



Rep. Matt Hanson

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10400HB3281ham001

LRB104 10429 JRC 24430 a

1 AMENDMENT TO HOUSE BILL 3281

2 AMENDMENT NO. _____. Amend House Bill 3281 by replacing
3 everything after the enacting clause with the following:

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

1 assessment approved by the Illinois Supreme Court for use
2 by law enforcement, may choose not to arrest the juvenile
3 and instead may divert the juvenile or may assist the
4 juvenile and the juvenile's family in finding alternative
5 placement. If the law enforcement officer does not make an
6 arrest under this Act, the officer shall forward the
7 report of the incident to the local State's Attorney's
8 office for review. The Administrative Office of the
9 Illinois Courts shall approve an assessment form for use
10 by law enforcement by July 1, 2026;

11 (2) If there is probable cause to believe that
12 particular weapons were used to commit the incident of
13 abuse, subject to constitutional limitations, seizing and
14 taking inventory of the weapons;

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

19 (4) Offering the victim of abuse, neglect, or
20 exploitation immediate and adequate information (written
21 in a language appropriate for the victim or in Braille or
22 communicated in appropriate sign language), which shall
23 include a summary of the procedures and relief available
24 to victims of abuse under subsection (c) of Section 217
25 and the officer's name and badge number;

26 (5) Providing the victim with one referral to an

1 accessible service agency;

2 (6) Advising the victim of abuse about seeking medical
3 attention and preserving evidence (specifically including
4 photographs of injury or damage and damaged clothing or
5 other property); and

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

22 (b) Whenever a law enforcement officer does not exercise
23 arrest powers or otherwise initiate criminal proceedings, the
24 officer shall:

25 (1) Make a police report of the investigation of any
26 bona fide allegation of an incident of abuse, neglect, or

1 exploitation and the disposition of the investigation, in
2 accordance with subsection (a) of Section 303;

3 (2) Inform the victim of abuse neglect, or
4 exploitation of the victim's right to request that a
5 criminal proceeding be initiated where appropriate,
6 including specific times and places for meeting with the
7 State's Attorney's office, a warrant officer, or other
8 official in accordance with local procedure; and

9 (3) Advise the victim of the importance of seeking
10 medical attention and preserving evidence (specifically
11 including photographs of injury or damage and damaged
12 clothing or other property).

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

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

19 Section 99. Effective date. This Act takes effect January
20 1, 2026."