



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

HB5489

Introduced 2/13/2026, 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 a person is a victim under the Act from a family or household member, if the alleged offender is a juvenile, the officer may, based on the totality of the circumstances and using the abbreviated version of the Adolescent Domestic Battery Typology Tool created by the Kane County State's Attorney's Office, 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.

LRB104 19730 JRC 33180 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 appropriate. However, if the alleged offender is
15 a juvenile, then the officer, based on the totality of the
16 circumstances and using the Adolescent Domestic Battery
17 Typology Tool or the abbreviated version of the tool as
18 created by the Kane County State's Attorney's Office, may
19 choose not to arrest the juvenile and instead may divert
20 the juvenile or may assist the juvenile and the juvenile's
21 family in finding alternative placement. In any situation
22 in which law enforcement does not make an arrest under
23 this Act, the officer shall forward the report of the

1 incident to the State's Attorney's office for review;

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

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

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

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

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

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

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

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

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

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

26 (3) Advise the victim of the importance of seeking

1 medical attention and preserving evidence (specifically
2 including photographs of injury or damage and damaged
3 clothing or other property).

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

9 (Source: P.A. 104-290, eff. 11-13-25.)