

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. However, if the alleged
15 offender is a juvenile, then the officer, based on the
16 totality of the circumstances and using the Adolescent
17 Domestic Battery Typology Tool, may choose not to arrest
18 the juvenile and instead may divert the juvenile or may
19 assist the juvenile and the juvenile's family in finding
20 alternative placement. In any situation in which law
21 enforcement does not make an arrest under this Act, the
22 officer shall forward the report of the incident to the
23 State's Attorney's office for review;

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

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

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

16 (5) Providing the victim with one referral to an
17 accessible service agency;

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

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

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

12 (b) Whenever a law enforcement officer does not exercise
13 arrest powers or otherwise initiate criminal proceedings, the
14 officer shall:

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

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

25 (3) Advise the victim of the importance of seeking
26 medical attention and preserving evidence (specifically

1 including photographs of injury or damage and damaged
2 clothing or other property).

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

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

9 Section 99. Effective date. This Act takes effect 90 days
10 after becoming law.