecution for any other crime, including any
4 crime that may have been committed at the time of the
5 violation of the civil no contact order.

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

13 (b) When violation is contempt of court. A violation of
14 any valid protective order, whether issued in a civil or
15 criminal proceeding or by a military judge or by a military
16 commander of the United States Armed Forces, may be enforced
17 through civil or criminal contempt procedures, as appropriate,
18 by any court with jurisdiction, regardless where the act or
19 acts which violated the protective order were committed, to
20 the extent consistent with the venue provisions of this
21 Article. Nothing in this Article shall preclude any Illinois
22 court from enforcing any valid protective order issued in
23 another state. Illinois courts may enforce protective orders
24 through both criminal prosecution and contempt proceedings,
25 unless the action which is second in time is barred by
26 collateral estoppel or the constitutional prohibition against

1 double jeopardy.

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

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

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

24 (d) Actual knowledge. A protective order may be enforced
25 pursuant to this Section if the respondent violates the order
26 after the respondent has actual knowledge of its contents as

1 shown through one of the following means:

2 (1) (Blank).

3 (2) (Blank).

4 (3) By service of a protective order under subsection
5 (f) of Section 112A-17.5 or Section 112A-22 of this Code.

6 (4) By other means demonstrating actual knowledge of
7 the contents of the order.

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

11 (1) The existence of a separate, correlative order
12 entered under Section 112A-15 of this Code.

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

15 (e-5) If a civil no contact order entered under subsection
16 (6) of Section 112A-20 of the Code of Criminal Procedure of
17 1963 conflicts with an order issued pursuant to the Juvenile
18 Court Act of 1987 or the Illinois Marriage and Dissolution of
19 Marriage Act, the conflicting order issued under subsection
20 (6) of Section 112A-20 of the Code of Criminal Procedure of
21 1963 shall be void.

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

26 (g) Penalties.

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

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

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

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

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

23 (iii) impose a minimum penalty of 48 hours
24 imprisonment for respondent's second or subsequent
25 violation of a protective order

26 unless the court explicitly finds that an increased

1 penalty or that period of imprisonment would be manifestly
2 unjust.

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

6 (i) to modify the conditions of pretrial release
7 on an underlying criminal charge pursuant to Section
8 110-6 of this Code;

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

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

15 (Source: P.A. 102-184, eff. 1-1-22; 102-558, eff. 8-20-21;
16 102-813, eff. 5-13-22; 102-890, eff. 5-19-22; 103-407, eff.
17 7-28-23.)

18 Section 15. The Illinois Domestic Violence Act of 1986 is
19 amended by changing Sections 205 and 222.5 as follows:

20 (750 ILCS 60/205) (from Ch. 40, par. 2312-5)

21 Sec. 205. Application of rules of civil procedure;
22 Domestic abuse advocates.

23 (a) Any proceeding to obtain, modify, reopen or appeal an
24 order of protection, whether commenced alone or in conjunction

1 with a civil or criminal proceeding, shall be governed by the
2 rules of civil procedure of this State. The standard of proof
3 in such a proceeding is proof by a preponderance of the
4 evidence, whether the proceeding is heard in criminal or civil
5 court. The Code of Civil Procedure and Supreme Court and local
6 court rules applicable to civil proceedings, as now or
7 hereafter amended, shall apply, except as otherwise provided
8 by this law.

9 (b) (1) In all circuit court proceedings under this Act,
10 domestic abuse advocates shall be allowed to attend and sit at
11 counsel table and confer with the victim, unless otherwise
12 directed by the court.

13 (2) In criminal proceedings in circuit courts, domestic
14 abuse advocates shall be allowed to accompany the victim and
15 confer with the victim, unless otherwise directed by the
16 court.

17 (3) Court administrators shall allow domestic abuse
18 advocates to assist victims of domestic violence in the
19 preparation of petitions for orders of protection.

20 (4) Domestic abuse advocates are not engaged in the
21 unauthorized practice of law when providing assistance of the
22 types specified in this subsection (b).

23 (c) The Supreme Court of Illinois may adopt rules that
24 promote the use of attorneys serving on a pro bono basis to
25 represent victims under this Act.

26 (Source: P.A. 87-1186; 87-1255; 88-45.)

1 (750 ILCS 60/222.5)

2 Sec. 222.5. Filing of an order of protection issued in
3 another state or other jurisdiction.

4 (a) A person entitled to protection under an order of
5 protection issued by the court of another state, tribe, or
6 United States territory or military judge or by a military
7 commander of the United States Armed Forces may file a
8 certified copy of the order of protection with the clerk of the
9 court in a judicial circuit in which the person believes that
10 enforcement may be necessary.

11 (a-5) The Illinois National Guard shall file a certified
12 copy of any military order of protection with the clerk of the
13 court in a judicial circuit in which the person entitled to
14 protection resides or if the person entitled to protection is
15 not a State resident, in a judicial circuit in which it is
16 believed that enforcement may be necessary.

17 (b) The clerk shall:

18 (1) treat the foreign order of protection, including,
19 but not limited to, an order of protection issued by a
20 military judge or by a military commander of the United
21 States Armed Forces, in the same manner as a judgment of
22 the circuit court for any county of this State in
23 accordance with the provisions of the Uniform Enforcement
24 of Foreign Judgments Act, except that the clerk shall not
25 mail notice of the filing of the foreign order to the

1 respondent named in the order; and

2 (2) on the same day that a foreign order of protection
3 is filed, file a certified copy of that order with the
4 sheriff or other law enforcement officials charged with
5 maintaining Illinois State Police records as set forth in
6 Section 222 of this Act.

7 (c) Neither residence in this State nor filing of a
8 foreign order of protection, including, but not limited to, an
9 order of protection issued by a military judge or by a military
10 commander of the United States Armed Forces, shall be required
11 for enforcement of the order by this State. Failure to file the
12 foreign order shall not be an impediment to its treatment in
13 all respects as an Illinois order of protection.

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

16 (e) The sheriff shall inform the Illinois State Police as
17 set forth in Section 302 of this Act.

18 (Source: P.A. 102-538, eff. 8-20-21; 102-890, eff. 5-19-22;
19 103-407, eff. 7-28-23.)".