

**104TH GENERAL ASSEMBLY****State of Illinois****2025 and 2026****HB3281**

Introduced 2/18/2025, by Rep. Matt Hanson

SYNOPSIS AS INTRODUCED:

750 ILCS 60/304

from Ch. 40, par. 2313-4

Amends the Illinois Domestic Violence Act of 1986. Provides that whenever a law enforcement officer has reason to believe that a person has been abused, neglected, or exploited by a family or household member, the officer shall, if appropriate, arrest the abusing, neglecting, and exploiting party except in situations in which the alleged offending party is a juvenile. Provides that if the alleged offender is a juvenile, then the officer, based on the totality of the circumstances, may choose not to arrest the juvenile and instead may divert the juvenile or may assist the juvenile and his family in finding alternative placement.

LRB104 10429 JRC 20504 b

1 AN ACT concerning domestic violence.

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

4 Section 5. The Illinois Domestic Violence Act of 1986 is
5 amended by changing Section 304 as follows:

6 (750 ILCS 60/304) (from Ch. 40, par. 2313-4)

7 Sec. 304. Assistance by law enforcement officers.

8 (a) Whenever a law enforcement officer has reason to
9 believe that a person has been abused, neglected, or exploited
10 by a family or household member, the officer shall immediately
11 use all reasonable means to prevent further abuse, neglect, or
12 exploitation, including:

13 (1) Arresting the abusing, neglecting, and exploiting
14 party, if where appropriate, except in situations in which
the alleged offending party is a juvenile. If the alleged
offender is a juvenile, then the officer, based on the
totality of the circumstances, may choose not to arrest
the juvenile and instead may divert the juvenile or may
assist the juvenile and the juvenile's family in finding
alternative placement;

21 (2) If there is probable cause to believe that
22 particular weapons were used to commit the incident of
23 abuse, subject to constitutional limitations, seizing and

1 taking inventory of the weapons;

2 (3) Accompanying the victim of abuse, neglect, or
3 exploitation to his or her place of residence for a
4 reasonable period of time to remove necessary personal
5 belongings and possessions;

6 (4) Offering the victim of abuse, neglect, or
7 exploitation immediate and adequate information (written
8 in a language appropriate for the victim or in Braille or
9 communicated in appropriate sign language), which shall
10 include a summary of the procedures and relief available
11 to victims of abuse under subsection (c) of Section 217
12 and the officer's name and badge number;

13 (5) Providing the victim with one referral to an
14 accessible service agency;

15 (6) Advising the victim of abuse about seeking medical
16 attention and preserving evidence (specifically including
17 photographs of injury or damage and damaged clothing or
18 other property); and

19 (7) Providing or arranging accessible transportation
20 for the victim of abuse (and, at the victim's request, any
21 minors or dependents in the victim's care) to a medical
22 facility for treatment of injuries or to a nearby place of
23 shelter or safety; or, after the close of court business
24 hours, providing or arranging for transportation for the
25 victim (and, at the victim's request, any minors or
26 dependents in the victim's care) to the nearest available

1 circuit judge or associate judge so the victim may file a
2 petition for an emergency order of protection under
3 subsection (c) of Section 217. When a victim of abuse
4 chooses to leave the scene of the offense, it shall be
5 presumed that it is in the best interests of any minors or
6 dependents in the victim's care to remain with the victim
7 or a person designated by the victim, rather than to
8 remain with the abusing party.

9 (b) Whenever a law enforcement officer does not exercise
10 arrest powers or otherwise initiate criminal proceedings, the
11 officer shall:

12 (1) Make a police report of the investigation of any
13 bona fide allegation of an incident of abuse, neglect, or
14 exploitation and the disposition of the investigation, in
15 accordance with subsection (a) of Section 303;

16 (2) Inform the victim of abuse neglect, or
17 exploitation of the victim's right to request that a
18 criminal proceeding be initiated where appropriate,
19 including specific times and places for meeting with the
20 State's Attorney's office, a warrant officer, or other
21 official in accordance with local procedure; and

22 (3) Advise the victim of the importance of seeking
23 medical attention and preserving evidence (specifically
24 including photographs of injury or damage and damaged
25 clothing or other property).

26 (c) Except as provided by Section 24-6 of the Criminal

1 Code of 2012 or under a court order, any weapon seized under
2 subsection (a) (2) shall be returned forthwith to the person
3 from whom it was seized when it is no longer needed for
4 evidentiary purposes.

5 (Source: P.A. 97-1150, eff. 1-25-13.)