

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. If the alleged offender is a
15 juvenile, then the officer, based on the totality of the
16 circumstances and using a juvenile domestic violence risk
17 assessment approved by the Illinois Supreme Court for use
18 by law enforcement, may choose not to arrest the juvenile
19 and instead may divert the juvenile or may assist the
20 juvenile and the juvenile's family in finding alternative
21 placement. If the law enforcement officer does not make an
22 arrest under this Act, the officer shall forward the
23 report of the incident to the local State's Attorney's

1 office for review. The Administrative Office of the
2 Illinois Courts shall approve an assessment form for use
3 by law enforcement by July 1, 2026;

4 (2) If there is probable cause to believe that
5 particular weapons were used to commit the incident of
6 abuse, subject to constitutional limitations, seizing and
7 taking inventory of the weapons;

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

12 (4) Offering the victim of abuse, neglect, or
13 exploitation immediate and adequate information (written
14 in a language appropriate for the victim or in Braille or
15 communicated in appropriate sign language), which shall
16 include a summary of the procedures and relief available
17 to victims of abuse under subsection (c) of Section 217
18 and the officer's name and badge number;

19 (5) Providing the victim with one referral to an
20 accessible service agency;

21 (6) Advising the victim of abuse about seeking medical
22 attention and preserving evidence (specifically including
23 photographs of injury or damage and damaged clothing or
24 other property); and

25 (7) Providing or arranging accessible transportation
26 for the victim of abuse (and, at the victim's request, any

1 minors or dependents in the victim's care) to a medical
2 facility for treatment of injuries or to a nearby place of
3 shelter or safety; or, after the close of court business
4 hours, providing or arranging for transportation for the
5 victim (and, at the victim's request, any minors or
6 dependents in the victim's care) to the nearest available
7 circuit judge or associate judge so the victim may file a
8 petition for an emergency order of protection under
9 subsection (c) of Section 217. When a victim of abuse
10 chooses to leave the scene of the offense, it shall be
11 presumed that it is in the best interests of any minors or
12 dependents in the victim's care to remain with the victim
13 or a person designated by the victim, rather than to
14 remain with the abusing party.

15 (b) Whenever a law enforcement officer does not exercise
16 arrest powers or otherwise initiate criminal proceedings, the
17 officer shall:

18 (1) Make a police report of the investigation of any
19 bona fide allegation of an incident of abuse, neglect, or
20 exploitation and the disposition of the investigation, in
21 accordance with subsection (a) of Section 303;

22 (2) Inform the victim of abuse neglect, or
23 exploitation of the victim's right to request that a
24 criminal proceeding be initiated where appropriate,
25 including specific times and places for meeting with the
26 State's Attorney's office, a warrant officer, or other

1 official in accordance with local procedure; and

2 (3) Advise the victim of the importance of seeking
3 medical attention and preserving evidence (specifically
4 including photographs of injury or damage and damaged
5 clothing or other property).

6 (c) Except as provided by Section 24-6 of the Criminal
7 Code of 2012 or under a court order, any weapon seized under
8 subsection (a)(2) shall be returned forthwith to the person
9 from whom it was seized when it is no longer needed for
10 evidentiary purposes.

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

12 Section 99. Effective date. This Act takes effect January
13 1, 2026.