

# SB0290



## 104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

SB0290

Introduced 1/24/2025, by Sen. Steve McClure

### SYNOPSIS AS INTRODUCED:

720 ILCS 5/12-3.4

was 720 ILCS 5/12-30

Amends the Criminal Code of 2012. Increases the penalties for violation of an order of protection by one class. Effective immediately.

LRB104 03950 RLC 13974 b

A BILL FOR

1 AN ACT concerning criminal law.

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

4 Section 5. The Criminal Code of 2012 is amended by  
5 changing Section 12-3.4 as follows:

6 (720 ILCS 5/12-3.4) (was 720 ILCS 5/12-30)

7 Sec. 12-3.4. Violation of an order of protection.

8 (a) A person commits violation of an order of protection  
9 if:

10 (1) He or she knowingly commits an act which was  
11 prohibited by a court or fails to commit an act which was  
12 ordered by a court in violation of:

13 (i) a remedy in a valid order of protection  
14 authorized under paragraphs (1), (2), (3), (14), or  
15 (14.5) of subsection (b) of Section 214 of the  
16 Illinois Domestic Violence Act of 1986,

17 (ii) a remedy, which is substantially similar to  
18 the remedies authorized under paragraphs (1), (2),  
19 (3), (14) or (14.5) of subsection (b) of Section 214 of  
20 the Illinois Domestic Violence Act of 1986, in a valid  
21 order of protection, which is authorized under the  
22 laws of another state, tribe or United States  
23 territory,

1 (iii) any other remedy when the act constitutes a  
2 crime against the protected parties as the term  
3 protected parties is defined in Section 112A-4 of the  
4 Code of Criminal Procedure of 1963; and

5 (2) Such violation occurs after the offender has been  
6 served notice of the contents of the order, pursuant to  
7 the Illinois Domestic Violence Act of 1986 or any  
8 substantially similar statute of another state, tribe or  
9 United States territory, or otherwise has acquired actual  
10 knowledge of the contents of the order.

11 An order of protection issued by a state, tribal or  
12 territorial court related to domestic or family violence shall  
13 be deemed valid if the issuing court had jurisdiction over the  
14 parties and matter under the law of the state, tribe or  
15 territory. There shall be a presumption of validity where an  
16 order is certified and appears authentic on its face. For  
17 purposes of this Section, an "order of protection" may have  
18 been issued in a criminal or civil proceeding.

19 (a-5) Failure to provide reasonable notice and opportunity  
20 to be heard shall be an affirmative defense to any charge or  
21 process filed seeking enforcement of a foreign order of  
22 protection.

23 (b) Nothing in this Section shall be construed to diminish  
24 the inherent authority of the courts to enforce their lawful  
25 orders through civil or criminal contempt proceedings.

26 (c) The limitations placed on law enforcement liability by

1 Section 305 of the Illinois Domestic Violence Act of 1986  
2 apply to actions taken under this Section.

3 (d) Violation of an order of protection is a Class 4 felony  
4 ~~A misdemeanor~~. Violation of an order of protection is a Class 3  
5 ~~4~~ felony if the defendant has any prior conviction under this  
6 Code for domestic battery (Section 12-3.2) or violation of an  
7 order of protection (Section 12-3.4 or 12-30) or any prior  
8 conviction under the law of another jurisdiction for an  
9 offense that could be charged in this State as a domestic  
10 battery or violation of an order of protection. Violation of  
11 an order of protection is a Class 3 ~~4~~ felony if the defendant  
12 has any prior conviction under this Code for first degree  
13 murder (Section 9-1), attempt to commit first degree murder  
14 (Section 8-4), aggravated domestic battery (Section 12-3.3),  
15 aggravated battery (Section 12-3.05 or 12-4), heinous battery  
16 (Section 12-4.1), aggravated battery with a firearm (Section  
17 12-4.2), aggravated battery with a machine gun or a firearm  
18 equipped with a silencer (Section 12-4.2-5), aggravated  
19 battery of a child (Section 12-4.3), aggravated battery of an  
20 unborn child (subsection (a-5) of Section 12-3.1, or Section  
21 12-4.4), aggravated battery of a senior citizen (Section  
22 12-4.6), stalking (Section 12-7.3), aggravated stalking  
23 (Section 12-7.4), criminal sexual assault (Section 11-1.20 or  
24 12-13), aggravated criminal sexual assault (Section 11-1.30 or  
25 12-14), kidnapping (Section 10-1), aggravated kidnapping  
26 (Section 10-2), predatory criminal sexual assault of a child

1 (Section 11-1.40 or 12-14.1), aggravated criminal sexual abuse  
2 (Section 11-1.60 or 12-16), unlawful restraint (Section 10-3),  
3 aggravated unlawful restraint (Section 10-3.1), aggravated  
4 arson (Section 20-1.1), aggravated discharge of a firearm  
5 (Section 24-1.2), or a violation of any former law of this  
6 State that is substantially similar to any listed offense, or  
7 any prior conviction under the law of another jurisdiction for  
8 an offense that could be charged in this State as one of the  
9 offenses listed in this Section, when any of these offenses  
10 have been committed against a family or household member as  
11 defined in Section 112A-3 of the Code of Criminal Procedure of  
12 1963. The court shall impose a minimum penalty of 24 hours  
13 imprisonment for defendant's second or subsequent violation of  
14 any order of protection; unless the court explicitly finds  
15 that an increased penalty or such period of imprisonment would  
16 be manifestly unjust. In addition to any other penalties, the  
17 court may order the defendant to pay a fine as authorized under  
18 Section 5-9-1 of the Unified Code of Corrections or to make  
19 restitution to the victim under Section 5-5-6 of the Unified  
20 Code of Corrections.

21 (e) (Blank).

22 (f) A defendant who directed the actions of a third party  
23 to violate this Section, under the principles of  
24 accountability set forth in Article 5 of this Code, is guilty  
25 of violating this Section as if the same had been personally  
26 done by the defendant, without regard to the mental state of

1 the third party acting at the direction of the defendant.

2 (Source: P.A. 100-987, eff. 7-1-19.)

3 Section 99. Effective date. This Act takes effect upon  
4 becoming law.