



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

SB2103

Introduced 2/6/2025, by Sen. Erica Harriss

SYNOPSIS AS INTRODUCED:

See Index

Amends the Stalking No Contact Order Act. Changes the short title of the Act to the Stalking or Harassment No Contact Order Act. Defines "harassment" as violence or threats of violence or death, including a single act, directed at a specific person that would cause a reasonable person to (i) fear for the person's safety, the safety of a workplace, school, or place of worship, or the safety of a third person or (ii) suffer emotional distress. Changes the term "stalking no contact order" to "stalking or harassment no contact order". Makes conforming changes in the following Acts: the Criminal Identification Act; the Firearm Owners Identification Card Act; the Criminal Code of 2012; the Code of Criminal Procedure of 1963; the Rights of Crime Victims and Witnesses Act; the Unified Code of Corrections; the Code of Civil Procedure; the Civil No Contact Order Act; the Crime Victims Compensation Act; the Illinois Domestic Violence Act of 1986; the Address Confidentiality for Victims of Domestic Violence, Sexual Assault, Human Trafficking, or Stalking Act; the Domestic Violence Fatality Review Act; and the Illinois Human Rights Act. Makes other changes.

LRB104 03943 RLC 13967 b

1 AN ACT concerning civil law.

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

4 Section 5. The Criminal Identification Act is amended by
5 changing Section 5.2 as follows:

6 (20 ILCS 2630/5.2)

7 Sec. 5.2. Expungement, sealing, and immediate sealing.

8 (a) General Provisions.

9 (1) Definitions. In this Act, words and phrases have
10 the meanings set forth in this subsection, except when a
11 particular context clearly requires a different meaning.

12 (A) The following terms shall have the meanings
13 ascribed to them in the following Sections of the
14 Unified Code of Corrections:

15 Business Offense, Section 5-1-2.

16 Charge, Section 5-1-3.

17 Court, Section 5-1-6.

18 Defendant, Section 5-1-7.

19 Felony, Section 5-1-9.

20 Imprisonment, Section 5-1-10.

21 Judgment, Section 5-1-12.

22 Misdemeanor, Section 5-1-14.

23 Offense, Section 5-1-15.

1 Parole, Section 5-1-16.
2 Petty Offense, Section 5-1-17.
3 Probation, Section 5-1-18.
4 Sentence, Section 5-1-19.
5 Supervision, Section 5-1-21.
6 Victim, Section 5-1-22.

7 (B) As used in this Section, "charge not initiated
8 by arrest" means a charge (as defined by Section 5-1-3
9 of the Unified Code of Corrections) brought against a
10 defendant where the defendant is not arrested prior to
11 or as a direct result of the charge.

12 (C) "Conviction" means a judgment of conviction or
13 sentence entered upon a plea of guilty or upon a
14 verdict or finding of guilty of an offense, rendered
15 by a legally constituted jury or by a court of
16 competent jurisdiction authorized to try the case
17 without a jury. An order of supervision successfully
18 completed by the petitioner is not a conviction. An
19 order of qualified probation (as defined in subsection
20 (a) (1) (J)) successfully completed by the petitioner is
21 not a conviction. An order of supervision or an order
22 of qualified probation that is terminated
23 unsatisfactorily is a conviction, unless the
24 unsatisfactory termination is reversed, vacated, or
25 modified and the judgment of conviction, if any, is
26 reversed or vacated.

1 (D) "Criminal offense" means a petty offense,
2 business offense, misdemeanor, felony, or municipal
3 ordinance violation (as defined in subsection
4 (a)(1)(H)). As used in this Section, a minor traffic
5 offense (as defined in subsection (a)(1)(G)) shall not
6 be considered a criminal offense.

7 (E) "Expunge" means to physically destroy the
8 records or return them to the petitioner and to
9 obliterate the petitioner's name from any official
10 index or public record, or both. Nothing in this Act
11 shall require the physical destruction of the circuit
12 court file, but such records relating to arrests or
13 charges, or both, ordered expunged shall be impounded
14 as required by subsections (d)(9)(A)(ii) and
15 (d)(9)(B)(ii).

16 (F) As used in this Section, "last sentence" means
17 the sentence, order of supervision, or order of
18 qualified probation (as defined by subsection
19 (a)(1)(J)), for a criminal offense (as defined by
20 subsection (a)(1)(D)) that terminates last in time in
21 any jurisdiction, regardless of whether the petitioner
22 has included the criminal offense for which the
23 sentence or order of supervision or qualified
24 probation was imposed in his or her petition. If
25 multiple sentences, orders of supervision, or orders
26 of qualified probation terminate on the same day and

1 are last in time, they shall be collectively
2 considered the "last sentence" regardless of whether
3 they were ordered to run concurrently.

4 (G) "Minor traffic offense" means a petty offense,
5 business offense, or Class C misdemeanor under the
6 Illinois Vehicle Code or a similar provision of a
7 municipal or local ordinance.

8 (G-5) "Minor Cannabis Offense" means a violation
9 of Section 4 or 5 of the Cannabis Control Act
10 concerning not more than 30 grams of any substance
11 containing cannabis, provided the violation did not
12 include a penalty enhancement under Section 7 of the
13 Cannabis Control Act and is not associated with an
14 arrest, conviction or other disposition for a violent
15 crime as defined in subsection (c) of Section 3 of the
16 Rights of Crime Victims and Witnesses Act.

17 (H) "Municipal ordinance violation" means an
18 offense defined by a municipal or local ordinance that
19 is criminal in nature and with which the petitioner
20 was charged or for which the petitioner was arrested
21 and released without charging.

22 (I) "Petitioner" means an adult or a minor
23 prosecuted as an adult who has applied for relief
24 under this Section.

25 (J) "Qualified probation" means an order of
26 probation under Section 10 of the Cannabis Control

1 Act, Section 410 of the Illinois Controlled Substances
2 Act, Section 70 of the Methamphetamine Control and
3 Community Protection Act, Section 5-6-3.3 or 5-6-3.4
4 of the Unified Code of Corrections, Section
5 12-4.3(b) (1) and (2) of the Criminal Code of 1961 (as
6 those provisions existed before their deletion by
7 Public Act 89-313), Section 10-102 of the Illinois
8 Alcoholism and Other Drug Dependency Act, Section
9 40-10 of the Substance Use Disorder Act, or Section 10
10 of the Steroid Control Act. For the purpose of this
11 Section, "successful completion" of an order of
12 qualified probation under Section 10-102 of the
13 Illinois Alcoholism and Other Drug Dependency Act and
14 Section 40-10 of the Substance Use Disorder Act means
15 that the probation was terminated satisfactorily and
16 the judgment of conviction was vacated.

17 (K) "Seal" means to physically and electronically
18 maintain the records, unless the records would
19 otherwise be destroyed due to age, but to make the
20 records unavailable without a court order, subject to
21 the exceptions in Sections 12 and 13 of this Act. The
22 petitioner's name shall also be obliterated from the
23 official index required to be kept by the circuit
24 court clerk under Section 16 of the Clerks of Courts
25 Act, but any index issued by the circuit court clerk
26 before the entry of the order to seal shall not be

1 affected.

2 (L) "Sexual offense committed against a minor"
3 includes, but is not limited to, the offenses of
4 indecent solicitation of a child or criminal sexual
5 abuse when the victim of such offense is under 18 years
6 of age.

7 (M) "Terminate" as it relates to a sentence or
8 order of supervision or qualified probation includes
9 either satisfactory or unsatisfactory termination of
10 the sentence, unless otherwise specified in this
11 Section. A sentence is terminated notwithstanding any
12 outstanding financial legal obligation.

13 (2) Minor Traffic Offenses. Orders of supervision or
14 convictions for minor traffic offenses shall not affect a
15 petitioner's eligibility to expunge or seal records
16 pursuant to this Section.

17 (2.5) Commencing 180 days after July 29, 2016 (the
18 effective date of Public Act 99-697), the law enforcement
19 agency issuing the citation shall automatically expunge,
20 on or before January 1 and July 1 of each year, the law
21 enforcement records of a person found to have committed a
22 civil law violation of subsection (a) of Section 4 of the
23 Cannabis Control Act or subsection (c) of Section 3.5 of
24 the Drug Paraphernalia Control Act in the law enforcement
25 agency's possession or control and which contains the
26 final satisfactory disposition which pertain to the person

1 issued a citation for that offense. The law enforcement
2 agency shall provide by rule the process for access,
3 review, and to confirm the automatic expungement by the
4 law enforcement agency issuing the citation. Commencing
5 180 days after July 29, 2016 (the effective date of Public
6 Act 99-697), the clerk of the circuit court shall expunge,
7 upon order of the court, or in the absence of a court order
8 on or before January 1 and July 1 of each year, the court
9 records of a person found in the circuit court to have
10 committed a civil law violation of subsection (a) of
11 Section 4 of the Cannabis Control Act or subsection (c) of
12 Section 3.5 of the Drug Paraphernalia Control Act in the
13 clerk's possession or control and which contains the final
14 satisfactory disposition which pertain to the person
15 issued a citation for any of those offenses.

16 (3) Exclusions. Except as otherwise provided in
17 subsections (b)(5), (b)(6), (b)(8), (e), (e-5), and (e-6)
18 of this Section, the court shall not order:

19 (A) the sealing or expungement of the records of
20 arrests or charges not initiated by arrest that result
21 in an order of supervision for or conviction of: (i)
22 any sexual offense committed against a minor; (ii)
23 Section 11-501 of the Illinois Vehicle Code or a
24 similar provision of a local ordinance; or (iii)
25 Section 11-503 of the Illinois Vehicle Code or a
26 similar provision of a local ordinance, unless the

1 arrest or charge is for a misdemeanor violation of
2 subsection (a) of Section 11-503 or a similar
3 provision of a local ordinance, that occurred prior to
4 the offender reaching the age of 25 years and the
5 offender has no other conviction for violating Section
6 11-501 or 11-503 of the Illinois Vehicle Code or a
7 similar provision of a local ordinance.

8 (B) the sealing or expungement of records of minor
9 traffic offenses (as defined in subsection (a)(1)(G)),
10 unless the petitioner was arrested and released
11 without charging.

12 (C) the sealing of the records of arrests or
13 charges not initiated by arrest which result in an
14 order of supervision or a conviction for the following
15 offenses:

16 (i) offenses included in Article 11 of the
17 Criminal Code of 1961 or the Criminal Code of 2012
18 or a similar provision of a local ordinance,
19 except Section 11-14 and a misdemeanor violation
20 of Section 11-30 of the Criminal Code of 1961 or
21 the Criminal Code of 2012, or a similar provision
22 of a local ordinance;

23 (ii) Section 11-1.50, 12-3.4, 12-15, 12-30,
24 26-5, or 48-1 of the Criminal Code of 1961 or the
25 Criminal Code of 2012, or a similar provision of a
26 local ordinance;

1 (iii) Section 12-3.1 or 12-3.2 of the Criminal
2 Code of 1961 or the Criminal Code of 2012, or
3 Section 125 of the Stalking or Harassment No
4 Contact Order Act, or Section 219 of the Civil No
5 Contact Order Act, or a similar provision of a
6 local ordinance;

7 (iv) Class A misdemeanors or felony offenses
8 under the Humane Care for Animals Act; or

9 (v) any offense or attempted offense that
10 would subject a person to registration under the
11 Sex Offender Registration Act.

12 (D) (blank).

13 (b) Expungement.

14 (1) A petitioner may petition the circuit court to
15 expunge the records of his or her arrests and charges not
16 initiated by arrest when each arrest or charge not
17 initiated by arrest sought to be expunged resulted in: (i)
18 acquittal, dismissal, or the petitioner's release without
19 charging, unless excluded by subsection (a)(3)(B); (ii) a
20 conviction which was vacated or reversed, unless excluded
21 by subsection (a)(3)(B); (iii) an order of supervision and
22 such supervision was successfully completed by the
23 petitioner, unless excluded by subsection (a)(3)(A) or
24 (a)(3)(B); or (iv) an order of qualified probation (as
25 defined in subsection (a)(1)(J)) and such probation was
26 successfully completed by the petitioner.

1 (1.5) When a petitioner seeks to have a record of
2 arrest expunged under this Section, and the offender has
3 been convicted of a criminal offense, the State's Attorney
4 may object to the expungement on the grounds that the
5 records contain specific relevant information aside from
6 the mere fact of the arrest.

7 (2) Time frame for filing a petition to expunge.

8 (A) When the arrest or charge not initiated by
9 arrest sought to be expunged resulted in an acquittal,
10 dismissal, the petitioner's release without charging,
11 or the reversal or vacation of a conviction, there is
12 no waiting period to petition for the expungement of
13 such records.

14 (A-5) In anticipation of the successful completion
15 of a problem-solving court, pre-plea diversion, or
16 post-plea diversion program, a petition for
17 expungement may be filed 61 days before the
18 anticipated dismissal of the case or any time
19 thereafter. Upon successful completion of the program
20 and dismissal of the case, the court shall review the
21 petition of the person graduating from the program and
22 shall grant expungement if the petitioner meets all
23 requirements as specified in any applicable statute.

24 (B) When the arrest or charge not initiated by
25 arrest sought to be expunged resulted in an order of
26 supervision, successfully completed by the petitioner,

1 the following time frames will apply:

2 (i) Those arrests or charges that resulted in
3 orders of supervision under Section 3-707, 3-708,
4 3-710, or 5-401.3 of the Illinois Vehicle Code or
5 a similar provision of a local ordinance, or under
6 Section 11-1.50, 12-3.2, or 12-15 of the Criminal
7 Code of 1961 or the Criminal Code of 2012, or a
8 similar provision of a local ordinance, shall not
9 be eligible for expungement until 5 years have
10 passed following the satisfactory termination of
11 the supervision.

12 (i-5) Those arrests or charges that resulted
13 in orders of supervision for a misdemeanor
14 violation of subsection (a) of Section 11-503 of
15 the Illinois Vehicle Code or a similar provision
16 of a local ordinance, that occurred prior to the
17 offender reaching the age of 25 years and the
18 offender has no other conviction for violating
19 Section 11-501 or 11-503 of the Illinois Vehicle
20 Code or a similar provision of a local ordinance
21 shall not be eligible for expungement until the
22 petitioner has reached the age of 25 years.

23 (ii) Those arrests or charges that resulted in
24 orders of supervision for any other offenses shall
25 not be eligible for expungement until 2 years have
26 passed following the satisfactory termination of

1 the supervision.

2 (C) When the arrest or charge not initiated by
3 arrest sought to be expunged resulted in an order of
4 qualified probation, successfully completed by the
5 petitioner, such records shall not be eligible for
6 expungement until 5 years have passed following the
7 satisfactory termination of the probation.

8 (3) Those records maintained by the Illinois State
9 Police for persons arrested prior to their 17th birthday
10 shall be expunged as provided in Section 5-915 of the
11 Juvenile Court Act of 1987.

12 (4) Whenever a person has been arrested for or
13 convicted of any offense, in the name of a person whose
14 identity he or she has stolen or otherwise come into
15 possession of, the aggrieved person from whom the identity
16 was stolen or otherwise obtained without authorization,
17 upon learning of the person having been arrested using his
18 or her identity, may, upon verified petition to the chief
19 judge of the circuit wherein the arrest was made, have a
20 court order entered nunc pro tunc by the Chief Judge to
21 correct the arrest record, conviction record, if any, and
22 all official records of the arresting authority, the
23 Illinois State Police, other criminal justice agencies,
24 the prosecutor, and the trial court concerning such
25 arrest, if any, by removing his or her name from all such
26 records in connection with the arrest and conviction, if

1 any, and by inserting in the records the name of the
2 offender, if known or ascertainable, in lieu of the
3 aggrieved's name. The records of the circuit court clerk
4 shall be sealed until further order of the court upon good
5 cause shown and the name of the aggrieved person
6 obliterated on the official index required to be kept by
7 the circuit court clerk under Section 16 of the Clerks of
8 Courts Act, but the order shall not affect any index
9 issued by the circuit court clerk before the entry of the
10 order. Nothing in this Section shall limit the Illinois
11 State Police or other criminal justice agencies or
12 prosecutors from listing under an offender's name the
13 false names he or she has used.

14 (5) Whenever a person has been convicted of criminal
15 sexual assault, aggravated criminal sexual assault,
16 predatory criminal sexual assault of a child, criminal
17 sexual abuse, or aggravated criminal sexual abuse, the
18 victim of that offense may request that the State's
19 Attorney of the county in which the conviction occurred
20 file a verified petition with the presiding trial judge at
21 the petitioner's trial to have a court order entered to
22 seal the records of the circuit court clerk in connection
23 with the proceedings of the trial court concerning that
24 offense. However, the records of the arresting authority
25 and the Illinois State Police concerning the offense shall
26 not be sealed. The court, upon good cause shown, shall

1 make the records of the circuit court clerk in connection
2 with the proceedings of the trial court concerning the
3 offense available for public inspection.

4 (6) If a conviction has been set aside on direct
5 review or on collateral attack and the court determines by
6 clear and convincing evidence that the petitioner was
7 factually innocent of the charge, the court that finds the
8 petitioner factually innocent of the charge shall enter an
9 expungement order for the conviction for which the
10 petitioner has been determined to be innocent as provided
11 in subsection (b) of Section 5-5-4 of the Unified Code of
12 Corrections.

13 (7) Nothing in this Section shall prevent the Illinois
14 State Police from maintaining all records of any person
15 who is admitted to probation upon terms and conditions and
16 who fulfills those terms and conditions pursuant to
17 Section 10 of the Cannabis Control Act, Section 410 of the
18 Illinois Controlled Substances Act, Section 70 of the
19 Methamphetamine Control and Community Protection Act,
20 Section 5-6-3.3 or 5-6-3.4 of the Unified Code of
21 Corrections, Section 12-4.3 or subdivision (b)(1) of
22 Section 12-3.05 of the Criminal Code of 1961 or the
23 Criminal Code of 2012, Section 10-102 of the Illinois
24 Alcoholism and Other Drug Dependency Act, Section 40-10 of
25 the Substance Use Disorder Act, or Section 10 of the
26 Steroid Control Act.

1 (8) If the petitioner has been granted a certificate
2 of innocence under Section 2-702 of the Code of Civil
3 Procedure, the court that grants the certificate of
4 innocence shall also enter an order expunging the
5 conviction for which the petitioner has been determined to
6 be innocent as provided in subsection (h) of Section 2-702
7 of the Code of Civil Procedure.

8 (c) Sealing.

9 (1) Applicability. Notwithstanding any other provision
10 of this Act to the contrary, and cumulative with any
11 rights to expungement of criminal records, this subsection
12 authorizes the sealing of criminal records of adults and
13 of minors prosecuted as adults. Subsection (g) of this
14 Section provides for immediate sealing of certain records.

15 (2) Eligible Records. The following records may be
16 sealed:

17 (A) All arrests resulting in release without
18 charging;

19 (B) Arrests or charges not initiated by arrest
20 resulting in acquittal, dismissal, or conviction when
21 the conviction was reversed or vacated, except as
22 excluded by subsection (a) (3) (B);

23 (C) Arrests or charges not initiated by arrest
24 resulting in orders of supervision, including orders
25 of supervision for municipal ordinance violations,
26 successfully completed by the petitioner, unless

1 excluded by subsection (a) (3);

2 (D) Arrests or charges not initiated by arrest
3 resulting in convictions, including convictions on
4 municipal ordinance violations, unless excluded by
5 subsection (a) (3);

6 (E) Arrests or charges not initiated by arrest
7 resulting in orders of first offender probation under
8 Section 10 of the Cannabis Control Act, Section 410 of
9 the Illinois Controlled Substances Act, Section 70 of
10 the Methamphetamine Control and Community Protection
11 Act, or Section 5-6-3.3 of the Unified Code of
12 Corrections; and

13 (F) Arrests or charges not initiated by arrest
14 resulting in felony convictions unless otherwise
15 excluded by subsection (a) paragraph (3) of this
16 Section.

17 (3) When Records Are Eligible to Be Sealed. Records
18 identified as eligible under subsection (c) (2) may be
19 sealed as follows:

20 (A) Records identified as eligible under
21 subsections (c) (2) (A) and (c) (2) (B) may be sealed at
22 any time.

23 (B) Except as otherwise provided in subparagraph
24 (E) of this paragraph (3), records identified as
25 eligible under subsection (c) (2) (C) may be sealed 2
26 years after the termination of petitioner's last

1 sentence (as defined in subsection (a) (1) (F)).

2 (C) Except as otherwise provided in subparagraph
3 (E) of this paragraph (3), records identified as
4 eligible under subsections (c) (2) (D), (c) (2) (E), and
5 (c) (2) (F) may be sealed 3 years after the termination
6 of the petitioner's last sentence (as defined in
7 subsection (a) (1) (F)). Convictions requiring public
8 registration under the Arsonist Registry Act, the Sex
9 Offender Registration Act, or the Murderer and Violent
10 Offender Against Youth Registration Act may not be
11 sealed until the petitioner is no longer required to
12 register under that relevant Act.

13 (D) Records identified in subsection
14 (a) (3) (A) (iii) may be sealed after the petitioner has
15 reached the age of 25 years.

16 (E) Records identified as eligible under
17 subsection (c) (2) (C), (c) (2) (D), (c) (2) (E), or
18 (c) (2) (F) may be sealed upon termination of the
19 petitioner's last sentence if the petitioner earned a
20 high school diploma, associate's degree, career
21 certificate, vocational technical certification, or
22 bachelor's degree, or passed the high school level
23 Test of General Educational Development, during the
24 period of his or her sentence or mandatory supervised
25 release. This subparagraph shall apply only to a
26 petitioner who has not completed the same educational

1 goal prior to the period of his or her sentence or
2 mandatory supervised release. If a petition for
3 sealing eligible records filed under this subparagraph
4 is denied by the court, the time periods under
5 subparagraph (B) or (C) shall apply to any subsequent
6 petition for sealing filed by the petitioner.

7 (4) Subsequent felony convictions. A person may not
8 have subsequent felony conviction records sealed as
9 provided in this subsection (c) if he or she is convicted
10 of any felony offense after the date of the sealing of
11 prior felony convictions as provided in this subsection
12 (c). The court may, upon conviction for a subsequent
13 felony offense, order the unsealing of prior felony
14 conviction records previously ordered sealed by the court.

15 (5) Notice of eligibility for sealing. Upon entry of a
16 disposition for an eligible record under this subsection
17 (c), the petitioner shall be informed by the court of the
18 right to have the records sealed and the procedures for
19 the sealing of the records.

20 (d) Procedure. The following procedures apply to
21 expungement under subsections (b), (e), and (e-6) and sealing
22 under subsections (c) and (e-5):

23 (1) Filing the petition. Upon becoming eligible to
24 petition for the expungement or sealing of records under
25 this Section, the petitioner shall file a petition
26 requesting the expungement or sealing of records with the

1 clerk of the court where the arrests occurred or the
2 charges were brought, or both. If arrests occurred or
3 charges were brought in multiple jurisdictions, a petition
4 must be filed in each such jurisdiction. The petitioner
5 shall pay the applicable fee, except no fee shall be
6 required if the petitioner has obtained a court order
7 waiving fees under Supreme Court Rule 298 or it is
8 otherwise waived.

9 (1.5) County fee waiver pilot program. From August 9,
10 2019 (the effective date of Public Act 101-306) through
11 December 31, 2020, in a county of 3,000,000 or more
12 inhabitants, no fee shall be required to be paid by a
13 petitioner if the records sought to be expunged or sealed
14 were arrests resulting in release without charging or
15 arrests or charges not initiated by arrest resulting in
16 acquittal, dismissal, or conviction when the conviction
17 was reversed or vacated, unless excluded by subsection
18 (a)(3)(B). The provisions of this paragraph (1.5), other
19 than this sentence, are inoperative on and after January
20 1, 2022.

21 (2) Contents of petition. The petition shall be
22 verified and shall contain the petitioner's name, date of
23 birth, current address and, for each arrest or charge not
24 initiated by arrest sought to be sealed or expunged, the
25 case number, the date of arrest (if any), the identity of
26 the arresting authority, and such other information as the

1 court may require. During the pendency of the proceeding,
2 the petitioner shall promptly notify the circuit court
3 clerk of any change of his or her address. If the
4 petitioner has received a certificate of eligibility for
5 sealing from the Prisoner Review Board under paragraph
6 (10) of subsection (a) of Section 3-3-2 of the Unified
7 Code of Corrections, the certificate shall be attached to
8 the petition.

9 (3) Drug test. The petitioner must attach to the
10 petition proof that the petitioner has taken within 30
11 days before the filing of the petition a test showing the
12 absence within his or her body of all illegal substances
13 as defined by the Illinois Controlled Substances Act and
14 the Methamphetamine Control and Community Protection Act
15 if he or she is petitioning to:

16 (A) seal felony records under clause (c) (2) (E);

17 (B) seal felony records for a violation of the
18 Illinois Controlled Substances Act, the
19 Methamphetamine Control and Community Protection Act,
20 or the Cannabis Control Act under clause (c) (2) (F);

21 (C) seal felony records under subsection (e-5); or

22 (D) expunge felony records of a qualified
23 probation under clause (b) (1) (iv).

24 (4) Service of petition. The circuit court clerk shall
25 promptly serve a copy of the petition and documentation to
26 support the petition under subsection (e-5) or (e-6) on

1 the State's Attorney or prosecutor charged with the duty
2 of prosecuting the offense, the Illinois State Police, the
3 arresting agency and the chief legal officer of the unit
4 of local government effecting the arrest.

5 (5) Objections.

6 (A) Any party entitled to notice of the petition
7 may file an objection to the petition. All objections
8 shall be in writing, shall be filed with the circuit
9 court clerk, and shall state with specificity the
10 basis of the objection. Whenever a person who has been
11 convicted of an offense is granted a pardon by the
12 Governor which specifically authorizes expungement, an
13 objection to the petition may not be filed.

14 (B) Objections to a petition to expunge or seal
15 must be filed within 60 days of the date of service of
16 the petition.

17 (6) Entry of order.

18 (A) The Chief Judge of the circuit wherein the
19 charge was brought, any judge of that circuit
20 designated by the Chief Judge, or in counties of less
21 than 3,000,000 inhabitants, the presiding trial judge
22 at the petitioner's trial, if any, shall rule on the
23 petition to expunge or seal as set forth in this
24 subsection (d) (6).

25 (B) Unless the State's Attorney or prosecutor, the
26 Illinois State Police, the arresting agency, or the

1 chief legal officer files an objection to the petition
2 to expunge or seal within 60 days from the date of
3 service of the petition, the court shall enter an
4 order granting or denying the petition.

5 (C) Notwithstanding any other provision of law,
6 the court shall not deny a petition for sealing under
7 this Section because the petitioner has not satisfied
8 an outstanding legal financial obligation established,
9 imposed, or originated by a court, law enforcement
10 agency, or a municipal, State, county, or other unit
11 of local government, including, but not limited to,
12 any cost, assessment, fine, or fee. An outstanding
13 legal financial obligation does not include any court
14 ordered restitution to a victim under Section 5-5-6 of
15 the Unified Code of Corrections, unless the
16 restitution has been converted to a civil judgment.
17 Nothing in this subparagraph (C) waives, rescinds, or
18 abrogates a legal financial obligation or otherwise
19 eliminates or affects the right of the holder of any
20 financial obligation to pursue collection under
21 applicable federal, State, or local law.

22 (D) Notwithstanding any other provision of law,
23 the court shall not deny a petition to expunge or seal
24 under this Section because the petitioner has
25 submitted a drug test taken within 30 days before the
26 filing of the petition to expunge or seal that

1 indicates a positive test for the presence of cannabis
2 within the petitioner's body. In this subparagraph
3 (D), "cannabis" has the meaning ascribed to it in
4 Section 3 of the Cannabis Control Act.

5 (7) Hearings. If an objection is filed, the court
6 shall set a date for a hearing and notify the petitioner
7 and all parties entitled to notice of the petition of the
8 hearing date at least 30 days prior to the hearing. Prior
9 to the hearing, the State's Attorney shall consult with
10 the Illinois State Police as to the appropriateness of the
11 relief sought in the petition to expunge or seal. At the
12 hearing, the court shall hear evidence on whether the
13 petition should or should not be granted, and shall grant
14 or deny the petition to expunge or seal the records based
15 on the evidence presented at the hearing. The court may
16 consider the following:

17 (A) the strength of the evidence supporting the
18 defendant's conviction;

19 (B) the reasons for retention of the conviction
20 records by the State;

21 (C) the petitioner's age, criminal record history,
22 and employment history;

23 (D) the period of time between the petitioner's
24 arrest on the charge resulting in the conviction and
25 the filing of the petition under this Section; and

26 (E) the specific adverse consequences the

1 petitioner may be subject to if the petition is
2 denied.

3 (8) Service of order. After entering an order to
4 expunge or seal records, the court must provide copies of
5 the order to the Illinois State Police, in a form and
6 manner prescribed by the Illinois State Police, to the
7 petitioner, to the State's Attorney or prosecutor charged
8 with the duty of prosecuting the offense, to the arresting
9 agency, to the chief legal officer of the unit of local
10 government effecting the arrest, and to such other
11 criminal justice agencies as may be ordered by the court.

12 (9) Implementation of order.

13 (A) Upon entry of an order to expunge records
14 pursuant to subsection (b) (2) (A) or (b) (2) (B) (ii), or
15 both:

16 (i) the records shall be expunged (as defined
17 in subsection (a) (1) (E)) by the arresting agency,
18 the Illinois State Police, and any other agency as
19 ordered by the court, within 60 days of the date of
20 service of the order, unless a motion to vacate,
21 modify, or reconsider the order is filed pursuant
22 to paragraph (12) of subsection (d) of this
23 Section;

24 (ii) the records of the circuit court clerk
25 shall be impounded until further order of the
26 court upon good cause shown and the name of the

1 petitioner obliterated on the official index
2 required to be kept by the circuit court clerk
3 under Section 16 of the Clerks of Courts Act, but
4 the order shall not affect any index issued by the
5 circuit court clerk before the entry of the order;
6 and

7 (iii) in response to an inquiry for expunged
8 records, the court, the Illinois State Police, or
9 the agency receiving such inquiry, shall reply as
10 it does in response to inquiries when no records
11 ever existed.

12 (B) Upon entry of an order to expunge records
13 pursuant to subsection (b) (2) (B) (i) or (b) (2) (C), or
14 both:

15 (i) the records shall be expunged (as defined
16 in subsection (a) (1) (E)) by the arresting agency
17 and any other agency as ordered by the court,
18 within 60 days of the date of service of the order,
19 unless a motion to vacate, modify, or reconsider
20 the order is filed pursuant to paragraph (12) of
21 subsection (d) of this Section;

22 (ii) the records of the circuit court clerk
23 shall be impounded until further order of the
24 court upon good cause shown and the name of the
25 petitioner obliterated on the official index
26 required to be kept by the circuit court clerk

1 under Section 16 of the Clerks of Courts Act, but
2 the order shall not affect any index issued by the
3 circuit court clerk before the entry of the order;

4 (iii) the records shall be impounded by the
5 Illinois State Police within 60 days of the date
6 of service of the order as ordered by the court,
7 unless a motion to vacate, modify, or reconsider
8 the order is filed pursuant to paragraph (12) of
9 subsection (d) of this Section;

10 (iv) records impounded by the Illinois State
11 Police may be disseminated by the Illinois State
12 Police only as required by law or to the arresting
13 authority, the State's Attorney, and the court
14 upon a later arrest for the same or a similar
15 offense or for the purpose of sentencing for any
16 subsequent felony, and to the Department of
17 Corrections upon conviction for any offense; and

18 (v) in response to an inquiry for such records
19 from anyone not authorized by law to access such
20 records, the court, the Illinois State Police, or
21 the agency receiving such inquiry shall reply as
22 it does in response to inquiries when no records
23 ever existed.

24 (B-5) Upon entry of an order to expunge records
25 under subsection (e-6):

26 (i) the records shall be expunged (as defined

1 in subsection (a)(1)(E)) by the arresting agency
2 and any other agency as ordered by the court,
3 within 60 days of the date of service of the order,
4 unless a motion to vacate, modify, or reconsider
5 the order is filed under paragraph (12) of
6 subsection (d) of this Section;

7 (ii) the records of the circuit court clerk
8 shall be impounded until further order of the
9 court upon good cause shown and the name of the
10 petitioner obliterated on the official index
11 required to be kept by the circuit court clerk
12 under Section 16 of the Clerks of Courts Act, but
13 the order shall not affect any index issued by the
14 circuit court clerk before the entry of the order;

15 (iii) the records shall be impounded by the
16 Illinois State Police within 60 days of the date
17 of service of the order as ordered by the court,
18 unless a motion to vacate, modify, or reconsider
19 the order is filed under paragraph (12) of
20 subsection (d) of this Section;

21 (iv) records impounded by the Illinois State
22 Police may be disseminated by the Illinois State
23 Police only as required by law or to the arresting
24 authority, the State's Attorney, and the court
25 upon a later arrest for the same or a similar
26 offense or for the purpose of sentencing for any

1 subsequent felony, and to the Department of
2 Corrections upon conviction for any offense; and

3 (v) in response to an inquiry for these
4 records from anyone not authorized by law to
5 access the records, the court, the Illinois State
6 Police, or the agency receiving the inquiry shall
7 reply as it does in response to inquiries when no
8 records ever existed.

9 (C) Upon entry of an order to seal records under
10 subsection (c), the arresting agency, any other agency
11 as ordered by the court, the Illinois State Police,
12 and the court shall seal the records (as defined in
13 subsection (a)(1)(K)). In response to an inquiry for
14 such records, from anyone not authorized by law to
15 access such records, the court, the Illinois State
16 Police, or the agency receiving such inquiry shall
17 reply as it does in response to inquiries when no
18 records ever existed.

19 (D) The Illinois State Police shall send written
20 notice to the petitioner of its compliance with each
21 order to expunge or seal records within 60 days of the
22 date of service of that order or, if a motion to
23 vacate, modify, or reconsider is filed, within 60 days
24 of service of the order resolving the motion, if that
25 order requires the Illinois State Police to expunge or
26 seal records. In the event of an appeal from the

1 circuit court order, the Illinois State Police shall
2 send written notice to the petitioner of its
3 compliance with an Appellate Court or Supreme Court
4 judgment to expunge or seal records within 60 days of
5 the issuance of the court's mandate. The notice is not
6 required while any motion to vacate, modify, or
7 reconsider, or any appeal or petition for
8 discretionary appellate review, is pending.

9 (E) Upon motion, the court may order that a sealed
10 judgment or other court record necessary to
11 demonstrate the amount of any legal financial
12 obligation due and owing be made available for the
13 limited purpose of collecting any legal financial
14 obligations owed by the petitioner that were
15 established, imposed, or originated in the criminal
16 proceeding for which those records have been sealed.
17 The records made available under this subparagraph (E)
18 shall not be entered into the official index required
19 to be kept by the circuit court clerk under Section 16
20 of the Clerks of Courts Act and shall be immediately
21 re-impounded upon the collection of the outstanding
22 financial obligations.

23 (F) Notwithstanding any other provision of this
24 Section, a circuit court clerk may access a sealed
25 record for the limited purpose of collecting payment
26 for any legal financial obligations that were

1 established, imposed, or originated in the criminal
2 proceedings for which those records have been sealed.

3 (10) Fees. The Illinois State Police may charge the
4 petitioner a fee equivalent to the cost of processing any
5 order to expunge or seal records. Notwithstanding any
6 provision of the Clerks of Courts Act to the contrary, the
7 circuit court clerk may charge a fee equivalent to the
8 cost associated with the sealing or expungement of records
9 by the circuit court clerk. From the total filing fee
10 collected for the petition to seal or expunge, the circuit
11 court clerk shall deposit \$10 into the Circuit Court Clerk
12 Operation and Administrative Fund, to be used to offset
13 the costs incurred by the circuit court clerk in
14 performing the additional duties required to serve the
15 petition to seal or expunge on all parties. The circuit
16 court clerk shall collect and remit the Illinois State
17 Police portion of the fee to the State Treasurer and it
18 shall be deposited in the State Police Services Fund. If
19 the record brought under an expungement petition was
20 previously sealed under this Section, the fee for the
21 expungement petition for that same record shall be waived.

22 (11) Final Order. No court order issued under the
23 expungement or sealing provisions of this Section shall
24 become final for purposes of appeal until 30 days after
25 service of the order on the petitioner and all parties
26 entitled to notice of the petition.

1 (12) Motion to Vacate, Modify, or Reconsider. Under
2 Section 2-1203 of the Code of Civil Procedure, the
3 petitioner or any party entitled to notice may file a
4 motion to vacate, modify, or reconsider the order granting
5 or denying the petition to expunge or seal within 60 days
6 of service of the order. If filed more than 60 days after
7 service of the order, a petition to vacate, modify, or
8 reconsider shall comply with subsection (c) of Section
9 2-1401 of the Code of Civil Procedure. Upon filing of a
10 motion to vacate, modify, or reconsider, notice of the
11 motion shall be served upon the petitioner and all parties
12 entitled to notice of the petition.

13 (13) Effect of Order. An order granting a petition
14 under the expungement or sealing provisions of this
15 Section shall not be considered void because it fails to
16 comply with the provisions of this Section or because of
17 any error asserted in a motion to vacate, modify, or
18 reconsider. The circuit court retains jurisdiction to
19 determine whether the order is voidable and to vacate,
20 modify, or reconsider its terms based on a motion filed
21 under paragraph (12) of this subsection (d).

22 (14) Compliance with Order Granting Petition to Seal
23 Records. Unless a court has entered a stay of an order
24 granting a petition to seal, all parties entitled to
25 notice of the petition must fully comply with the terms of
26 the order within 60 days of service of the order even if a

1 party is seeking relief from the order through a motion
2 filed under paragraph (12) of this subsection (d) or is
3 appealing the order.

4 (15) Compliance with Order Granting Petition to
5 Expunge Records. While a party is seeking relief from the
6 order granting the petition to expunge through a motion
7 filed under paragraph (12) of this subsection (d) or is
8 appealing the order, and unless a court has entered a stay
9 of that order, the parties entitled to notice of the
10 petition must seal, but need not expunge, the records
11 until there is a final order on the motion for relief or,
12 in the case of an appeal, the issuance of that court's
13 mandate.

14 (16) The changes to this subsection (d) made by Public
15 Act 98-163 apply to all petitions pending on August 5,
16 2013 (the effective date of Public Act 98-163) and to all
17 orders ruling on a petition to expunge or seal on or after
18 August 5, 2013 (the effective date of Public Act 98-163).

19 (e) Whenever a person who has been convicted of an offense
20 is granted a pardon by the Governor which specifically
21 authorizes expungement, he or she may, upon verified petition
22 to the Chief Judge of the circuit where the person had been
23 convicted, any judge of the circuit designated by the Chief
24 Judge, or in counties of less than 3,000,000 inhabitants, the
25 presiding trial judge at the defendant's trial, have a court
26 order entered expunging the record of arrest from the official

1 records of the arresting authority and order that the records
2 of the circuit court clerk and the Illinois State Police be
3 sealed until further order of the court upon good cause shown
4 or as otherwise provided herein, and the name of the defendant
5 obliterated from the official index requested to be kept by
6 the circuit court clerk under Section 16 of the Clerks of
7 Courts Act in connection with the arrest and conviction for
8 the offense for which he or she had been pardoned but the order
9 shall not affect any index issued by the circuit court clerk
10 before the entry of the order. All records sealed by the
11 Illinois State Police may be disseminated by the Illinois
12 State Police only to the arresting authority, the State's
13 Attorney, and the court upon a later arrest for the same or
14 similar offense or for the purpose of sentencing for any
15 subsequent felony. Upon conviction for any subsequent offense,
16 the Department of Corrections shall have access to all sealed
17 records of the Illinois State Police pertaining to that
18 individual. Upon entry of the order of expungement, the
19 circuit court clerk shall promptly mail a copy of the order to
20 the person who was pardoned.

21 (e-5) Whenever a person who has been convicted of an
22 offense is granted a certificate of eligibility for sealing by
23 the Prisoner Review Board which specifically authorizes
24 sealing, he or she may, upon verified petition to the Chief
25 Judge of the circuit where the person had been convicted, any
26 judge of the circuit designated by the Chief Judge, or in

1 counties of less than 3,000,000 inhabitants, the presiding
2 trial judge at the petitioner's trial, have a court order
3 entered sealing the record of arrest from the official records
4 of the arresting authority and order that the records of the
5 circuit court clerk and the Illinois State Police be sealed
6 until further order of the court upon good cause shown or as
7 otherwise provided herein, and the name of the petitioner
8 obliterated from the official index requested to be kept by
9 the circuit court clerk under Section 16 of the Clerks of
10 Courts Act in connection with the arrest and conviction for
11 the offense for which he or she had been granted the
12 certificate but the order shall not affect any index issued by
13 the circuit court clerk before the entry of the order. All
14 records sealed by the Illinois State Police may be
15 disseminated by the Illinois State Police only as required by
16 this Act or to the arresting authority, a law enforcement
17 agency, the State's Attorney, and the court upon a later
18 arrest for the same or similar offense or for the purpose of
19 sentencing for any subsequent felony. Upon conviction for any
20 subsequent offense, the Department of Corrections shall have
21 access to all sealed records of the Illinois State Police
22 pertaining to that individual. Upon entry of the order of
23 sealing, the circuit court clerk shall promptly mail a copy of
24 the order to the person who was granted the certificate of
25 eligibility for sealing.

26 (e-6) Whenever a person who has been convicted of an

1 offense is granted a certificate of eligibility for
2 expungement by the Prisoner Review Board which specifically
3 authorizes expungement, he or she may, upon verified petition
4 to the Chief Judge of the circuit where the person had been
5 convicted, any judge of the circuit designated by the Chief
6 Judge, or in counties of less than 3,000,000 inhabitants, the
7 presiding trial judge at the petitioner's trial, have a court
8 order entered expunging the record of arrest from the official
9 records of the arresting authority and order that the records
10 of the circuit court clerk and the Illinois State Police be
11 sealed until further order of the court upon good cause shown
12 or as otherwise provided herein, and the name of the
13 petitioner obliterated from the official index requested to be
14 kept by the circuit court clerk under Section 16 of the Clerks
15 of Courts Act in connection with the arrest and conviction for
16 the offense for which he or she had been granted the
17 certificate but the order shall not affect any index issued by
18 the circuit court clerk before the entry of the order. All
19 records sealed by the Illinois State Police may be
20 disseminated by the Illinois State Police only as required by
21 this Act or to the arresting authority, a law enforcement
22 agency, the State's Attorney, and the court upon a later
23 arrest for the same or similar offense or for the purpose of
24 sentencing for any subsequent felony. Upon conviction for any
25 subsequent offense, the Department of Corrections shall have
26 access to all expunged records of the Illinois State Police

1 pertaining to that individual. Upon entry of the order of
2 expungement, the circuit court clerk shall promptly mail a
3 copy of the order to the person who was granted the certificate
4 of eligibility for expungement.

5 (f) Subject to available funding, the Illinois Department
6 of Corrections shall conduct a study of the impact of sealing,
7 especially on employment and recidivism rates, utilizing a
8 random sample of those who apply for the sealing of their
9 criminal records under Public Act 93-211. At the request of
10 the Illinois Department of Corrections, records of the
11 Illinois Department of Employment Security shall be utilized
12 as appropriate to assist in the study. The study shall not
13 disclose any data in a manner that would allow the
14 identification of any particular individual or employing unit.
15 The study shall be made available to the General Assembly no
16 later than September 1, 2010.

17 (g) Immediate Sealing.

18 (1) Applicability. Notwithstanding any other provision
19 of this Act to the contrary, and cumulative with any
20 rights to expungement or sealing of criminal records, this
21 subsection authorizes the immediate sealing of criminal
22 records of adults and of minors prosecuted as adults.

23 (2) Eligible Records. Arrests or charges not initiated
24 by arrest resulting in acquittal or dismissal with
25 prejudice, except as excluded by subsection (a)(3)(B),
26 that occur on or after January 1, 2018 (the effective date

1 of Public Act 100-282), may be sealed immediately if the
2 petition is filed with the circuit court clerk on the same
3 day and during the same hearing in which the case is
4 disposed.

5 (3) When Records are Eligible to be Immediately
6 Sealed. Eligible records under paragraph (2) of this
7 subsection (g) may be sealed immediately after entry of
8 the final disposition of a case, notwithstanding the
9 disposition of other charges in the same case.

10 (4) Notice of Eligibility for Immediate Sealing. Upon
11 entry of a disposition for an eligible record under this
12 subsection (g), the defendant shall be informed by the
13 court of his or her right to have eligible records
14 immediately sealed and the procedure for the immediate
15 sealing of these records.

16 (5) Procedure. The following procedures apply to
17 immediate sealing under this subsection (g).

18 (A) Filing the Petition. Upon entry of the final
19 disposition of the case, the defendant's attorney may
20 immediately petition the court, on behalf of the
21 defendant, for immediate sealing of eligible records
22 under paragraph (2) of this subsection (g) that are
23 entered on or after January 1, 2018 (the effective
24 date of Public Act 100-282). The immediate sealing
25 petition may be filed with the circuit court clerk
26 during the hearing in which the final disposition of

1 the case is entered. If the defendant's attorney does
2 not file the petition for immediate sealing during the
3 hearing, the defendant may file a petition for sealing
4 at any time as authorized under subsection (c) (3) (A).

5 (B) Contents of Petition. The immediate sealing
6 petition shall be verified and shall contain the
7 petitioner's name, date of birth, current address, and
8 for each eligible record, the case number, the date of
9 arrest if applicable, the identity of the arresting
10 authority if applicable, and other information as the
11 court may require.

12 (C) Drug Test. The petitioner shall not be
13 required to attach proof that he or she has passed a
14 drug test.

15 (D) Service of Petition. A copy of the petition
16 shall be served on the State's Attorney in open court.
17 The petitioner shall not be required to serve a copy of
18 the petition on any other agency.

19 (E) Entry of Order. The presiding trial judge
20 shall enter an order granting or denying the petition
21 for immediate sealing during the hearing in which it
22 is filed. Petitions for immediate sealing shall be
23 ruled on in the same hearing in which the final
24 disposition of the case is entered.

25 (F) Hearings. The court shall hear the petition
26 for immediate sealing on the same day and during the

1 same hearing in which the disposition is rendered.

2 (G) Service of Order. An order to immediately seal
3 eligible records shall be served in conformance with
4 subsection (d) (8).

5 (H) Implementation of Order. An order to
6 immediately seal records shall be implemented in
7 conformance with subsections (d) (9) (C) and (d) (9) (D).

8 (I) Fees. The fee imposed by the circuit court
9 clerk and the Illinois State Police shall comply with
10 paragraph (1) of subsection (d) of this Section.

11 (J) Final Order. No court order issued under this
12 subsection (g) shall become final for purposes of
13 appeal until 30 days after service of the order on the
14 petitioner and all parties entitled to service of the
15 order in conformance with subsection (d) (8).

16 (K) Motion to Vacate, Modify, or Reconsider. Under
17 Section 2-1203 of the Code of Civil Procedure, the
18 petitioner, State's Attorney, or the Illinois State
19 Police may file a motion to vacate, modify, or
20 reconsider the order denying the petition to
21 immediately seal within 60 days of service of the
22 order. If filed more than 60 days after service of the
23 order, a petition to vacate, modify, or reconsider
24 shall comply with subsection (c) of Section 2-1401 of
25 the Code of Civil Procedure.

26 (L) Effect of Order. An order granting an

1 immediate sealing petition shall not be considered
2 void because it fails to comply with the provisions of
3 this Section or because of an error asserted in a
4 motion to vacate, modify, or reconsider. The circuit
5 court retains jurisdiction to determine whether the
6 order is voidable, and to vacate, modify, or
7 reconsider its terms based on a motion filed under
8 subparagraph (L) of this subsection (g).

9 (M) Compliance with Order Granting Petition to
10 Seal Records. Unless a court has entered a stay of an
11 order granting a petition to immediately seal, all
12 parties entitled to service of the order must fully
13 comply with the terms of the order within 60 days of
14 service of the order.

15 (h) Sealing or vacation and expungement of trafficking
16 victims' crimes.

17 (1) A trafficking victim, as defined by paragraph (10)
18 of subsection (a) of Section 10-9 of the Criminal Code of
19 2012, may petition for vacation and expungement or
20 immediate sealing of his or her criminal record upon the
21 completion of his or her last sentence if his or her
22 participation in the underlying offense was a result of
23 human trafficking under Section 10-9 of the Criminal Code
24 of 2012 or a severe form of trafficking under the federal
25 Trafficking Victims Protection Act.

26 (1.5) A petition under paragraph (1) shall be

1 prepared, signed, and filed in accordance with Supreme
2 Court Rule 9. The court may allow the petitioner to attend
3 any required hearing remotely in accordance with local
4 rules. The court may allow a petition to be filed under
5 seal if the public filing of the petition would constitute
6 a risk of harm to the petitioner.

7 (2) A petitioner under this subsection (h), in
8 addition to the requirements provided under paragraph (4)
9 of subsection (d) of this Section, shall include in his or
10 her petition a clear and concise statement that: (A) he or
11 she was a victim of human trafficking at the time of the
12 offense; and (B) that his or her participation in the
13 offense was a result of human trafficking under Section
14 10-9 of the Criminal Code of 2012 or a severe form of
15 trafficking under the federal Trafficking Victims
16 Protection Act.

17 (3) If an objection is filed alleging that the
18 petitioner is not entitled to vacation and expungement or
19 immediate sealing under this subsection (h), the court
20 shall conduct a hearing under paragraph (7) of subsection
21 (d) of this Section and the court shall determine whether
22 the petitioner is entitled to vacation and expungement or
23 immediate sealing under this subsection (h). A petitioner
24 is eligible for vacation and expungement or immediate
25 relief under this subsection (h) if he or she shows, by a
26 preponderance of the evidence, that: (A) he or she was a

1 victim of human trafficking at the time of the offense;
2 and (B) that his or her participation in the offense was a
3 result of human trafficking under Section 10-9 of the
4 Criminal Code of 2012 or a severe form of trafficking
5 under the federal Trafficking Victims Protection Act.

6 (i) Minor Cannabis Offenses under the Cannabis Control
7 Act.

8 (1) Expungement of Arrest Records of Minor Cannabis
9 Offenses.

10 (A) The Illinois State Police and all law
11 enforcement agencies within the State shall
12 automatically expunge all criminal history records of
13 an arrest, charge not initiated by arrest, order of
14 supervision, or order of qualified probation for a
15 Minor Cannabis Offense committed prior to June 25,
16 2019 (the effective date of Public Act 101-27) if:

17 (i) One year or more has elapsed since the
18 date of the arrest or law enforcement interaction
19 documented in the records; and

20 (ii) No criminal charges were filed relating
21 to the arrest or law enforcement interaction or
22 criminal charges were filed and subsequently
23 dismissed or vacated or the arrestee was
24 acquitted.

25 (B) If the law enforcement agency is unable to
26 verify satisfaction of condition (ii) in paragraph

1 (A), records that satisfy condition (i) in paragraph
2 (A) shall be automatically expunged.

3 (C) Records shall be expunged by the law
4 enforcement agency under the following timelines:

5 (i) Records created prior to June 25, 2019
6 (the effective date of Public Act 101-27), but on
7 or after January 1, 2013, shall be automatically
8 expunged prior to January 1, 2021;

9 (ii) Records created prior to January 1, 2013,
10 but on or after January 1, 2000, shall be
11 automatically expunged prior to January 1, 2023;

12 (iii) Records created prior to January 1, 2000
13 shall be automatically expunged prior to January
14 1, 2025.

15 In response to an inquiry for expunged records,
16 the law enforcement agency receiving such inquiry
17 shall reply as it does in response to inquiries when no
18 records ever existed; however, it shall provide a
19 certificate of disposition or confirmation that the
20 record was expunged to the individual whose record was
21 expunged if such a record exists.

22 (D) Nothing in this Section shall be construed to
23 restrict or modify an individual's right to have that
24 individual's records expunged except as otherwise may
25 be provided in this Act, or diminish or abrogate any
26 rights or remedies otherwise available to the

1 individual.

2 (2) Pardons Authorizing Expungement of Minor Cannabis
3 Offenses.

4 (A) Upon June 25, 2019 (the effective date of
5 Public Act 101-27), the Department of State Police
6 shall review all criminal history record information
7 and identify all records that meet all of the
8 following criteria:

9 (i) one or more convictions for a Minor
10 Cannabis Offense;

11 (ii) the conviction identified in paragraph
12 (2)(A)(i) did not include a penalty enhancement
13 under Section 7 of the Cannabis Control Act; and

14 (iii) the conviction identified in paragraph
15 (2)(A)(i) is not associated with a conviction for
16 a violent crime as defined in subsection (c) of
17 Section 3 of the Rights of Crime Victims and
18 Witnesses Act.

19 (B) Within 180 days after June 25, 2019 (the
20 effective date of Public Act 101-27), the Department
21 of State Police shall notify the Prisoner Review Board
22 of all such records that meet the criteria established
23 in paragraph (2)(A).

24 (i) The Prisoner Review Board shall notify the
25 State's Attorney of the county of conviction of
26 each record identified by State Police in

1 paragraph (2) (A) that is classified as a Class 4
2 felony. The State's Attorney may provide a written
3 objection to the Prisoner Review Board on the sole
4 basis that the record identified does not meet the
5 criteria established in paragraph (2) (A). Such an
6 objection must be filed within 60 days or by such
7 later date set by the Prisoner Review Board in the
8 notice after the State's Attorney received notice
9 from the Prisoner Review Board.

10 (ii) In response to a written objection from a
11 State's Attorney, the Prisoner Review Board is
12 authorized to conduct a non-public hearing to
13 evaluate the information provided in the
14 objection.

15 (iii) The Prisoner Review Board shall make a
16 confidential and privileged recommendation to the
17 Governor as to whether to grant a pardon
18 authorizing expungement for each of the records
19 identified by the Department of State Police as
20 described in paragraph (2) (A).

21 (C) If an individual has been granted a pardon
22 authorizing expungement as described in this Section,
23 the Prisoner Review Board, through the Attorney
24 General, shall file a petition for expungement with
25 the Chief Judge of the circuit or any judge of the
26 circuit designated by the Chief Judge where the

1 individual had been convicted. Such petition may
2 include more than one individual. Whenever an
3 individual who has been convicted of an offense is
4 granted a pardon by the Governor that specifically
5 authorizes expungement, an objection to the petition
6 may not be filed. Petitions to expunge under this
7 subsection (i) may include more than one individual.
8 Within 90 days of the filing of such a petition, the
9 court shall enter an order expunging the records of
10 arrest from the official records of the arresting
11 authority and order that the records of the circuit
12 court clerk and the Illinois State Police be expunged
13 and the name of the defendant obliterated from the
14 official index requested to be kept by the circuit
15 court clerk under Section 16 of the Clerks of Courts
16 Act in connection with the arrest and conviction for
17 the offense for which the individual had received a
18 pardon but the order shall not affect any index issued
19 by the circuit court clerk before the entry of the
20 order. Upon entry of the order of expungement, the
21 circuit court clerk shall promptly provide a copy of
22 the order and a certificate of disposition to the
23 individual who was pardoned to the individual's last
24 known address or by electronic means (if available) or
25 otherwise make it available to the individual upon
26 request.

1 (D) Nothing in this Section is intended to
2 diminish or abrogate any rights or remedies otherwise
3 available to the individual.

4 (3) Any individual may file a motion to vacate and
5 expunge a conviction for a misdemeanor or Class 4 felony
6 violation of Section 4 or Section 5 of the Cannabis
7 Control Act. Motions to vacate and expunge under this
8 subsection (i) may be filed with the circuit court, Chief
9 Judge of a judicial circuit or any judge of the circuit
10 designated by the Chief Judge. The circuit court clerk
11 shall promptly serve a copy of the motion to vacate and
12 expunge, and any supporting documentation, on the State's
13 Attorney or prosecutor charged with the duty of
14 prosecuting the offense. When considering such a motion to
15 vacate and expunge, a court shall consider the following:
16 the reasons to retain the records provided by law
17 enforcement, the petitioner's age, the petitioner's age at
18 the time of offense, the time since the conviction, and
19 the specific adverse consequences if denied. An individual
20 may file such a petition after the completion of any
21 non-financial sentence or non-financial condition imposed
22 by the conviction. Within 60 days of the filing of such
23 motion, a State's Attorney may file an objection to such a
24 petition along with supporting evidence. If a motion to
25 vacate and expunge is granted, the records shall be
26 expunged in accordance with subparagraphs (d)(8) and

1 (d) (9) (A) of this Section. An agency providing civil legal
2 aid, as defined by Section 15 of the Public Interest
3 Attorney Assistance Act, assisting individuals seeking to
4 file a motion to vacate and expunge under this subsection
5 may file motions to vacate and expunge with the Chief
6 Judge of a judicial circuit or any judge of the circuit
7 designated by the Chief Judge, and the motion may include
8 more than one individual. Motions filed by an agency
9 providing civil legal aid concerning more than one
10 individual may be prepared, presented, and signed
11 electronically.

12 (4) Any State's Attorney may file a motion to vacate
13 and expunge a conviction for a misdemeanor or Class 4
14 felony violation of Section 4 or Section 5 of the Cannabis
15 Control Act. Motions to vacate and expunge under this
16 subsection (i) may be filed with the circuit court, Chief
17 Judge of a judicial circuit or any judge of the circuit
18 designated by the Chief Judge, and may include more than
19 one individual. Motions filed by a State's Attorney
20 concerning more than one individual may be prepared,
21 presented, and signed electronically. When considering
22 such a motion to vacate and expunge, a court shall
23 consider the following: the reasons to retain the records
24 provided by law enforcement, the individual's age, the
25 individual's age at the time of offense, the time since
26 the conviction, and the specific adverse consequences if

1 denied. Upon entry of an order granting a motion to vacate
2 and expunge records pursuant to this Section, the State's
3 Attorney shall notify the Prisoner Review Board within 30
4 days. Upon entry of the order of expungement, the circuit
5 court clerk shall promptly provide a copy of the order and
6 a certificate of disposition to the individual whose
7 records will be expunged to the individual's last known
8 address or by electronic means (if available) or otherwise
9 make available to the individual upon request. If a motion
10 to vacate and expunge is granted, the records shall be
11 expunged in accordance with subparagraphs (d)(8) and
12 (d)(9)(A) of this Section.

13 (5) In the public interest, the State's Attorney of a
14 county has standing to file motions to vacate and expunge
15 pursuant to this Section in the circuit court with
16 jurisdiction over the underlying conviction.

17 (6) If a person is arrested for a Minor Cannabis
18 Offense as defined in this Section before June 25, 2019
19 (the effective date of Public Act 101-27) and the person's
20 case is still pending but a sentence has not been imposed,
21 the person may petition the court in which the charges are
22 pending for an order to summarily dismiss those charges
23 against him or her, and expunge all official records of
24 his or her arrest, plea, trial, conviction, incarceration,
25 supervision, or expungement. If the court determines, upon
26 review, that: (A) the person was arrested before June 25,

1 2019 (the effective date of Public Act 101-27) for an
2 offense that has been made eligible for expungement; (B)
3 the case is pending at the time; and (C) the person has not
4 been sentenced of the minor cannabis violation eligible
5 for expungement under this subsection, the court shall
6 consider the following: the reasons to retain the records
7 provided by law enforcement, the petitioner's age, the
8 petitioner's age at the time of offense, the time since
9 the conviction, and the specific adverse consequences if
10 denied. If a motion to dismiss and expunge is granted, the
11 records shall be expunged in accordance with subparagraph
12 (d) (9) (A) of this Section.

13 (7) A person imprisoned solely as a result of one or
14 more convictions for Minor Cannabis Offenses under this
15 subsection (i) shall be released from incarceration upon
16 the issuance of an order under this subsection.

17 (8) The Illinois State Police shall allow a person to
18 use the access and review process, established in the
19 Illinois State Police, for verifying that his or her
20 records relating to Minor Cannabis Offenses of the
21 Cannabis Control Act eligible under this Section have been
22 expunged.

23 (9) No conviction vacated pursuant to this Section
24 shall serve as the basis for damages for time unjustly
25 served as provided in the Court of Claims Act.

26 (10) Effect of Expungement. A person's right to

1 expunge an expungeable offense shall not be limited under
2 this Section. The effect of an order of expungement shall
3 be to restore the person to the status he or she occupied
4 before the arrest, charge, or conviction.

5 (11) Information. The Illinois State Police shall post
6 general information on its website about the expungement
7 process described in this subsection (i).

8 (j) Felony Prostitution Convictions.

9 (1) Any individual may file a motion to vacate and
10 expunge a conviction for a prior Class 4 felony violation
11 of prostitution. Motions to vacate and expunge under this
12 subsection (j) may be filed with the circuit court, Chief
13 Judge of a judicial circuit, or any judge of the circuit
14 designated by the Chief Judge. When considering the motion
15 to vacate and expunge, a court shall consider the
16 following:

17 (A) the reasons to retain the records provided by
18 law enforcement;

19 (B) the petitioner's age;

20 (C) the petitioner's age at the time of offense;

21 and

22 (D) the time since the conviction, and the
23 specific adverse consequences if denied. An individual
24 may file the petition after the completion of any
25 sentence or condition imposed by the conviction.
26 Within 60 days of the filing of the motion, a State's

1 Attorney may file an objection to the petition along
2 with supporting evidence. If a motion to vacate and
3 expunge is granted, the records shall be expunged in
4 accordance with subparagraph (d)(9)(A) of this
5 Section. An agency providing civil legal aid, as
6 defined in Section 15 of the Public Interest Attorney
7 Assistance Act, assisting individuals seeking to file
8 a motion to vacate and expunge under this subsection
9 may file motions to vacate and expunge with the Chief
10 Judge of a judicial circuit or any judge of the circuit
11 designated by the Chief Judge, and the motion may
12 include more than one individual.

13 (2) Any State's Attorney may file a motion to vacate
14 and expunge a conviction for a Class 4 felony violation of
15 prostitution. Motions to vacate and expunge under this
16 subsection (j) may be filed with the circuit court, Chief
17 Judge of a judicial circuit, or any judge of the circuit
18 court designated by the Chief Judge, and may include more
19 than one individual. When considering the motion to vacate
20 and expunge, a court shall consider the following reasons:

21 (A) the reasons to retain the records provided by
22 law enforcement;

23 (B) the petitioner's age;

24 (C) the petitioner's age at the time of offense;

25 (D) the time since the conviction; and

26 (E) the specific adverse consequences if denied.

1 If the State's Attorney files a motion to vacate and
2 expunge records for felony prostitution convictions
3 pursuant to this Section, the State's Attorney shall
4 notify the Prisoner Review Board within 30 days of the
5 filing. If a motion to vacate and expunge is granted, the
6 records shall be expunged in accordance with subparagraph
7 (d) (9) (A) of this Section.

8 (3) In the public interest, the State's Attorney of a
9 county has standing to file motions to vacate and expunge
10 pursuant to this Section in the circuit court with
11 jurisdiction over the underlying conviction.

12 (4) The Illinois State Police shall allow a person to
13 a use the access and review process, established in the
14 Illinois State Police, for verifying that his or her
15 records relating to felony prostitution eligible under
16 this Section have been expunged.

17 (5) No conviction vacated pursuant to this Section
18 shall serve as the basis for damages for time unjustly
19 served as provided in the Court of Claims Act.

20 (6) Effect of Expungement. A person's right to expunge
21 an expungeable offense shall not be limited under this
22 Section. The effect of an order of expungement shall be to
23 restore the person to the status he or she occupied before
24 the arrest, charge, or conviction.

25 (7) Information. The Illinois State Police shall post
26 general information on its website about the expungement

1 process described in this subsection (j).

2 (Source: P.A. 102-145, eff. 7-23-21; 102-558, 8-20-21;
3 102-639, eff. 8-27-21; 102-813, eff. 5-13-22; 102-933, eff.
4 1-1-23; 103-35, eff. 1-1-24; 103-154, eff. 6-30-23; 103-609,
5 eff. 7-1-24; 103-755, eff. 8-2-24; revised 8-9-24.)

6 Section 10. The Firearm Owners Identification Card Act is
7 amended by changing Section 1.1 as follows:

8 (430 ILCS 65/1.1)

9 Sec. 1.1. For purposes of this Act:

10 "Addicted to narcotics" means a person who has been:

11 (1) convicted of an offense involving the use or
12 possession of cannabis, a controlled substance, or
13 methamphetamine within the past year; or

14 (2) determined by the Illinois State Police to be
15 addicted to narcotics based upon federal law or federal
16 guidelines.

17 "Addicted to narcotics" does not include possession or use
18 of a prescribed controlled substance under the direction and
19 authority of a physician or other person authorized to
20 prescribe the controlled substance when the controlled
21 substance is used in the prescribed manner.

22 "Adjudicated as a person with a mental disability" means
23 the person is the subject of a determination by a court, board,
24 commission or other lawful authority that the person, as a

1 result of marked subnormal intelligence, or mental illness,
2 mental impairment, incompetency, condition, or disease:

3 (1) presents a clear and present danger to himself,
4 herself, or to others;

5 (2) lacks the mental capacity to manage his or her own
6 affairs or is adjudicated a person with a disability as
7 defined in Section 11a-2 of the Probate Act of 1975;

8 (3) is not guilty in a criminal case by reason of
9 insanity, mental disease or defect;

10 (3.5) is guilty but mentally ill, as provided in
11 Section 5-2-6 of the Unified Code of Corrections;

12 (4) is incompetent to stand trial in a criminal case;

13 (5) is not guilty by reason of lack of mental
14 responsibility under Articles 50a and 72b of the Uniform
15 Code of Military Justice, 10 U.S.C. 850a, 876b;

16 (6) is a sexually violent person under subsection (f)
17 of Section 5 of the Sexually Violent Persons Commitment
18 Act;

19 (7) is a sexually dangerous person under the Sexually
20 Dangerous Persons Act;

21 (8) is unfit to stand trial under the Juvenile Court
22 Act of 1987;

23 (9) is not guilty by reason of insanity under the
24 Juvenile Court Act of 1987;

25 (10) is subject to involuntary admission as an
26 inpatient as defined in Section 1-119 of the Mental Health

1 and Developmental Disabilities Code;

2 (11) is subject to involuntary admission as an
3 outpatient as defined in Section 1-119.1 of the Mental
4 Health and Developmental Disabilities Code;

5 (12) is subject to judicial admission as set forth in
6 Section 4-500 of the Mental Health and Developmental
7 Disabilities Code; or

8 (13) is subject to the provisions of the Interstate
9 Agreements on Sexually Dangerous Persons Act.

10 "Clear and present danger" means a person who:

11 (1) communicates a serious threat of physical violence
12 against a reasonably identifiable victim or poses a clear
13 and imminent risk of serious physical injury to himself,
14 herself, or another person as determined by a physician,
15 clinical psychologist, or qualified examiner; or

16 (2) demonstrates threatening physical or verbal
17 behavior, such as violent, suicidal, or assaultive
18 threats, actions, or other behavior, as determined by a
19 physician, clinical psychologist, qualified examiner,
20 school administrator, or law enforcement official.

21 "Clinical psychologist" has the meaning provided in
22 Section 1-103 of the Mental Health and Developmental
23 Disabilities Code.

24 "Controlled substance" means a controlled substance or
25 controlled substance analog as defined in the Illinois
26 Controlled Substances Act.

1 "Counterfeit" means to copy or imitate, without legal
2 authority, with intent to deceive.

3 "Developmental disability" means a severe, chronic
4 disability of an individual that:

5 (1) is attributable to a mental or physical impairment
6 or combination of mental and physical impairments;

7 (2) is manifested before the individual attains age
8 22;

9 (3) is likely to continue indefinitely;

10 (4) results in substantial functional limitations in 3
11 or more of the following areas of major life activity:

12 (A) Self-care.

13 (B) Receptive and expressive language.

14 (C) Learning.

15 (D) Mobility.

16 (E) Self-direction.

17 (F) Capacity for independent living.

18 (G) Economic self-sufficiency; and

19 (5) reflects the individual's need for a combination
20 and sequence of special, interdisciplinary, or generic
21 services, individualized supports, or other forms of
22 assistance that are of lifelong or extended duration and
23 are individually planned and coordinated.

24 "Federally licensed firearm dealer" means a person who is
25 licensed as a federal firearms dealer under Section 923 of the
26 federal Gun Control Act of 1968 (18 U.S.C. 923).

1 "Firearm" means any device, by whatever name known, which
2 is designed to expel a projectile or projectiles by the action
3 of an explosion, expansion of gas or escape of gas; excluding,
4 however:

5 (1) any pneumatic gun, spring gun, paint ball gun, or
6 B-B gun which expels a single globular projectile not
7 exceeding .18 inch in diameter or which has a maximum
8 muzzle velocity of less than 700 feet per second;

9 (1.1) any pneumatic gun, spring gun, paint ball gun,
10 or B-B gun which expels breakable paint balls containing
11 washable marking colors;

12 (2) any device used exclusively for signaling or
13 safety and required or recommended by the United States
14 Coast Guard or the Interstate Commerce Commission;

15 (3) any device used exclusively for the firing of stud
16 cartridges, explosive rivets or similar industrial
17 ammunition; and

18 (4) an antique firearm (other than a machine-gun)
19 which, although designed as a weapon, the Illinois State
20 Police finds by reason of the date of its manufacture,
21 value, design, and other characteristics is primarily a
22 collector's item and is not likely to be used as a weapon.

23 "Firearm ammunition" means any self-contained cartridge or
24 shotgun shell, by whatever name known, which is designed to be
25 used or adaptable to use in a firearm; excluding, however:

26 (1) any ammunition exclusively designed for use with a

1 device used exclusively for signaling or safety and
2 required or recommended by the United States Coast Guard
3 or the Interstate Commerce Commission; and

4 (2) any ammunition designed exclusively for use with a
5 stud or rivet driver or other similar industrial
6 ammunition.

7 "Gun show" means an event or function:

8 (1) at which the sale and transfer of firearms is the
9 regular and normal course of business and where 50 or more
10 firearms are displayed, offered, or exhibited for sale,
11 transfer, or exchange; or

12 (2) at which not less than 10 gun show vendors
13 display, offer, or exhibit for sale, sell, transfer, or
14 exchange firearms.

15 "Gun show" includes the entire premises provided for an
16 event or function, including parking areas for the event or
17 function, that is sponsored to facilitate the purchase, sale,
18 transfer, or exchange of firearms as described in this
19 Section. Nothing in this definition shall be construed to
20 exclude a gun show held in conjunction with competitive
21 shooting events at the World Shooting Complex sanctioned by a
22 national governing body in which the sale or transfer of
23 firearms is authorized under subparagraph (5) of paragraph (g)
24 of subsection (A) of Section 24-3 of the Criminal Code of 2012.

25 Unless otherwise expressly stated, "gun show" does not
26 include training or safety classes, competitive shooting

1 events, such as rifle, shotgun, or handgun matches, trap,
2 skeet, or sporting clays shoots, dinners, banquets, raffles,
3 or any other event where the sale or transfer of firearms is
4 not the primary course of business.

5 "Gun show promoter" means a person who organizes or
6 operates a gun show.

7 "Gun show vendor" means a person who exhibits, sells,
8 offers for sale, transfers, or exchanges any firearms at a gun
9 show, regardless of whether the person arranges with a gun
10 show promoter for a fixed location from which to exhibit,
11 sell, offer for sale, transfer, or exchange any firearm.

12 "Intellectual disability" means significantly subaverage
13 general intellectual functioning, existing concurrently with
14 deficits in adaptive behavior and manifested during the
15 developmental period, which is defined as before the age of
16 22, that adversely affects a child's educational performance.

17 "Involuntarily admitted" has the meaning as prescribed in
18 Sections 1-119 and 1-119.1 of the Mental Health and
19 Developmental Disabilities Code.

20 "Mental health facility" means any licensed private
21 hospital or hospital affiliate, institution, or facility, or
22 part thereof, and any facility, or part thereof, operated by
23 the State or a political subdivision thereof which provides
24 treatment of persons with mental illness and includes all
25 hospitals, institutions, clinics, evaluation facilities,
26 mental health centers, colleges, universities, long-term care

1 facilities, and nursing homes, or parts thereof, which provide
2 treatment of persons with mental illness whether or not the
3 primary purpose is to provide treatment of persons with mental
4 illness.

5 "National governing body" means a group of persons who
6 adopt rules and formulate policy on behalf of a national
7 firearm sporting organization.

8 "Noncitizen" means a person who is not a citizen of the
9 United States, but is a person who is a foreign-born person who
10 lives in the United States, has not been naturalized, and is
11 still a citizen of a foreign country.

12 "Patient" means:

13 (1) a person who is admitted as an inpatient or
14 resident of a public or private mental health facility for
15 mental health treatment under Chapter III of the Mental
16 Health and Developmental Disabilities Code as an informal
17 admission, a voluntary admission, a minor admission, an
18 emergency admission, or an involuntary admission, unless
19 the treatment was solely for an alcohol abuse disorder; or

20 (2) a person who voluntarily or involuntarily receives
21 mental health treatment as an out-patient or is otherwise
22 provided services by a public or private mental health
23 facility and who poses a clear and present danger to
24 himself, herself, or others.

25 "Physician" has the meaning as defined in Section 1-120 of
26 the Mental Health and Developmental Disabilities Code.

1 "Protective order" means any orders of protection issued
2 under the Illinois Domestic Violence Act of 1986, stalking or
3 harassment no contact orders issued under the Stalking or
4 Harassment No Contact Order Act, civil no contact orders
5 issued under the Civil No Contact Order Act, and firearms
6 restraining orders issued under the Firearms Restraining Order
7 Act or a substantially similar order issued by the court of
8 another state, tribe, or United States territory or military
9 judge.

10 "Qualified examiner" has the meaning provided in Section
11 1-122 of the Mental Health and Developmental Disabilities
12 Code.

13 "Sanctioned competitive shooting event" means a shooting
14 contest officially recognized by a national or state shooting
15 sport association, and includes any sight-in or practice
16 conducted in conjunction with the event.

17 "School administrator" means the person required to report
18 under the School Administrator Reporting of Mental Health
19 Clear and Present Danger Determinations Law.

20 "Stun gun or taser" has the meaning ascribed to it in
21 Section 24-1 of the Criminal Code of 2012.

22 (Source: P.A. 102-237, eff. 1-1-22; 102-538, eff. 8-20-21;
23 102-813, eff. 5-13-22; 102-890, eff. 5-19-22; 102-972, eff.
24 1-1-23; 102-1030, eff. 5-27-22; 103-154, eff. 6-30-23;
25 103-407, eff. 7-28-23.)

1 Section 15. The Criminal Code of 2012 is amended by
2 changing Sections 12-3.9 and 12-7.4 as follows:

3 (720 ILCS 5/12-3.9)

4 Sec. 12-3.9. Violation of a stalking or harassment no
5 contact order.

6 (a) A person commits violation of a stalking or harassment
7 no contact order if:

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

11 (A) a remedy in a valid stalking or harassment no
12 contact order of protection authorized under Section
13 80 of the Stalking or Harassment No Contact Order Act
14 or Section 112A-14.7 of the Code of Criminal Procedure
15 of 1963; or

16 (B) a remedy, which is substantially similar to
17 the remedies authorized under Section 80 of the
18 Stalking or Harassment No Contact Order Act or Section
19 112A-14.7 of the Code of Criminal Procedure of 1963,
20 or in a valid stalking or harassment no contact order,
21 which is authorized under the laws of another state,
22 tribe, or United States territory; and

23 (2) the violation occurs after the offender has been
24 served notice of the contents of the order, under the
25 Stalking or Harassment No Contact Order Act, Article 112A

1 of the Code of Criminal Procedure of 1963, or any
2 substantially similar statute of another state, tribe, or
3 United States territory, or otherwise has acquired actual
4 knowledge of the contents of the order.

5 A stalking or harassment no contact order issued by a
6 state, tribal, or territorial court shall be deemed valid if
7 the issuing court had jurisdiction over the parties and matter
8 under the law of the state, tribe, or territory. There shall be
9 a presumption of validity when an order is certified and
10 appears authentic on its face.

11 (a-3) For purposes of this Section, a "stalking or
12 harassment no contact order" may have been issued in a
13 criminal or civil proceeding.

14 (a-5) Failure to provide reasonable notice and opportunity
15 to be heard shall be an affirmative defense to any charge or
16 process filed seeking enforcement of a foreign stalking or
17 harassment no contact order.

18 (b) Prosecution for a violation of a stalking or
19 harassment no contact order shall not bar a concurrent
20 prosecution for any other crime, including any crime that may
21 have been committed at the time of the violation of the civil
22 no contact order.

23 (c) 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 (d) A defendant who directed the actions of a third party

1 to violate this Section, under the principles of
2 accountability set forth in Article 5 of this Code, is guilty
3 of violating this Section as if the same had been personally
4 done by the defendant, without regard to the mental state of
5 the third party acting at the direction of the defendant.

6 (e) Sentence. A violation of a stalking or harassment no
7 contact order is a Class A misdemeanor for a first violation,
8 and a Class 4 felony for a second or subsequent violation.

9 (Source: P.A. 100-199, eff. 1-1-18.)

10 (720 ILCS 5/12-7.4) (from Ch. 38, par. 12-7.4)

11 Sec. 12-7.4. Aggravated stalking.

12 (a) A person commits aggravated stalking when he or she
13 commits stalking and:

14 (1) causes bodily harm to the victim;

15 (2) confines or restrains the victim; or

16 (3) violates a temporary restraining order, an order
17 of protection, a stalking or harassment no contact order,
18 a civil no contact order, or an injunction prohibiting the
19 behavior described in subsection (b)(1) of Section 214 of
20 the Illinois Domestic Violence Act of 1986.

21 (a-1) A person commits aggravated stalking when he or she
22 is required to register under the Sex Offender Registration
23 Act or has been previously required to register under that Act
24 and commits the offense of stalking when the victim of the
25 stalking is also the victim of the offense for which the sex

1 offender is required to register under the Sex Offender
2 Registration Act or a family member of the victim.

3 (b) Sentence. Aggravated stalking is a Class 3 felony; a
4 second or subsequent conviction is a Class 2 felony.

5 (c) Exemptions.

6 (1) This Section does not apply to any individual or
7 organization (i) monitoring or attentive to compliance
8 with public or worker safety laws, wage and hour
9 requirements, or other statutory requirements, or (ii)
10 picketing occurring at the workplace that is otherwise
11 lawful and arises out of a bona fide labor dispute
12 including any controversy concerning wages, salaries,
13 hours, working conditions or benefits, including health
14 and welfare, sick leave, insurance, and pension or
15 retirement provisions, the managing or maintenance of
16 collective bargaining agreements, and the terms to be
17 included in those agreements.

18 (2) This Section does not apply to an exercise of the
19 right of free speech or assembly that is otherwise lawful.

20 (3) Telecommunications carriers, commercial mobile
21 service providers, and providers of information services,
22 including, but not limited to, Internet service providers
23 and hosting service providers, are not liable under this
24 Section, except for willful and wanton misconduct, by
25 virtue of the transmission, storage, or caching of
26 electronic communications or messages of others or by

1 virtue of the provision of other related
2 telecommunications, commercial mobile services, or
3 information services used by others in violation of this
4 Section.

5 (d) A defendant who directed the actions of a third party
6 to violate this Section, under the principles of
7 accountability set forth in Article 5 of this Code, is guilty
8 of violating this Section as if the same had been personally
9 done by the defendant, without regard to the mental state of
10 the third party acting at the direction of the defendant.

11 (Source: P.A. 96-686, eff. 1-1-10; 96-1551, eff. 7-1-11;
12 97-311, eff. 8-11-11; 97-468, eff. 1-1-12; 97-1109, eff.
13 1-1-13.)

14 Section 20. The Code of Criminal Procedure of 1963 is
15 amended by changing Sections 110-1, 110-2, 110-6.1, 112A-2.5,
16 112A-3, 112A-4.5, 112A-5.5, 112A-14.7, 112A-17.5, 112A-20,
17 112A-21.7, 112A-23, 112A-24, 112A-26, and 112A-28 as follows:

18 (725 ILCS 5/110-1) (from Ch. 38, par. 110-1)

19 Sec. 110-1. Definitions. As used in this Article:

20 (a) (Blank).

21 (b) "Sureties" encompasses the nonmonetary requirements
22 set by the court as conditions for release either before or
23 after conviction.

24 (c) The phrase "for which a sentence of imprisonment,

1 without conditional and revocable release, shall be imposed by
2 law as a consequence of conviction" means an offense for which
3 a sentence of imprisonment in the Department of Corrections,
4 without probation, periodic imprisonment or conditional
5 discharge, is required by law upon conviction.

6 (d) (Blank).

7 (e) "Protective order" means any order of protection
8 issued under Section 112A-14 of this Code or the Illinois
9 Domestic Violence Act of 1986, a stalking or harassment no
10 contact order issued under Section 80 of the Stalking or
11 Harassment No Contact Order Act, or a civil no contact order
12 issued under Section 213 of the Civil No Contact Order Act.

13 (f) "Willful flight" means intentional conduct with a
14 purpose to thwart the judicial process to avoid prosecution.
15 Isolated instances of nonappearance in court alone are not
16 evidence of the risk of willful flight. Reoccurrence and
17 patterns of intentional conduct to evade prosecution, along
18 with any affirmative steps to communicate or remedy any such
19 missed court date, may be considered as factors in assessing
20 future intent to evade prosecution.

21 (Source: P.A. 102-813, eff. 5-13-22; 102-1104, eff. 1-1-23;
22 103-154, eff. 6-30-23.)

23 (725 ILCS 5/110-2) (from Ch. 38, par. 110-2)

24 Sec. 110-2. Pretrial release.

25 (a) All persons charged with an offense shall be eligible

1 for pretrial release before conviction. It is presumed that a
2 defendant is entitled to release on personal recognizance on
3 the condition that the defendant attend all required court
4 proceedings and the defendant does not commit any criminal
5 offense, and complies with all terms of pretrial release,
6 including, but not limited to, orders of protection under both
7 Section 112A-4 of this Code and Section 214 of the Illinois
8 Domestic Violence Act of 1986, all civil no contact orders,
9 and all stalking or harassment no contact orders. Pretrial
10 release may be denied only if a person is charged with an
11 offense listed in Section 110-6.1 and after the court has held
12 a hearing under Section 110-6.1, and in a manner consistent
13 with subsections (b), (c), and (d) of this Section.

14 (b) At all pretrial hearings, the prosecution shall have
15 the burden to prove by clear and convincing evidence that any
16 condition of release is necessary.

17 (c) When it is alleged that pretrial release should be
18 denied to a person upon the grounds that the person presents a
19 real and present threat to the safety of any person or persons
20 or the community, based on the specific articulable facts of
21 the case, the burden of proof of such allegations shall be upon
22 the State.

23 (d) When it is alleged that pretrial release should be
24 denied to a person charged with stalking or aggravated
25 stalking upon the grounds set forth in Section 110-6.3, the
26 burden of proof of those allegations shall be upon the State.

1 (e) This Section shall be liberally construed to
2 effectuate the purpose of relying on pretrial release by
3 nonmonetary means to reasonably ensure an eligible person's
4 appearance in court, the protection of the safety of any other
5 person or the community, that the person will not attempt or
6 obstruct the criminal justice process, and the person's
7 compliance with all conditions of release, while authorizing
8 the court, upon motion of a prosecutor, to order pretrial
9 detention of the person under Section 110-6.1 when it finds
10 clear and convincing evidence that no condition or combination
11 of conditions can reasonably ensure the effectuation of these
12 goals.

13 (Source: P.A. 101-652, eff. 1-1-23; 102-1104, eff. 1-1-23.)

14 (725 ILCS 5/110-6.1) (from Ch. 38, par. 110-6.1)

15 Sec. 110-6.1. Denial of pretrial release.

16 (a) Upon verified petition by the State, the court shall
17 hold a hearing and may deny a defendant pretrial release only
18 if:

19 (1) the defendant is charged with a felony offense
20 other than a forcible felony for which, based on the
21 charge or the defendant's criminal history, a sentence of
22 imprisonment, without probation, periodic imprisonment, or
23 conditional discharge, is required by law upon conviction,
24 and it is alleged that the defendant's pretrial release
25 poses a real and present threat to the safety of any person

1 or persons or the community, based on the specific
2 articulable facts of the case;

3 (1.5) the defendant's pretrial release poses a real
4 and present threat to the safety of any person or persons
5 or the community, based on the specific articulable facts
6 of the case, and the defendant is charged with a forcible
7 felony, which as used in this Section, means treason,
8 first degree murder, second degree murder, predatory
9 criminal sexual assault of a child, aggravated criminal
10 sexual assault, criminal sexual assault, armed robbery,
11 aggravated robbery, robbery, burglary where there is use
12 of force against another person, residential burglary,
13 home invasion, vehicular invasion, aggravated arson,
14 arson, aggravated kidnaping, kidnaping, aggravated battery
15 resulting in great bodily harm or permanent disability or
16 disfigurement, or any other felony which involves the
17 threat of or infliction of great bodily harm or permanent
18 disability or disfigurement;

19 (2) the defendant is charged with stalking or
20 aggravated stalking, and it is alleged that the
21 defendant's pre-trial release poses a real and present
22 threat to the safety of a victim of the alleged offense,
23 and denial of release is necessary to prevent fulfillment
24 of the threat upon which the charge is based;

25 (3) the defendant is charged with a violation of an
26 order of protection issued under Section 112A-14 of this

1 Code or Section 214 of the Illinois Domestic Violence Act
2 of 1986, a stalking or harassment no contact order under
3 Section 80 of the Stalking or Harassment No Contact Order
4 Act, or ~~of~~ a civil no contact order under Section 213 of
5 the Civil No Contact Order Act, and it is alleged that the
6 defendant's pretrial release poses a real and present
7 threat to the safety of any person or persons or the
8 community, based on the specific articulable facts of the
9 case;

10 (4) the defendant is charged with domestic battery or
11 aggravated domestic battery under Section 12-3.2 or 12-3.3
12 of the Criminal Code of 2012 and it is alleged that the
13 defendant's pretrial release poses a real and present
14 threat to the safety of any person or persons or the
15 community, based on the specific articulable facts of the
16 case;

17 (5) the defendant is charged with any offense under
18 Article 11 of the Criminal Code of 2012, except for
19 Sections 11-14, 11-14.1, 11-18, 11-20, 11-30, 11-35,
20 11-40, and 11-45 of the Criminal Code of 2012, or similar
21 provisions of the Criminal Code of 1961 and it is alleged
22 that the defendant's pretrial release poses a real and
23 present threat to the safety of any person or persons or
24 the community, based on the specific articulable facts of
25 the case;

26 (6) the defendant is charged with any of the following

1 offenses under the Criminal Code of 2012, and it is
2 alleged that the defendant's pretrial release poses a real
3 and present threat to the safety of any person or persons
4 or the community, based on the specific articulable facts
5 of the case:

6 (A) Section 24-1.2 (aggravated discharge of a
7 firearm);

8 (B) Section 24-1.2-5 ~~24-2.5~~ (aggravated discharge
9 of a machine gun or a firearm equipped with a device
10 designed or used ~~use~~ for silencing the report of a
11 firearm);

12 (C) Section 24-1.5 (reckless discharge of a
13 firearm);

14 (D) Section 24-1.7 (unlawful possession of a
15 firearm by a repeat felony offender);

16 (E) Section 24-2.2 (manufacture, sale, or transfer
17 of bullets or shells represented to be armor piercing
18 bullets, dragon's breath shotgun shells, bolo shells,
19 or flechette shells);

20 (F) Section 24-3 (unlawful sale or delivery of
21 firearms);

22 (G) Section 24-3.3 (unlawful sale or delivery of
23 firearms on the premises of any school);

24 (H) Section 24-34 (unlawful sale of firearms by
25 liquor license);

26 (I) Section 24-3.5 (unlawful purchase of a

1 firearm);

2 (J) Section 24-3A (gunrunning);

3 (K) Section 24-3B (firearms trafficking);

4 (L) Section 10-9 (b) (involuntary servitude);

5 (M) Section 10-9 (c) (involuntary sexual servitude
6 of a minor);

7 (N) Section 10-9(d) (trafficking in persons);

8 (O) Non-probationable violations: (i) unlawful
9 possession of weapons by felons or persons in the
10 Custody of the Department of Corrections facilities
11 (Section 24-1.1), (ii) aggravated unlawful possession
12 of a weapon (Section 24-1.6), or (iii) aggravated
13 possession of a stolen firearm (Section 24-3.9);

14 (P) Section 9-3 (reckless homicide and involuntary
15 manslaughter);

16 (Q) Section 19-3 (residential burglary);

17 (R) Section 10-5 (child abduction);

18 (S) Felony violations of Section 12C-5 (child
19 endangerment);

20 (T) Section 12-7.1 (hate crime);

21 (U) Section 10-3.1 (aggravated unlawful
22 restraint);

23 (V) Section 12-9 (threatening a public official);

24 (W) Subdivision (f)(1) of Section 12-3.05
25 (aggravated battery with a deadly weapon other than by
26 discharge of a firearm);

1 (6.5) the defendant is charged with any of the
2 following offenses, and it is alleged that the defendant's
3 pretrial release poses a real and present threat to the
4 safety of any person or persons or the community, based on
5 the specific articulable facts of the case:

6 (A) Felony violations of Sections 3.01, 3.02, or
7 3.03 of the Humane Care for Animals Act (cruel
8 treatment, aggravated cruelty, and animal torture);

9 (B) Subdivision (d) (1) (B) of Section 11-501 of the
10 Illinois Vehicle Code (aggravated driving under the
11 influence while operating a school bus with
12 passengers);

13 (C) Subdivision (d) (1) (C) of Section 11-501 of the
14 Illinois Vehicle Code (aggravated driving under the
15 influence causing great bodily harm);

16 (D) Subdivision (d) (1) (D) of Section 11-501 of the
17 Illinois Vehicle Code (aggravated driving under the
18 influence after a previous reckless homicide
19 conviction);

20 (E) Subdivision (d) (1) (F) of Section 11-501 of the
21 Illinois Vehicle Code (aggravated driving under the
22 influence leading to death); or

23 (F) Subdivision (d) (1) (J) of Section 11-501 of the
24 Illinois Vehicle Code (aggravated driving under the
25 influence that resulted in bodily harm to a child
26 under the age of 16);

1 (7) the defendant is charged with an attempt to commit
2 any charge listed in paragraphs (1) through (6.5), and it
3 is alleged that the defendant's pretrial release poses a
4 real and present threat to the safety of any person or
5 persons or the community, based on the specific
6 articulable facts of the case; or

7 (8) the person has a high likelihood of willful flight
8 to avoid prosecution and is charged with:

9 (A) Any felony described in subdivisions (a)(1)
10 through (a)(7) of this Section; or

11 (B) A felony offense other than a Class 4 offense.

12 (b) If the charged offense is a felony, as part of the
13 detention hearing, the court shall determine whether there is
14 probable cause the defendant has committed an offense, unless
15 a hearing pursuant to Section 109-3 of this Code has already
16 been held or a grand jury has returned a true bill of
17 indictment against the defendant. If there is a finding of no
18 probable cause, the defendant shall be released. No such
19 finding is necessary if the defendant is charged with a
20 misdemeanor.

21 (c) Timing of petition.

22 (1) A petition may be filed without prior notice to
23 the defendant at the first appearance before a judge, or
24 within the 21 calendar days, except as provided in Section
25 110-6, after arrest and release of the defendant upon
26 reasonable notice to defendant; provided that while such

1 petition is pending before the court, the defendant if
2 previously released shall not be detained.

3 (2) Upon filing, the court shall immediately hold a
4 hearing on the petition unless a continuance is requested.
5 If a continuance is requested and granted, the hearing
6 shall be held within 48 hours of the defendant's first
7 appearance if the defendant is charged with first degree
8 murder or a Class X, Class 1, Class 2, or Class 3 felony,
9 and within 24 hours if the defendant is charged with a
10 Class 4 or misdemeanor offense. The Court may deny or
11 grant the request for continuance. If the court decides to
12 grant the continuance, the Court retains the discretion to
13 detain or release the defendant in the time between the
14 filing of the petition and the hearing.

15 (d) Contents of petition.

16 (1) The petition shall be verified by the State and
17 shall state the grounds upon which it contends the
18 defendant should be denied pretrial release, including the
19 real and present threat to the safety of any person or
20 persons or the community, based on the specific
21 articulable facts or flight risk, as appropriate.

22 (2) If the State seeks to file a second or subsequent
23 petition under this Section, the State shall be required
24 to present a verified application setting forth in detail
25 any new facts not known or obtainable at the time of the
26 filing of the previous petition.

1 (e) Eligibility: All defendants shall be presumed eligible
2 for pretrial release, and the State shall bear the burden of
3 proving by clear and convincing evidence that:

4 (1) the proof is evident or the presumption great that
5 the defendant has committed an offense listed in
6 subsection (a), and

7 (2) for offenses listed in paragraphs (1) through (7)
8 of subsection (a), the defendant poses a real and present
9 threat to the safety of any person or persons or the
10 community, based on the specific articulable facts of the
11 case, by conduct which may include, but is not limited to,
12 a forcible felony, the obstruction of justice,
13 intimidation, injury, or abuse as defined by paragraph (1)
14 of Section 103 of the Illinois Domestic Violence Act of
15 1986, and

16 (3) no condition or combination of conditions set
17 forth in subsection (b) of Section 110-10 of this Article
18 can mitigate (i) the real and present threat to the safety
19 of any person or persons or the community, based on the
20 specific articulable facts of the case, for offenses
21 listed in paragraphs (1) through (7) of subsection (a), or
22 (ii) the defendant's willful flight for offenses listed in
23 paragraph (8) of subsection (a), and

24 (4) for offenses under subsection (b) of Section 407
25 of the Illinois Controlled Substances Act that are subject
26 to paragraph (1) of subsection (a), no condition or

1 combination of conditions set forth in subsection (b) of
2 Section 110-10 of this Article can mitigate the real and
3 present threat to the safety of any person or persons or
4 the community, based on the specific articulable facts of
5 the case, and the defendant poses a serious risk to not
6 appear in court as required.

7 (f) Conduct of the hearings.

8 (1) Prior to the hearing, the State shall tender to
9 the defendant copies of the defendant's criminal history
10 available, any written or recorded statements, and the
11 substance of any oral statements made by any person, if
12 relied upon by the State in its petition, and any police
13 reports in the prosecutor's possession at the time of the
14 hearing.

15 (2) The State or defendant may present evidence at the
16 hearing by way of proffer based upon reliable information.

17 (3) The defendant has the right to be represented by
18 counsel, and if he or she is indigent, to have counsel
19 appointed for him or her. The defendant shall have the
20 opportunity to testify, to present witnesses on his or her
21 own behalf, and to cross-examine any witnesses that are
22 called by the State. Defense counsel shall be given
23 adequate opportunity to confer with the defendant before
24 any hearing at which conditions of release or the
25 detention of the defendant are to be considered, with an
26 accommodation for a physical condition made to facilitate

1 attorney/client consultation. If defense counsel needs to
2 confer or consult with the defendant during any hearing
3 conducted via a 2-way ~~two-way~~ audio-visual communication
4 system, such consultation shall not be recorded and shall
5 be undertaken consistent with constitutional protections.

6 (3.5) A hearing at which pretrial release may be
7 denied must be conducted in person (and not by way of 2-way
8 ~~two-way~~ audio visual communication) unless the accused
9 waives the right to be present physically in court, the
10 court determines that the physical health and safety of
11 any person necessary to the proceedings would be
12 endangered by appearing in court, or the chief judge of
13 the circuit orders use of that system due to operational
14 challenges in conducting the hearing in person. Such
15 operational challenges must be documented and approved by
16 the chief judge of the circuit, and a plan to address the
17 challenges through reasonable efforts must be presented
18 and approved by the Administrative Office of the Illinois
19 Courts every 6 months.

20 (4) If the defense seeks to compel the complaining
21 witness to testify as a witness in its favor, it shall
22 petition the court for permission. When the ends of
23 justice so require, the court may exercise its discretion
24 and compel the appearance of a complaining witness. The
25 court shall state on the record reasons for granting a
26 defense request to compel the presence of a complaining

1 witness only on the issue of the defendant's pretrial
2 detention. In making a determination under this Section,
3 the court shall state on the record the reason for
4 granting a defense request to compel the presence of a
5 complaining witness, and only grant the request if the
6 court finds by clear and convincing evidence that the
7 defendant will be materially prejudiced if the complaining
8 witness does not appear. Cross-examination of a
9 complaining witness at the pretrial detention hearing for
10 the purpose of impeaching the witness' credibility is
11 insufficient reason to compel the presence of the witness.
12 In deciding whether to compel the appearance of a
13 complaining witness, the court shall be considerate of the
14 emotional and physical well-being of the witness. The
15 pre-trial detention hearing is not to be used for purposes
16 of discovery, and the post arraignment rules of discovery
17 do not apply. The State shall tender to the defendant,
18 prior to the hearing, copies, if any, of the defendant's
19 criminal history, if available, and any written or
20 recorded statements and the substance of any oral
21 statements made by any person, if in the State's
22 Attorney's possession at the time of the hearing.

23 (5) The rules concerning the admissibility of evidence
24 in criminal trials do not apply to the presentation and
25 consideration of information at the hearing. At the trial
26 concerning the offense for which the hearing was conducted

1 neither the finding of the court nor any transcript or
2 other record of the hearing shall be admissible in the
3 State's case-in-chief, but shall be admissible for
4 impeachment, or as provided in Section 115-10.1 of this
5 Code, or in a perjury proceeding.

6 (6) The defendant may not move to suppress evidence or
7 a confession, however, evidence that proof of the charged
8 crime may have been the result of an unlawful search or
9 seizure, or both, or through improper interrogation, is
10 relevant in assessing the weight of the evidence against
11 the defendant.

12 (7) Decisions regarding release, conditions of
13 release, and detention prior to trial must be
14 individualized, and no single factor or standard may be
15 used exclusively to order detention. Risk assessment tools
16 may not be used as the sole basis to deny pretrial release.

17 (g) Factors to be considered in making a determination of
18 dangerousness. The court may, in determining whether the
19 defendant poses a real and present threat to the safety of any
20 person or persons or the community, based on the specific
21 articulable facts of the case, consider, but shall not be
22 limited to, evidence or testimony concerning:

23 (1) The nature and circumstances of any offense
24 charged, including whether the offense is a crime of
25 violence, involving a weapon, or a sex offense.

26 (2) The history and characteristics of the defendant

1 including:

2 (A) Any evidence of the defendant's prior criminal
3 history indicative of violent, abusive, or assaultive
4 behavior, or lack of such behavior. Such evidence may
5 include testimony or documents received in juvenile
6 proceedings, criminal, quasi-criminal, civil
7 commitment, domestic relations, or other proceedings.

8 (B) Any evidence of the defendant's psychological,
9 psychiatric or other similar social history which
10 tends to indicate a violent, abusive, or assaultive
11 nature, or lack of any such history.

12 (3) The identity of any person or persons to whose
13 safety the defendant is believed to pose a threat, and the
14 nature of the threat.

15 (4) Any statements made by, or attributed to the
16 defendant, together with the circumstances surrounding
17 them.

18 (5) The age and physical condition of the defendant.

19 (6) The age and physical condition of any victim or
20 complaining witness.

21 (7) Whether the defendant is known to possess or have
22 access to any weapon or weapons.

23 (8) Whether, at the time of the current offense or any
24 other offense or arrest, the defendant was on probation,
25 parole, aftercare release, mandatory supervised release,
26 or other release from custody pending trial, sentencing,

1 appeal, or completion of sentence for an offense under
2 federal or State ~~state~~ law.

3 (9) Any other factors, including those listed in
4 Section 110-5 of this Article deemed by the court to have a
5 reasonable bearing upon the defendant's propensity or
6 reputation for violent, abusive, or assaultive behavior,
7 or lack of such behavior.

8 (h) Detention order. The court shall, in any order for
9 detention:

10 (1) make a written finding summarizing the court's
11 reasons for concluding that the defendant should be denied
12 pretrial release, including why less restrictive
13 conditions would not avoid a real and present threat to
14 the safety of any person or persons or the community,
15 based on the specific articulable facts of the case, or
16 prevent the defendant's willful flight from prosecution;

17 (2) direct that the defendant be committed to the
18 custody of the sheriff for confinement in the county jail
19 pending trial;

20 (3) direct that the defendant be given a reasonable
21 opportunity for private consultation with counsel, and for
22 communication with others of his or her choice by
23 visitation, mail and telephone; and

24 (4) direct that the sheriff deliver the defendant as
25 required for appearances in connection with court
26 proceedings.

1 (i) Detention. If the court enters an order for the
2 detention of the defendant pursuant to subsection (e) of this
3 Section, the defendant shall be brought to trial on the
4 offense for which he is detained within 90 days after the date
5 on which the order for detention was entered. If the defendant
6 is not brought to trial within the 90-day period required by
7 the preceding sentence, he shall not be denied pretrial
8 release. In computing the 90-day period, the court shall omit
9 any period of delay resulting from a continuance granted at
10 the request of the defendant and any period of delay resulting
11 from a continuance granted at the request of the State with
12 good cause shown pursuant to Section 103-5.

13 (i-5) At each subsequent appearance of the defendant
14 before the court, the judge must find that continued detention
15 is necessary to avoid a real and present threat to the safety
16 of any person or persons or the community, based on the
17 specific articulable facts of the case, or to prevent the
18 defendant's willful flight from prosecution.

19 (j) Rights of the defendant. The defendant shall be
20 entitled to appeal any order entered under this Section
21 denying his or her pretrial release.

22 (k) Appeal. The State may appeal any order entered under
23 this Section denying any motion for denial of pretrial
24 release.

25 (l) Presumption of innocence. Nothing in this Section
26 shall be construed as modifying or limiting in any way the

1 defendant's presumption of innocence in further criminal
2 proceedings.

3 (m) Interest of victims.

4 (1) Crime victims shall be given notice by the State's
5 Attorney's office of this hearing as required in paragraph
6 (1) of subsection (b) of Section 4.5 of the Rights of Crime
7 Victims and Witnesses Act and shall be informed of their
8 opportunity at this hearing to obtain a protective order.

9 (2) If the defendant is denied pretrial release, the
10 court may impose a no contact provision with the victim or
11 other interested party that shall be enforced while the
12 defendant remains in custody.

13 (Source: P.A. 102-1104, eff. 1-1-23; 103-822, eff. 1-1-25;
14 revised 10-23-24.)

15 (725 ILCS 5/112A-2.5)

16 Sec. 112A-2.5. Types of protective orders. The following
17 protective orders may be entered in conjunction with a
18 delinquency petition or a criminal prosecution:

19 (1) a domestic violence order of protection in cases
20 involving domestic violence;

21 (2) a civil no contact order in cases involving sexual
22 offenses; or

23 (3) a stalking or harassment no contact order in cases
24 involving stalking offenses.

25 (Source: P.A. 100-199, eff. 1-1-18; 100-597, eff. 6-29-18.)

1 (725 ILCS 5/112A-3) (from Ch. 38, par. 112A-3)

2 Sec. 112A-3. Definitions.

3 (a) In this Article:

4 "Advocate" means a person whose communications with the
5 victim are privileged under Section 8-802.1 or 8-802.2 of the
6 Code of Civil Procedure or Section 227 of the Illinois
7 Domestic Violence Act of 1986.

8 "Named victim" means the person named as the victim in the
9 delinquency petition or criminal prosecution.

10 "Protective order" means a domestic violence order of
11 protection, a civil no contact order, or a stalking or
12 harassment no contact order.

13 (b) For the purposes of domestic violence cases, the
14 following terms shall have the following meanings in this
15 Article:

16 (1) "Abuse" means physical abuse, harassment,
17 intimidation of a dependent, interference with personal
18 liberty or willful deprivation but does not include
19 reasonable direction of a minor child by a parent or
20 person in loco parentis.

21 (2) "Domestic violence" means abuse as described in
22 paragraph (1) of this subsection (b).

23 (3) "Family or household members" include spouses,
24 former spouses, parents, children, stepchildren, and other
25 persons related by blood or by present or prior marriage,

1 persons who share or formerly shared a common dwelling,
2 persons who have or allegedly have a child in common,
3 persons who share or allegedly share a blood relationship
4 through a child, persons who have or have had a dating or
5 engagement relationship, persons with disabilities and
6 their personal assistants, and caregivers as defined in
7 subsection (e) of Section 12-4.4a of the Criminal Code of
8 2012. For purposes of this paragraph (3), neither a casual
9 acquaintanceship nor ordinary fraternization between 2
10 individuals in business or social contexts shall be deemed
11 to constitute a dating relationship.

12 (4) "Harassment" means knowing conduct which is not
13 necessary to accomplish a purpose which is reasonable
14 under the circumstances; would cause a reasonable person
15 emotional distress; and does cause emotional distress to
16 the petitioner. Unless the presumption is rebutted by a
17 preponderance of the evidence, the following types of
18 conduct shall be presumed to cause emotional distress:

19 (i) creating a disturbance at petitioner's place
20 of employment or school;

21 (ii) repeatedly telephoning petitioner's place of
22 employment, home or residence;

23 (iii) repeatedly following petitioner about in a
24 public place or places;

25 (iv) repeatedly keeping petitioner under
26 surveillance by remaining present outside his or her

1 home, school, place of employment, vehicle or other
2 place occupied by petitioner or by peering in
3 petitioner's windows;

4 (v) improperly concealing a minor child from
5 petitioner, repeatedly threatening to improperly
6 remove a minor child of petitioner's from the
7 jurisdiction or from the physical care of petitioner,
8 repeatedly threatening to conceal a minor child from
9 petitioner, or making a single such threat following
10 an actual or attempted improper removal or
11 concealment, unless respondent was fleeing from an
12 incident or pattern of domestic violence; or

13 (vi) threatening physical force, confinement or
14 restraint on one or more occasions.

15 (5) "Interference with personal liberty" means
16 committing or threatening physical abuse, harassment,
17 intimidation or willful deprivation so as to compel
18 another to engage in conduct from which she or he has a
19 right to abstain or to refrain from conduct in which she or
20 he has a right to engage.

21 (6) "Intimidation of a dependent" means subjecting a
22 person who is dependent because of age, health, or
23 disability to participation in or the witnessing of:
24 physical force against another or physical confinement or
25 restraint of another which constitutes physical abuse as
26 defined in this Article, regardless of whether the abused

1 person is a family or household member.

2 (7) "Order of protection" or "domestic violence order
3 of protection" means an ex parte or final order, granted
4 pursuant to this Article, which includes any or all of the
5 remedies authorized by Section 112A-14 of this Code.

6 (8) "Petitioner" may mean not only any named
7 petitioner for the domestic violence order of protection
8 and any named victim of abuse on whose behalf the petition
9 is brought, but also any other person protected by this
10 Article.

11 (9) "Physical abuse" includes sexual abuse and means
12 any of the following:

13 (i) knowing or reckless use of physical force,
14 confinement or restraint;

15 (ii) knowing, repeated and unnecessary sleep
16 deprivation; or

17 (iii) knowing or reckless conduct which creates an
18 immediate risk of physical harm.

19 (9.3) "Respondent" in a petition for a domestic
20 violence order of protection means the defendant.

21 (9.5) "Stay away" means for the respondent to refrain
22 from both physical presence and nonphysical contact with
23 the petitioner whether direct, indirect (including, but
24 not limited to, telephone calls, mail, email, faxes, and
25 written notes), or through third parties who may or may
26 not know about the domestic violence order of protection.

1 (10) "Willful deprivation" means wilfully denying a
2 person who because of age, health or disability requires
3 medication, medical care, shelter, accessible shelter or
4 services, food, therapeutic device, or other physical
5 assistance, and thereby exposing that person to the risk
6 of physical, mental or emotional harm, except with regard
7 to medical care and treatment when such dependent person
8 has expressed the intent to forgo such medical care or
9 treatment. This paragraph (10) does not create any new
10 affirmative duty to provide support to dependent persons.

11 (c) For the purposes of cases involving sexual offenses,
12 the following terms shall have the following meanings in this
13 Article:

14 (1) "Civil no contact order" means an ex parte or
15 final order granted under this Article, which includes a
16 remedy authorized by Section 112A-14.5 of this Code.

17 (2) "Family or household members" include spouses,
18 parents, children, stepchildren, and persons who share a
19 common dwelling.

20 (3) "Non-consensual" means a lack of freely given
21 agreement.

22 (4) "Petitioner" means not only any named petitioner
23 for the civil no contact order and any named victim of
24 non-consensual sexual conduct or non-consensual sexual
25 penetration on whose behalf the petition is brought, but
26 includes any other person sought to be protected under

1 this Article.

2 (5) "Respondent" in a petition for a civil no contact
3 order means the defendant.

4 (6) "Sexual conduct" means any intentional or knowing
5 touching or fondling by the petitioner or the respondent,
6 either directly or through clothing, of the sex organs,
7 anus, or breast of the petitioner or the respondent, or
8 any part of the body of a child under 13 years of age, or
9 any transfer or transmission of semen by the respondent
10 upon any part of the clothed or unclothed body of the
11 petitioner, for the purpose of sexual gratification or
12 arousal of the petitioner or the respondent.

13 (7) "Sexual penetration" means any contact, however
14 slight, between the sex organ or anus of one person by an
15 object, the sex organ, mouth or anus of another person, or
16 any intrusion, however slight, of any part of the body of
17 one person or of any animal or object into the sex organ or
18 anus of another person, including, but not limited to,
19 cunnilingus, fellatio, or anal penetration. Evidence of
20 emission of semen is not required to prove sexual
21 penetration.

22 (8) "Stay away" means to refrain from both physical
23 presence and nonphysical contact with the petitioner
24 directly, indirectly, or through third parties who may or
25 may not know of the order. "Nonphysical contact" includes,
26 but is not limited to, telephone calls, mail, e-mail, fax,

1 and written notes.

2 (d) For the purposes of cases involving stalking offenses,
3 the following terms shall have the following meanings in this
4 Article:

5 (1) "Course of conduct" means 2 or more acts,
6 including, but not limited to, acts in which a respondent
7 directly, indirectly, or through third parties, by any
8 action, method, device, or means follows, monitors,
9 observes, surveils, threatens, or communicates to or
10 about, a person, engages in other contact, or interferes
11 with or damages a person's property or pet. A course of
12 conduct may include contact via electronic communications.
13 The incarceration of a person in a penal institution who
14 commits the course of conduct is not a bar to prosecution.

15 (2) "Emotional distress" means significant mental
16 suffering, anxiety, or alarm.

17 (3) "Contact" includes any contact with the victim,
18 that is initiated or continued without the victim's
19 consent, or that is in disregard of the victim's expressed
20 desire that the contact be avoided or discontinued,
21 including, but not limited to, being in the physical
22 presence of the victim; appearing within the sight of the
23 victim; approaching or confronting the victim in a public
24 place or on private property; appearing at the workplace
25 or residence of the victim; entering onto or remaining on
26 property owned, leased, or occupied by the victim; or

1 placing an object on, or delivering an object to, property
2 owned, leased, or occupied by the victim.

3 (4) "Petitioner" means any named petitioner for the
4 stalking or harassment no contact order or any named
5 victim of stalking on whose behalf the petition is
6 brought.

7 (5) "Reasonable person" means a person in the
8 petitioner's circumstances with the petitioner's knowledge
9 of the respondent and the respondent's prior acts.

10 (6) "Respondent" in a petition for a civil no contact
11 order means the defendant.

12 (7) "Stalking" means engaging in a course of conduct
13 directed at a specific person, and he or she knows or
14 should know that this course of conduct would cause a
15 reasonable person to fear for his or her safety or the
16 safety of a third person or suffer emotional distress.
17 "Stalking" does not include an exercise of the right to
18 free speech or assembly that is otherwise lawful or
19 picketing occurring at the workplace that is otherwise
20 lawful and arises out of a bona fide labor dispute,
21 including any controversy concerning wages, salaries,
22 hours, working conditions or benefits, including health
23 and welfare, sick leave, insurance, and pension or
24 retirement provisions, the making or maintaining of
25 collective bargaining agreements, and the terms to be
26 included in those agreements.

1 (8) "Stalking or harassment no contact order" means an
2 ex parte or final order granted under this Article, which
3 includes a remedy authorized by Section 112A-14.7 of this
4 Code.

5 (Source: P.A. 100-199, eff. 1-1-18; 100-597, eff. 6-29-18.)

6 (725 ILCS 5/112A-4.5)

7 Sec. 112A-4.5. Who may file petition.

8 (a) A petition for a domestic violence order of protection
9 may be filed:

10 (1) by a named victim who has been abused by a family
11 or household member;

12 (2) by any person or by the State's Attorney on behalf
13 of a named victim who is a minor child or an adult who has
14 been abused by a family or household member and who,
15 because of age, health, disability, or inaccessibility,
16 cannot file the petition;

17 (3) by a State's Attorney on behalf of any minor child
18 or dependent adult in the care of the named victim, if the
19 named victim does not file a petition or request the
20 State's Attorney file the petition; or

21 (4) any of the following persons if the person is
22 abused by a family or household member of a child:

23 (i) a foster parent of that child if the child has
24 been placed in the foster parent's home by the
25 Department of Children and Family Services or by

- 1 another state's public child welfare agency;
- 2 (ii) a legally appointed guardian or legally
3 appointed custodian of that child;
- 4 (iii) an adoptive parent of that child;
- 5 (iv) a prospective adoptive parent of that child
6 if the child has been placed in the prospective
7 adoptive parent's home pursuant to the Adoption Act or
8 pursuant to another state's law.

9 For purposes of this paragraph (a)(4), individuals who
10 would have been considered "family or household members" of
11 the child under paragraph (3) of subsection (b) of Section
12 112A-3 before a termination of the parental rights with
13 respect to the child continue to meet the definition of
14 "family or household members" of the child.

15 (b) A petition for a civil no contact order may be filed:

16 (1) by any person who is a named victim of
17 non-consensual sexual conduct or non-consensual sexual
18 penetration, including a single incident of non-consensual
19 sexual conduct or non-consensual sexual penetration;

20 (2) by a person or by the State's Attorney on behalf of
21 a named victim who is a minor child or an adult who is a
22 victim of non-consensual sexual conduct or non-consensual
23 sexual penetration but, because of age, disability,
24 health, or inaccessibility, cannot file the petition;

25 (3) by a State's Attorney on behalf of any minor child
26 who is a family or household member of the named victim, if

1 the named victim does not file a petition or request the
2 State's Attorney file the petition;

3 (4) by a service member of the Illinois National Guard
4 or any reserve military component serving within the State
5 who is a victim of non-consensual sexual conduct who has
6 also received a Military Protective Order; or

7 (5) by the Staff Judge Advocate of the Illinois
8 National Guard or any reserve military component serving
9 in the State on behalf of a named victim who is a victim of
10 non-consensual sexual conduct who has also received a
11 Military Protective Order only after receiving consent
12 from the victim, and the petition shall include a
13 statement that the victim has consented to the Staff Judge
14 Advocate filing the petition.

15 (c) A petition for a stalking or harassment no contact
16 order may be filed:

17 (1) by any person who is a named victim of stalking;

18 (2) by a person or by the State's Attorney on behalf of
19 a named victim who is a minor child or an adult who is a
20 victim of stalking but, because of age, disability,
21 health, or inaccessibility, cannot file the petition;

22 (3) by a State's Attorney on behalf of any minor child
23 who is a family or household member of the named victim, if
24 the named victim does not file a petition or request the
25 State's Attorney file the petition;

26 (4) by a service member of the Illinois National Guard

1 or any reserve military component serving within the State
2 who is a victim of non-consensual sexual conduct who has
3 also received a Military Protective Order; or

4 (5) by the Staff Judge Advocate of the Illinois
5 National Guard or any reserve military component serving
6 in the State on behalf of a named victim who is a victim of
7 non-consensual sexual conduct who has also received a
8 Military Protective Order only after receiving consent
9 from the victim, and the petition shall include a
10 statement that the victim has consented to the Staff Judge
11 Advocate filing the petition.

12 (d) The State's Attorney shall file a petition on behalf
13 of any person who may file a petition under subsections (a),
14 (b), or (c) of this Section if the person requests the State's
15 Attorney to file a petition on the person's behalf, unless the
16 State's Attorney has a good faith basis to delay filing the
17 petition. The State's Attorney shall inform the person that
18 the State's Attorney will not be filing the petition at that
19 time and that the person may file a petition or may retain an
20 attorney to file the petition. The State's Attorney may file
21 the petition at a later date.

22 (d-5) (1) A person eligible to file a petition under
23 subsection (a), (b), or (c) of this Section may retain an
24 attorney to represent the petitioner on the petitioner's
25 request for a protective order. The attorney's representation
26 is limited to matters related to the petition and relief

1 authorized under this Article.

2 (2) Advocates shall be allowed to accompany the petitioner
3 and confer with the victim, unless otherwise directed by the
4 court. Advocates are not engaged in the unauthorized practice
5 of law when providing assistance to the petitioner.

6 (e) Any petition properly filed under this Article may
7 seek protection for any additional persons protected by this
8 Article.

9 (Source: P.A. 102-890, eff. 5-19-22; 103-407, eff. 7-28-23.)

10 (725 ILCS 5/112A-5.5)

11 Sec. 112A-5.5. Time for filing petition; service on
12 respondent, hearing on petition, and default orders.

13 (a) A petition for a protective order may be filed at any
14 time, in person or online, after a criminal charge or
15 delinquency petition is filed and before the charge or
16 delinquency petition is dismissed, the defendant or juvenile
17 is acquitted, or the defendant or juvenile completes service
18 of his or her sentence.

19 (b) The request for an ex parte protective order may be
20 considered without notice to the respondent under Section
21 112A-17.5 of this Code.

22 (c) A summons shall be issued and served for a protective
23 order. The summons may be served by delivery to the respondent
24 personally in open court in the criminal or juvenile
25 delinquency proceeding, in the form prescribed by subsection

1 (d) of Supreme Court Rule 101, except that it shall require the
2 respondent to answer or appear within 7 days. Attachments to
3 the summons shall include the petition for protective order,
4 supporting affidavits, if any, and any ex parte protective
5 order that has been issued.

6 (d) The summons shall be served by the sheriff or other law
7 enforcement officer at the earliest time available and shall
8 take precedence over any other summons, except those of a
9 similar emergency nature. Attachments to the summons shall
10 include the petition for protective order, supporting
11 affidavits, if any, and any ex parte protective order that has
12 been issued. Special process servers may be appointed at any
13 time and their designation shall not affect the
14 responsibilities and authority of the sheriff or other
15 official process servers. In a county with a population over
16 3,000,000, a special process server may not be appointed if
17 the protective order grants the surrender of a child, the
18 surrender of a firearm or Firearm Owner's Identification Card,
19 or the exclusive possession of a shared residence.

20 (e) If the respondent is not served within 30 days of the
21 filing of the petition, the court shall schedule a court
22 proceeding on the issue of service. Either the petitioner, the
23 petitioner's counsel, or the State's Attorney shall appear and
24 the court shall either order continued attempts at personal
25 service or shall order service by publication, in accordance
26 with Sections 2-203, 2-206, and 2-207 of the Code of Civil

1 Procedure.

2 (f) The request for a final protective order can be
3 considered at any court proceeding in the delinquency or
4 criminal case after service of the petition. If the petitioner
5 has not been provided notice of the court proceeding at least
6 10 days in advance of the proceeding, the court shall schedule
7 a hearing on the petition and provide notice to the
8 petitioner.

9 (f-5) A court in a county with a population above 250,000
10 shall offer the option of a remote hearing to a petitioner for
11 a protective order. The court has the discretion to grant or
12 deny the request for a remote hearing. Each court shall
13 determine the procedure for a remote hearing. The petitioner
14 and respondent may appear remotely or in person.

15 The court shall issue and publish a court order, standing
16 order, or local rule detailing information about the process
17 for requesting and participating in a remote court appearance.
18 The court order, standing order, or local rule shall be
19 published on the court's website and posted on signs
20 throughout the courthouse, including in the clerk's office.
21 The sign shall be written in plain language and include
22 information about the availability of remote court appearances
23 and the process for requesting a remote hearing.

24 (g) Default orders.

25 (1) A final domestic violence order of protection may
26 be entered by default:

1 (A) for any of the remedies sought in the
2 petition, if the respondent has been served with
3 documents under subsection (b) or (c) of this Section
4 and if the respondent fails to appear on the specified
5 return date or any subsequent hearing date agreed to
6 by the petitioner and respondent or set by the court;
7 or

8 (B) for any of the remedies provided under
9 paragraph (1), (2), (3), (5), (6), (7), (8), (9),
10 (10), (11), (14), (15), (17), or (18) of subsection
11 (b) of Section 112A-14 of this Code, or if the
12 respondent fails to answer or appear in accordance
13 with the date set in the publication notice or the
14 return date indicated on the service of a household
15 member.

16 (2) A final civil no contact order may be entered by
17 default for any of the remedies provided in Section
18 112A-14.5 of this Code, if the respondent has been served
19 with documents under subsection (b) or (c) of this
20 Section, and if the respondent fails to answer or appear
21 in accordance with the date set in the publication notice
22 or the return date indicated on the service of a household
23 member.

24 (3) A final stalking or harassment no contact order
25 may be entered by default for any of the remedies provided
26 by Section 112A-14.7 of this Code, if the respondent has

1 been served with documents under subsection (b) or (c) of
2 this Section and if the respondent fails to answer or
3 appear in accordance with the date set in the publication
4 notice or the return date indicated on the service of a
5 household member.

6 (Source: P.A. 102-853, eff. 1-1-23; 103-154, eff. 6-30-23.)

7 (725 ILCS 5/112A-14.7)

8 Sec. 112A-14.7. Stalking or harassment no contact order;
9 remedies.

10 (a) The court may order any of the remedies listed in this
11 Section. The remedies listed in this Section shall be in
12 addition to other civil or criminal remedies available to
13 petitioner. A stalking or harassment no contact order shall
14 order one or more of the following:

15 (1) prohibit the respondent from threatening to commit
16 or committing stalking;

17 (2) order the respondent not to have any contact with
18 the petitioner or a third person specifically named by the
19 court;

20 (3) prohibit the respondent from knowingly coming
21 within, or knowingly remaining within a specified distance
22 of the petitioner or the petitioner's residence, school,
23 daycare, or place of employment, or any specified place
24 frequented by the petitioner; however, the court may order
25 the respondent to stay away from the respondent's own

1 residence, school, or place of employment only if the
2 respondent has been provided actual notice of the
3 opportunity to appear and be heard on the petition;

4 (4) prohibit the respondent from possessing a Firearm
5 Owners Identification Card, or possessing or buying
6 firearms; and

7 (5) order other injunctive relief the court determines
8 to be necessary to protect the petitioner or third party
9 specifically named by the court.

10 (b) When the petitioner and the respondent attend the same
11 public, private, or non-public elementary, middle, or high
12 school, the court when issuing a stalking or harassment no
13 contact order and providing relief shall consider the severity
14 of the act, any continuing physical danger or emotional
15 distress to the petitioner, the educational rights guaranteed
16 to the petitioner and respondent under federal and State law,
17 the availability of a transfer of the respondent to another
18 school, a change of placement or a change of program of the
19 respondent, the expense, difficulty, and educational
20 disruption that would be caused by a transfer of the
21 respondent to another school, and any other relevant facts of
22 the case. The court may order that the respondent not attend
23 the public, private, or non-public elementary, middle, or high
24 school attended by the petitioner, order that the respondent
25 accept a change of placement or program, as determined by the
26 school district or private or non-public school, or place

1 restrictions on the respondent's movements within the school
2 attended by the petitioner. The respondent bears the burden of
3 proving by a preponderance of the evidence that a transfer,
4 change of placement, or change of program of the respondent is
5 not available. The respondent also bears the burden of
6 production with respect to the expense, difficulty, and
7 educational disruption that would be caused by a transfer of
8 the respondent to another school. A transfer, change of
9 placement, or change of program is not unavailable to the
10 respondent solely on the ground that the respondent does not
11 agree with the school district's or private or non-public
12 school's transfer, change of placement, or change of program
13 or solely on the ground that the respondent fails or refuses to
14 consent to or otherwise does not take an action required to
15 effectuate a transfer, change of placement, or change of
16 program. When a court orders a respondent to stay away from the
17 public, private, or non-public school attended by the
18 petitioner and the respondent requests a transfer to another
19 attendance center within the respondent's school district or
20 private or non-public school, the school district or private
21 or non-public school shall have sole discretion to determine
22 the attendance center to which the respondent is transferred.
23 If the court order results in a transfer of the minor
24 respondent to another attendance center, a change in the
25 respondent's placement, or a change of the respondent's
26 program, the parents, guardian, or legal custodian of the

1 respondent is responsible for transportation and other costs
2 associated with the transfer or change.

3 (c) The court may order the parents, guardian, or legal
4 custodian of a minor respondent to take certain actions or to
5 refrain from taking certain actions to ensure that the
6 respondent complies with the order. If the court orders a
7 transfer of the respondent to another school, the parents,
8 guardian, or legal custodian of the respondent are responsible
9 for transportation and other costs associated with the change
10 of school by the respondent.

11 (d) The court shall not hold a school district or private
12 or non-public school or any of its employees in civil or
13 criminal contempt unless the school district or private or
14 non-public school has been allowed to intervene.

15 (e) The court may hold the parents, guardian, or legal
16 custodian of a minor respondent in civil or criminal contempt
17 for a violation of any provision of any order entered under
18 this Article for conduct of the minor respondent in violation
19 of this Article if the parents, guardian, or legal custodian
20 directed, encouraged, or assisted the respondent minor in the
21 conduct.

22 (f) Monetary damages are not recoverable as a remedy.

23 (g) If the stalking or harassment no contact order
24 prohibits the respondent from possessing a Firearm Owner's
25 Identification Card, or possessing or buying firearms; the
26 court shall confiscate the respondent's Firearm Owner's

1 Identification Card and immediately return the card to the
2 Illinois State Police Firearm Owner's Identification Card
3 Office.

4 (Source: P.A. 102-538, eff. 8-20-21.)

5 (725 ILCS 5/112A-17.5)

6 Sec. 112A-17.5. Ex parte protective orders.

7 (a) The petitioner may request expedited consideration of
8 the petition for an ex parte protective order. The court shall
9 consider the request on an expedited basis without requiring
10 the respondent's presence or requiring notice to the
11 respondent.

12 (b) Issuance of ex parte protective orders in cases
13 involving domestic violence. An ex parte domestic violence
14 order of protection shall be issued if petitioner satisfies
15 the requirements of this subsection (b) for one or more of the
16 requested remedies. For each remedy requested, petitioner
17 shall establish that:

18 (1) the court has jurisdiction under Section 112A-9 of
19 this Code;

20 (2) the requirements of subsection (a) of Section
21 112A-11.5 of this Code are satisfied; and

22 (3) there is good cause to grant the remedy,
23 regardless of prior service of process or notice upon the
24 respondent, because:

25 (A) for the remedy of prohibition of abuse

1 described in paragraph (1) of subsection (b) of
2 Section 112A-14 of this Code; stay away order and
3 additional prohibitions described in paragraph (3) of
4 subsection (b) of Section 112A-14 of this Code;
5 removal or concealment of minor child described in
6 paragraph (8) of subsection (b) of Section 112A-14 of
7 this Code; order to appear described in paragraph (9)
8 of subsection (b) of Section 112A-14 of this Code;
9 physical care and possession of the minor child
10 described in paragraph (5) of subsection (b) of
11 Section 112A-14 of this Code; protection of property
12 described in paragraph (11) of subsection (b) of
13 Section 112A-14 of this Code; prohibition of entry
14 described in paragraph (14) of subsection (b) of
15 Section 112A-14 of this Code; prohibition of firearm
16 possession described in paragraph (14.5) of subsection
17 (b) of Section 112A-14 of this Code; prohibition of
18 access to records described in paragraph (15) of
19 subsection (b) of Section 112A-14 of this Code;
20 injunctive relief described in paragraph (16) of
21 subsection (b) of Section 112A-14 of this Code; and
22 telephone services described in paragraph (18) of
23 subsection (b) of Section 112A-14 of this Code, the
24 harm which that remedy is intended to prevent would be
25 likely to occur if the respondent were given any prior
26 notice, or greater notice than was actually given, of

1 the petitioner's efforts to obtain judicial relief;

2 (B) for the remedy of grant of exclusive
3 possession of residence described in paragraph (2) of
4 subsection (b) of Section 112A-14 of this Code; the
5 immediate danger of further abuse of the petitioner by
6 the respondent, if the petitioner chooses or had
7 chosen to remain in the residence or household while
8 the respondent was given any prior notice or greater
9 notice than was actually given of the petitioner's
10 efforts to obtain judicial relief outweighs the
11 hardships to the respondent of an emergency order
12 granting the petitioner exclusive possession of the
13 residence or household; and the remedy shall not be
14 denied because the petitioner has or could obtain
15 temporary shelter elsewhere while prior notice is
16 given to the respondent, unless the hardship to the
17 respondent from exclusion from the home substantially
18 outweigh the hardship to the petitioner; or

19 (C) for the remedy of possession of personal
20 property described in paragraph (10) of subsection (b)
21 of Section 112A-14 of this Code; improper disposition
22 of the personal property would be likely to occur if
23 the respondent were given any prior notice, or greater
24 notice than was actually given, of the petitioner's
25 efforts to obtain judicial relief or the petitioner
26 has an immediate and pressing need for the possession

1 of that property.

2 An ex parte domestic violence order of protection may not
3 include the counseling, custody, or payment of support or
4 monetary compensation remedies provided by paragraphs (4),
5 (12), (13), and (16) of subsection (b) of Section 112A-14 of
6 this Code.

7 (c) Issuance of ex parte civil no contact order in cases
8 involving sexual offenses. An ex parte civil no contact order
9 shall be issued if the petitioner establishes that:

10 (1) the court has jurisdiction under Section 112A-9 of
11 this Code;

12 (2) the requirements of subsection (a) of Section
13 112A-11.5 of this Code are satisfied; and

14 (3) there is good cause to grant the remedy,
15 regardless of prior service of process or of notice upon
16 the respondent, because the harm which that remedy is
17 intended to prevent would be likely to occur if the
18 respondent were given any prior notice, or greater notice
19 than was actually given, of the petitioner's efforts to
20 obtain judicial relief.

21 The court may order any of the remedies under Section
22 112A-14.5 of this Code.

23 (d) Issuance of ex parte stalking or harassment no contact
24 order in cases involving stalking offenses. An ex parte
25 stalking or harassment no contact order shall be issued if the
26 petitioner establishes that:

1 (1) the court has jurisdiction under Section 112A-9 of
2 this Code;

3 (2) the requirements of subsection (a) of Section
4 112A-11.5 of this Code are satisfied; and

5 (3) there is good cause to grant the remedy,
6 regardless of prior service of process or of notice upon
7 the respondent, because the harm which that remedy is
8 intended to prevent would be likely to occur if the
9 respondent were given any prior notice, or greater notice
10 than was actually given, of the petitioner's efforts to
11 obtain judicial relief.

12 The court may order any of the remedies under Section
13 112A-14.7 of this Code.

14 (e) Issuance of ex parte protective orders on court
15 holidays and evenings.

16 When the court is unavailable at the close of business,
17 the petitioner may file a petition for an ex parte protective
18 order before any available circuit judge or associate judge
19 who may grant relief under this Article. If the judge finds
20 that petitioner has satisfied the prerequisites in subsection
21 (b), (c), or (d) of this Section, the judge shall issue an ex
22 parte protective order.

23 The chief judge of the circuit court may designate for
24 each county in the circuit at least one judge to be reasonably
25 available to issue orally, by telephone, by facsimile, or
26 otherwise, an ex parte protective order at all times, whether

1 or not the court is in session.

2 The judge who issued the order under this Section shall
3 promptly communicate or convey the order to the sheriff to
4 facilitate the entry of the order into the Law Enforcement
5 Agencies Data System by the Illinois State Police under
6 Section 112A-28 of this Code. Any order issued under this
7 Section and any documentation in support of it shall be
8 certified on the next court day to the appropriate court. The
9 clerk of that court shall immediately assign a case number,
10 file the petition, order, and other documents with the court
11 and enter the order of record and file it with the sheriff for
12 service under subsection (f) of this Section. Failure to
13 comply with the requirements of this subsection (e) shall not
14 affect the validity of the order.

15 (f) Service of ex parte protective order on respondent.

16 (1) If an ex parte protective order is entered at the
17 time a summons or arrest warrant is issued for the
18 criminal charge, the petition for the protective order,
19 any supporting affidavits, if any, and the ex parte
20 protective order that has been issued shall be served with
21 the summons or arrest warrant. The enforcement of a
22 protective order under Section 112A-23 of this Code shall
23 not be affected by the lack of service or delivery,
24 provided the requirements of subsection (a) of Section
25 112A-23 of this Code are otherwise met.

26 (2) If an ex parte protective order is entered after a

1 summons or arrest warrant is issued and before the
2 respondent makes an initial appearance in the criminal
3 case, the summons shall be in the form prescribed by
4 subsection (d) of Supreme Court Rule 101, except that it
5 shall require respondent to answer or appear within 7 days
6 and shall be accompanied by the petition for the
7 protective order, any supporting affidavits, if any, and
8 the ex parte protective order that has been issued.

9 (3) If an ex parte protective order is entered after
10 the respondent has been served notice of a petition for a
11 final protective order and the respondent has requested a
12 continuance to respond to the petition, the ex parte
13 protective order shall be served: (A) in open court if the
14 respondent is present at the proceeding at which the order
15 was entered; or (B) by summons in the form prescribed by
16 subsection (d) of Supreme Court Rule 101.

17 (4) No fee shall be charged for service of summons.

18 (5) The summons shall be served by the sheriff or
19 other law enforcement officer at the earliest time and
20 shall take precedence over other summonses except those of
21 a similar emergency nature. Special process servers may be
22 appointed at any time, and their designation shall not
23 affect the responsibilities and authority of the sheriff
24 or other official process servers. In a county with a
25 population over 3,000,000, a special process server may
26 not be appointed if an ex parte protective order grants

1 the surrender of a child, the surrender of a firearm or
2 Firearm Owner's Identification Card, or the exclusive
3 possession of a shared residence. Process may be served in
4 court.

5 (g) Upon 7 days' notice to the petitioner, or a shorter
6 notice period as the court may prescribe, a respondent subject
7 to an ex parte protective order may appear and petition the
8 court to re-hear the petition. Any petition to re-hear shall
9 be verified and shall allege the following:

10 (1) that respondent did not receive prior notice of
11 the initial hearing in which the ex parte protective order
12 was entered under Section 112A-17.5 of this Code; and

13 (2) that respondent had a meritorious defense to the
14 order or any of its remedies or that the order or any of
15 its remedies was not authorized under this Article.

16 The verified petition and affidavit shall set forth the
17 evidence of the meritorious defense that will be presented at
18 a hearing. If the court finds that the evidence presented at
19 the hearing on the petition establishes a meritorious defense
20 by a preponderance of the evidence, the court may decide to
21 vacate the protective order or modify the remedies.

22 (h) If the ex parte protective order granted petitioner
23 exclusive possession of the residence and the petition of
24 respondent seeks to re-open or vacate that grant, the court
25 shall set a date for hearing within 14 days on all issues
26 relating to exclusive possession. Under no circumstances shall

1 a court continue a hearing concerning exclusive possession
2 beyond the 14th day except by agreement of the petitioner and
3 the respondent. Other issues raised by the pleadings may be
4 consolidated for the hearing if the petitioner, the
5 respondent, and the court do not object.

6 (i) Duration of ex parte protective order. An ex parte
7 order shall remain in effect until the court considers the
8 request for a final protective order after notice has been
9 served on the respondent or a default final protective order
10 is entered, whichever occurs first. If a court date is
11 scheduled for the issuance of a default protective order and
12 the petitioner fails to personally appear or appear through
13 counsel or the prosecuting attorney, the petition shall be
14 dismissed and the ex parte order terminated.

15 (Source: P.A. 102-538, eff. 8-20-21.)

16 (725 ILCS 5/112A-20) (from Ch. 38, par. 112A-20)

17 Sec. 112A-20. Duration and extension of final protective
18 orders.

19 (a) (Blank).

20 (b) A final protective order shall remain in effect as
21 follows:

22 (1) if entered during pre-trial release, until
23 disposition, withdrawal, or dismissal of the underlying
24 charge; if, however, the case is continued as an
25 independent cause of action, the order's duration may be

1 for a fixed period of time not to exceed 2 years;

2 (2) if in effect in conjunction with a bond forfeiture
3 warrant, until final disposition or an additional period
4 of time not exceeding 2 years; no domestic violence order
5 of protection, however, shall be terminated by a dismissal
6 that is accompanied by the issuance of a bond forfeiture
7 warrant;

8 (3) until 2 years after the expiration of any
9 supervision, conditional discharge, probation, periodic
10 imprisonment, parole, aftercare release, or mandatory
11 supervised release for domestic violence orders of
12 protection and civil no contact orders;

13 (4) until 2 years after the date set by the court for
14 expiration of any sentence of imprisonment and subsequent
15 parole, aftercare release, or mandatory supervised release
16 for domestic violence orders of protection and civil no
17 contact orders;

18 (5) permanent for a stalking or harassment no contact
19 order if a judgment of conviction for stalking is entered;
20 or

21 (6) permanent for a civil no contact order at the
22 victim's request if a judgment of conviction for criminal
23 sexual assault, aggravated criminal sexual assault,
24 criminal sexual abuse, excluding a conviction under
25 subsection (c) of Section 11-1.50 of the Criminal Code of
26 2012, or aggravated criminal sexual abuse is entered.

1 (c) Computation of time. The duration of a domestic
2 violence order of protection shall not be reduced by the
3 duration of any prior domestic violence order of protection.

4 (d) Law enforcement records. When a protective order
5 expires upon the occurrence of a specified event, rather than
6 upon a specified date as provided in subsection (b), no
7 expiration date shall be entered in Illinois State Police
8 records. To remove the protective order from those records,
9 either the petitioner or the respondent shall request the
10 clerk of the court to file a certified copy of an order stating
11 that the specified event has occurred or that the protective
12 order has been vacated or modified with the sheriff, and the
13 sheriff shall direct that law enforcement records shall be
14 promptly corrected in accordance with the filed order.

15 (e) Extension of Orders. Any domestic violence order of
16 protection or civil no contact order that expires 2 years
17 after the expiration of the defendant's sentence under
18 paragraph (2), (3), or (4) of subsection (b) of Section
19 112A-20 of this Article may be extended one or more times, as
20 required. The petitioner, petitioner's counsel, or the State's
21 Attorney on the petitioner's behalf shall file the motion for
22 an extension of the final protective order in the criminal
23 case and serve the motion in accordance with Supreme Court
24 Rules 11 and 12. The court shall transfer the motion to the
25 appropriate court or division for consideration under
26 subsection (e) of Section 220 of the Illinois Domestic

1 Violence Act of 1986, subsection (c) of Section 216 of the
2 Civil No Contact Order Act, or subsection (c) of Section 105 of
3 the Stalking or Harassment No Contact Order as appropriate.

4 (f) Termination date. Any final protective order which
5 would expire on a court holiday shall instead expire at the
6 close of the next court business day.

7 (g) Statement of purpose. The practice of dismissing or
8 suspending a criminal prosecution in exchange for issuing a
9 protective order undermines the purposes of this Article. This
10 Section shall not be construed as encouraging that practice.

11 (Source: P.A. 102-184, eff. 1-1-22; 102-538, eff. 8-20-21;
12 102-813, eff. 5-13-22.)

13 (725 ILCS 5/112A-21.7)

14 Sec. 112A-21.7. Contents of stalking or harassment no
15 contact orders.

16 (a) Any stalking or harassment no contact order shall
17 describe each remedy granted by the court, in reasonable
18 detail and not by reference to any other document, so that the
19 respondent may clearly understand what he or she must do or
20 refrain from doing.

21 (b) A stalking or harassment no contact order shall
22 further state the following:

23 (1) The name of each petitioner that the court finds
24 was the victim of stalking by the respondent.

25 (2) The date and time the stalking or harassment no

1 contact order was issued.

2 (c) A stalking or harassment no contact order shall
3 include the following notice, printed in conspicuous type:

4 "An initial knowing violation of a stalking or
5 harassment no contact order is a Class A misdemeanor. Any
6 second or subsequent knowing violation is a Class 4
7 felony."

8 "This Stalking or Harassment No Contact Order is
9 enforceable, even without registration, in all 50 states,
10 the District of Columbia, tribal lands, and the U.S.
11 territories under the Violence Against Women Act (18
12 U.S.C. 2265)."

13 (Source: P.A. 100-199, eff. 1-1-18.)

14 (725 ILCS 5/112A-23) (from Ch. 38, par. 112A-23)

15 Sec. 112A-23. Enforcement of protective orders.

16 (a) When violation is crime. A violation of any protective
17 order, whether issued in a civil, quasi-criminal proceeding or
18 by a military judge, shall be enforced by a criminal court
19 when:

20 (1) The respondent commits the crime of violation of a
21 domestic violence order of protection pursuant to Section
22 12-3.4 or 12-30 of the Criminal Code of 1961 or the
23 Criminal Code of 2012, by having knowingly violated:

24 (i) remedies described in paragraph (1), (2), (3),
25 (14), or (14.5) of subsection (b) of Section 112A-14

1 of this Code,

2 (ii) a remedy, which is substantially similar to
3 the remedies authorized under paragraph (1), (2), (3),
4 (14), or (14.5) of subsection (b) of Section 214 of the
5 Illinois Domestic Violence Act of 1986, in a valid
6 order of protection, which is authorized under the
7 laws of another state, tribe, or United States
8 territory, or

9 (iii) any other remedy when the act constitutes a
10 crime against the protected parties as defined by the
11 Criminal Code of 1961 or the Criminal Code of 2012.

12 Prosecution for a violation of a domestic violence
13 order of protection shall not bar concurrent prosecution
14 for any other crime, including any crime that may have
15 been committed at the time of the violation of the
16 domestic violence order of protection; or

17 (2) The respondent commits the crime of child
18 abduction pursuant to Section 10-5 of the Criminal Code of
19 1961 or the Criminal Code of 2012, by having knowingly
20 violated:

21 (i) remedies described in paragraph (5), (6), or
22 (8) of subsection (b) of Section 112A-14 of this Code,
23 or

24 (ii) a remedy, which is substantially similar to
25 the remedies authorized under paragraph (1), (5), (6),
26 or (8) of subsection (b) of Section 214 of the Illinois

1 Domestic Violence Act of 1986, in a valid domestic
2 violence order of protection, which is authorized
3 under the laws of another state, tribe, or United
4 States territory.

5 (3) The respondent commits the crime of violation of a
6 civil no contact order when the respondent violates
7 Section 12-3.8 of the Criminal Code of 2012. Prosecution
8 for a violation of a civil no contact order shall not bar
9 concurrent prosecution for any other crime, including any
10 crime that may have been committed at the time of the
11 violation of the civil no contact order.

12 (4) The respondent commits the crime of violation of a
13 stalking or harassment no contact order when the
14 respondent violates Section 12-3.9 of the Criminal Code of
15 2012. Prosecution for a violation of a stalking or
16 harassment no contact order shall not bar concurrent
17 prosecution for any other crime, including any crime that
18 may have been committed at the time of the violation of the
19 stalking or harassment no contact order.

20 (b) When violation is contempt of court. A violation of
21 any valid protective order, whether issued in a civil or
22 criminal proceeding or by a military judge, may be enforced
23 through civil or criminal contempt procedures, as appropriate,
24 by any court with jurisdiction, regardless where the act or
25 acts which violated the protective order were committed, to
26 the extent consistent with the venue provisions of this

1 Article. Nothing in this Article shall preclude any Illinois
2 court from enforcing any valid protective order issued in
3 another state. Illinois courts may enforce protective orders
4 through both criminal prosecution and contempt proceedings,
5 unless the action which is second in time is barred by
6 collateral estoppel or the constitutional prohibition against
7 double jeopardy.

8 (1) In a contempt proceeding where the petition for a
9 rule to show cause sets forth facts evidencing an
10 immediate danger that the respondent will flee the
11 jurisdiction, conceal a child, or inflict physical abuse
12 on the petitioner or minor children or on dependent adults
13 in petitioner's care, the court may order the attachment
14 of the respondent without prior service of the rule to
15 show cause or the petition for a rule to show cause. Bond
16 shall be set unless specifically denied in writing.

17 (2) A petition for a rule to show cause for violation
18 of a protective order shall be treated as an expedited
19 proceeding.

20 (c) Violation of custody, allocation of parental
21 responsibility, or support orders. A violation of remedies
22 described in paragraph (5), (6), (8), or (9) of subsection (b)
23 of Section 112A-14 of this Code may be enforced by any remedy
24 provided by Section 607.5 of the Illinois Marriage and
25 Dissolution of Marriage Act. The court may enforce any order
26 for support issued under paragraph (12) of subsection (b) of

1 Section 112A-14 of this Code in the manner provided for under
2 Parts V and VII of the Illinois Marriage and Dissolution of
3 Marriage Act.

4 (d) Actual knowledge. A protective order may be enforced
5 pursuant to this Section if the respondent violates the order
6 after the respondent has actual knowledge of its contents as
7 shown through one of the following means:

8 (1) (Blank).

9 (2) (Blank).

10 (3) By service of a protective order under subsection
11 (f) of Section 112A-17.5 or Section 112A-22 of this Code.

12 (4) By other means demonstrating actual knowledge of
13 the contents of the order.

14 (e) The enforcement of a protective order in civil or
15 criminal court shall not be affected by either of the
16 following:

17 (1) The existence of a separate, correlative order
18 entered under Section 112A-15 of this Code.

19 (2) Any finding or order entered in a conjoined
20 criminal proceeding.

21 (e-5) If a civil no contact order entered under subsection
22 (6) of Section 112A-20 of the Code of Criminal Procedure of
23 1963 conflicts with an order issued pursuant to the Juvenile
24 Court Act of 1987 or the Illinois Marriage and Dissolution of
25 Marriage Act, the conflicting order issued under subsection
26 (6) of Section 112A-20 of the Code of Criminal Procedure of

1 1963 shall be void.

2 (f) Circumstances. The court, when determining whether or
3 not a violation of a protective order has occurred, shall not
4 require physical manifestations of abuse on the person of the
5 victim.

6 (g) Penalties.

7 (1) Except as provided in paragraph (3) of this
8 subsection (g), where the court finds the commission of a
9 crime or contempt of court under subsection (a) or (b) of
10 this Section, the penalty shall be the penalty that
11 generally applies in such criminal or contempt
12 proceedings, and may include one or more of the following:
13 incarceration, payment of restitution, a fine, payment of
14 attorneys' fees and costs, or community service.

15 (2) The court shall hear and take into account
16 evidence of any factors in aggravation or mitigation
17 before deciding an appropriate penalty under paragraph (1)
18 of this subsection (g).

19 (3) To the extent permitted by law, the court is
20 encouraged to:

21 (i) increase the penalty for the knowing violation
22 of any protective order over any penalty previously
23 imposed by any court for respondent's violation of any
24 protective order or penal statute involving petitioner
25 as victim and respondent as defendant;

26 (ii) impose a minimum penalty of 24 hours

1 imprisonment for respondent's first violation of any
2 protective order; and

3 (iii) impose a minimum penalty of 48 hours
4 imprisonment for respondent's second or subsequent
5 violation of a protective order

6 unless the court explicitly finds that an increased
7 penalty or that period of imprisonment would be manifestly
8 unjust.

9 (4) In addition to any other penalties imposed for a
10 violation of a protective order, a criminal court may
11 consider evidence of any violations of a protective order:

12 (i) to modify the conditions of pretrial release
13 on an underlying criminal charge pursuant to Section
14 110-6 of this Code;

15 (ii) to revoke or modify an order of probation,
16 conditional discharge, or supervision, pursuant to
17 Section 5-6-4 of the Unified Code of Corrections;

18 (iii) to revoke or modify a sentence of periodic
19 imprisonment, pursuant to Section 5-7-2 of the Unified
20 Code of Corrections.

21 (Source: P.A. 102-184, eff. 1-1-22; 102-558, eff. 8-20-21;
22 102-813, eff. 5-13-22; 102-890, eff. 5-19-22; 103-407, eff.
23 7-28-23.)

24 (725 ILCS 5/112A-24) (from Ch. 38, par. 112A-24)
25 Sec. 112A-24. Modification, re-opening, and extension of

1 orders.

2 (a) Except as otherwise provided in this Section, upon
3 motion by petitioner, petitioner's counsel, or the State's
4 Attorney on behalf of the petitioner, the court may modify a
5 protective order:

6 (1) If respondent has abused petitioner since the
7 hearing for that order, by adding or altering one or more
8 remedies, as authorized by Section 112A-14, 112A-14.5, or
9 112A-14.7 of this Code; and

10 (2) Otherwise, by adding any remedy authorized by
11 Section 112A-14, 112A-14.5, or 112A-14.7 which was:

12 (i) reserved in that protective order;

13 (ii) not requested for inclusion in that
14 protective order; or

15 (iii) denied on procedural grounds, but not on the
16 merits.

17 (a-5) A petitioner, petitioner's counsel, or the State's
18 Attorney on the petitioner's behalf may file a motion to
19 vacate or modify a final stalking or harassment no contact
20 order. The motion shall be served in accordance with Supreme
21 Court Rules 11 and 12.

22 (b) Upon motion by the petitioner, petitioner's counsel,
23 State's Attorney, or respondent, the court may modify any
24 prior domestic violence order of protection's remedy for
25 custody, visitation or payment of support in accordance with
26 the relevant provisions of the Illinois Marriage and

1 Dissolution of Marriage Act.

2 (c) After 30 days following the entry of a protective
3 order, a court may modify that order only when changes in the
4 applicable law or facts since that final order was entered
5 warrant a modification of its terms.

6 (d) (Blank).

7 (e) (Blank).

8 (f) (Blank).

9 (g) This Section does not limit the means, otherwise
10 available by law, for vacating or modifying protective orders.
11 (Source: P.A. 100-199, eff. 1-1-18; 100-597, eff. 6-29-18.)

12 (725 ILCS 5/112A-26) (from Ch. 38, par. 112A-26)

13 Sec. 112A-26. Arrest without warrant.

14 (a) Any law enforcement officer may make an arrest without
15 warrant if the officer has probable cause to believe that the
16 person has committed or is committing any crime, including but
17 not limited to violation of a domestic violence order of
18 protection, under Section 12-3.4 or 12-30 of the Criminal Code
19 of 1961 or the Criminal Code of 2012, violation of a civil no
20 contact order, under Section 11-1.75 of the Criminal Code of
21 2012, or violation of a stalking or harassment no contact
22 order, under Section 12-7.5A of the Criminal Code of 2012,
23 even if the crime was not committed in the presence of the
24 officer.

25 (b) The law enforcement officer may verify the existence

1 of a protective order by telephone or radio communication with
2 his or her law enforcement agency or by referring to the copy
3 of the order provided by petitioner or respondent.

4 (Source: P.A. 100-199, eff. 1-1-18; 100-597, eff. 6-29-18.)

5 (725 ILCS 5/112A-28) (from Ch. 38, par. 112A-28)

6 Sec. 112A-28. Data maintenance by law enforcement
7 agencies.

8 (a) All sheriffs shall furnish to the Illinois State
9 Police, daily, in the form and detail the Illinois State
10 Police requires, copies of any recorded protective orders
11 issued by the court, and any foreign protective orders,
12 including, but not limited to, an order of protection issued
13 by a military judge, filed by the clerk of the court, and
14 transmitted to the sheriff by the clerk of the court. Each
15 protective order shall be entered in the Law Enforcement
16 Agencies Data System on the same day it is issued by the court.

17 (b) The Illinois State Police shall maintain a complete
18 and systematic record and index of all valid and recorded
19 protective orders issued or filed under this Act. The data
20 shall be used to inform all dispatchers and law enforcement
21 officers at the scene of an alleged incident of abuse or
22 violation of a protective order of any recorded prior incident
23 of abuse involving the abused party and the effective dates
24 and terms of any recorded protective order.

25 (c) The data, records and transmittals required under this

1 Section shall pertain to:

2 (1) any valid emergency, interim or plenary domestic
3 violence order of protection, civil no contact or stalking
4 or harassment no contact order issued in a civil
5 proceeding; and

6 (2) any valid ex parte or final protective order
7 issued in a criminal proceeding or authorized under the
8 laws of another state, tribe, or United States territory.

9 (Source: P.A. 102-538, eff. 8-20-21; 102-890, eff. 5-19-22;
10 103-407, eff. 7-28-23.)

11 Section 25. The Rights of Crime Victims and Witnesses Act
12 is amended by changing Section 3 as follows:

13 (725 ILCS 120/3) (from Ch. 38, par. 1403)

14 Sec. 3. The terms used in this Act shall have the following
15 meanings:

16 (a) "Crime victim" or "victim" means: (1) any natural
17 person determined by the prosecutor or the court to have
18 suffered direct physical or psychological harm as a result of
19 a violent crime perpetrated or attempted against that person
20 or direct physical or psychological harm as a result of (i) a
21 violation of Section 11-501 of the Illinois Vehicle Code or
22 similar provision of a local ordinance or (ii) a violation of
23 Section 9-3 of the Criminal Code of 1961 or the Criminal Code
24 of 2012; (2) in the case of a crime victim who is under 18

1 years of age or an adult victim who is incompetent or
2 incapacitated, both parents, legal guardians, foster parents,
3 or a single adult representative; (3) in the case of an adult
4 deceased victim, 2 representatives who may be the spouse,
5 parent, child or sibling of the victim, or the representative
6 of the victim's estate; and (4) an immediate family member of a
7 victim under clause (1) of this paragraph (a) chosen by the
8 victim. If the victim is 18 years of age or over, the victim
9 may choose any person to be the victim's representative. In no
10 event shall the defendant or any person who aided and abetted
11 in the commission of the crime be considered a victim, a crime
12 victim, or a representative of the victim.

13 A board, agency, or other governmental entity making
14 decisions regarding an offender's release, sentence reduction,
15 or clemency can determine additional persons are victims for
16 the purpose of its proceedings.

17 (a-3) "Advocate" means a person whose communications with
18 the victim are privileged under Section 8-802.1 or 8-802.2 of
19 the Code of Civil Procedure, or Section 227 of the Illinois
20 Domestic Violence Act of 1986.

21 (a-5) "Confer" means to consult together, share
22 information, compare opinions and carry on a discussion or
23 deliberation.

24 (a-6) "DNA database" means a collection of DNA profiles
25 from forensic casework or specimens from anonymous,
26 identified, and unidentified sources that is created to search

1 DNA records against each other to develop investigative leads
2 among forensic cases.

3 (a-7) "Sentence" includes, but is not limited to, the
4 imposition of sentence, a request for a reduction in sentence,
5 parole, mandatory supervised release, aftercare release, early
6 release, inpatient treatment, outpatient treatment,
7 conditional release after a finding that the defendant is not
8 guilty by reason of insanity, clemency, or a proposal that
9 would reduce the defendant's sentence or result in the
10 defendant's release. "Early release" refers to a discretionary
11 release.

12 (a-9) "Sentencing" includes, but is not limited to, the
13 imposition of sentence and a request for a reduction in
14 sentence, parole, mandatory supervised release, aftercare
15 release, early release, consideration of inpatient treatment
16 or outpatient treatment, or conditional release after a
17 finding that the defendant is not guilty by reason of
18 insanity.

19 (a-10) "Status hearing" means a hearing designed to
20 provide information to the court, at which no motion of a
21 substantive nature and no constitutional or statutory right of
22 a crime victim is implicated or at issue.

23 (b) "Witness" means: any person who personally observed
24 the commission of a crime and who will testify on behalf of the
25 State of Illinois; or a person who will be called by the
26 prosecution to give testimony establishing a necessary nexus

1 between the offender and the violent crime.

2 (c) "Violent crime" means: (1) any felony in which force
3 or threat of force was used against the victim; (2) any offense
4 involving sexual exploitation, sexual conduct, or sexual
5 penetration; (3) a violation of Section 11-20.1, 11-20.1B,
6 11-20.3, 11-23, or 11-23.5 of the Criminal Code of 1961 or the
7 Criminal Code of 2012; (4) domestic battery or stalking; (5)
8 violation of an order of protection, a civil no contact order,
9 or a stalking or harassment no contact order; (6) any
10 misdemeanor which results in death or great bodily harm to the
11 victim; or (7) any violation of Section 9-3 of the Criminal
12 Code of 1961 or the Criminal Code of 2012, or Section 11-501 of
13 the Illinois Vehicle Code, or a similar provision of a local
14 ordinance, if the violation resulted in personal injury or
15 death. "Violent crime" includes any action committed by a
16 juvenile that would be a violent crime if committed by an
17 adult. For the purposes of this paragraph, "personal injury"
18 shall include any Type A injury as indicated on the traffic
19 crash report completed by a law enforcement officer that
20 requires immediate professional attention in either a doctor's
21 office or medical facility. A type A injury shall include
22 severely bleeding wounds, distorted extremities, and injuries
23 that require the injured party to be carried from the scene.

24 (d) (Blank).

25 (e) "Court proceedings" includes, but is not limited to,
26 the preliminary hearing, any post-arraignment hearing the

1 effect of which may be the release of the defendant from
2 custody or to alter the conditions of bond, change of plea
3 hearing, the trial, any pretrial or post-trial hearing,
4 sentencing, any oral argument or hearing before an Illinois
5 appellate court, any hearing under the Mental Health and
6 Developmental Disabilities Code or Section 5-2-4 of the
7 Unified Code of Corrections after a finding that the defendant
8 is not guilty by reason of insanity, including a hearing for
9 conditional release, any hearing related to a modification of
10 sentence, probation revocation hearing, aftercare release or
11 parole hearings, post-conviction relief proceedings, habeas
12 corpus proceedings and clemency proceedings related to the
13 defendant's conviction or sentence. For purposes of the
14 victim's right to be present, "court proceedings" does not
15 include (1) grand jury proceedings, (2) status hearings, or
16 (3) the issuance of an order or decision of an Illinois court
17 that dismisses a charge, reverses a conviction, reduces a
18 sentence, or releases an offender under a court rule.

19 (f) "Concerned citizen" includes relatives of the victim,
20 friends of the victim, witnesses to the crime, or any other
21 person associated with the victim or prisoner.

22 (g) "Victim's attorney" means an attorney retained by the
23 victim for the purposes of asserting the victim's
24 constitutional and statutory rights. An attorney retained by
25 the victim means an attorney who is hired to represent the
26 victim at the victim's expense or an attorney who has agreed to

1 provide pro bono representation. Nothing in this statute
2 creates a right to counsel at public expense for a victim.

3 (h) "Support person" means a person chosen by a victim to
4 be present at court proceedings.

5 (Source: P.A. 102-982, eff. 7-1-23; 102-1104, eff. 1-1-23;
6 103-792, eff. 1-1-25.)

7 Section 30. The Unified Code of Corrections is amended by
8 changing Sections 3-2.5-95 and 3-3-7 as follows:

9 (730 ILCS 5/3-2.5-95)

10 Sec. 3-2.5-95. Conditions of aftercare release.

11 (a) The conditions of aftercare release for all youth
12 committed to the Department under the Juvenile Court Act of
13 1987 shall be such as the Department of Juvenile Justice deems
14 necessary to assist the youth in leading a law-abiding life.
15 The conditions of every aftercare release are that the youth:

16 (1) not violate any criminal statute of any
17 jurisdiction during the aftercare release term;

18 (2) refrain from possessing a firearm or other
19 dangerous weapon;

20 (3) report to an agent of the Department;

21 (4) permit the agent or aftercare specialist to visit
22 the youth at his or her home, employment, or elsewhere to
23 the extent necessary for the agent or aftercare specialist
24 to discharge his or her duties;

- 1 (5) reside at a Department-approved host site;
- 2 (6) secure permission before visiting or writing a
3 committed person in an Illinois Department of Corrections
4 or Illinois Department of Juvenile Justice facility;
- 5 (7) report all arrests to an agent of the Department
6 as soon as permitted by the arresting authority but in no
7 event later than 24 hours after release from custody and
8 immediately report service or notification of an order of
9 protection, a civil no contact order, or a stalking or
10 harassment no contact order to an agent of the Department;
- 11 (8) obtain permission of an agent of the Department
12 before leaving the State of Illinois;
- 13 (9) obtain permission of an agent of the Department
14 before changing his or her residence or employment;
- 15 (10) consent to a search of his or her person,
16 property, or residence under his or her control;
- 17 (11) refrain from the use or possession of narcotics
18 or other controlled substances in any form, or both, or
19 any paraphernalia related to those substances and submit
20 to a urinalysis test as instructed by an agent of the
21 Department;
- 22 (12) not frequent places where controlled substances
23 are illegally sold, used, distributed, or administered;
- 24 (13) not knowingly associate with other persons on
25 parole, aftercare release, or mandatory supervised release
26 without prior written permission of his or her aftercare

1 specialist and not associate with persons who are members
2 of an organized gang as that term is defined in the
3 Illinois Streetgang Terrorism Omnibus Prevention Act;

4 (14) provide true and accurate information, as it
5 relates to his or her adjustment in the community while on
6 aftercare release or to his or her conduct while
7 incarcerated, in response to inquiries by an agent of the
8 Department;

9 (15) follow any specific instructions provided by the
10 agent that are consistent with furthering conditions set
11 and approved by the Department or by law to achieve the
12 goals and objectives of his or her aftercare release or to
13 protect the public; these instructions by the agent may be
14 modified at any time, as the agent deems appropriate;

15 (16) comply with the terms and conditions of an order
16 of protection issued under the Illinois Domestic Violence
17 Act of 1986; an order of protection issued by the court of
18 another state, tribe, or United States territory; a no
19 contact order issued under the Civil No Contact Order Act;
20 or a no contact order issued under the Stalking or
21 Harassment No Contact Order Act;

22 (17) if convicted of a sex offense as defined in the
23 Sex Offender Management Board Act, and a sex offender
24 treatment provider has evaluated and recommended further
25 sex offender treatment while on aftercare release, the
26 youth shall undergo treatment by a sex offender treatment

1 provider or associate sex offender provider as defined in
2 the Sex Offender Management Board Act at his or her
3 expense based on his or her ability to pay for the
4 treatment;

5 (18) if convicted of a sex offense as defined in the
6 Sex Offender Management Board Act, refrain from residing
7 at the same address or in the same condominium unit or
8 apartment unit or in the same condominium complex or
9 apartment complex with another person he or she knows or
10 reasonably should know is a convicted sex offender or has
11 been placed on supervision for a sex offense; the
12 provisions of this paragraph do not apply to a person
13 convicted of a sex offense who is placed in a Department of
14 Corrections licensed transitional housing facility for sex
15 offenders, or is in any facility operated or licensed by
16 the Department of Children and Family Services or by the
17 Department of Human Services, or is in any licensed
18 medical facility;

19 (19) if convicted for an offense that would qualify
20 the offender as a sexual predator under the Sex Offender
21 Registration Act wear an approved electronic monitoring
22 device as defined in Section 5-8A-2 for the duration of
23 the youth's aftercare release term and if convicted for an
24 offense of criminal sexual assault, aggravated criminal
25 sexual assault, predatory criminal sexual assault of a
26 child, criminal sexual abuse, aggravated criminal sexual

1 abuse, or ritualized abuse of a child when the victim was
2 under 18 years of age at the time of the commission of the
3 offense and the offender used force or the threat of force
4 in the commission of the offense wear an approved
5 electronic monitoring device as defined in Section 5-8A-2
6 that has Global Positioning System (GPS) capability for
7 the duration of the youth's aftercare release term;

8 (20) if convicted for an offense that would qualify
9 the offender as a child sex offender as defined in Section
10 11-9.3 or 11-9.4 of the Criminal Code of 1961 or the
11 Criminal Code of 2012, refrain from communicating with or
12 contacting, by means of the Internet, a person who is not
13 related to the offender and whom the offender reasonably
14 believes to be under 18 years of age; for purposes of this
15 paragraph (20), "Internet" has the meaning ascribed to it
16 in Section 16-0.1 of the Criminal Code of 2012; and a
17 person is not related to the offender if the person is not:
18 (A) the spouse, brother, or sister of the offender; (B) a
19 descendant of the offender; (C) a first or second cousin
20 of the offender; or (D) a step-child or adopted child of
21 the offender;

22 (21) if convicted under Section 11-6, 11-20.1,
23 11-20.1B, 11-20.3, or 11-21 of the Criminal Code of 1961
24 or the Criminal Code of 2012, consent to search of
25 computers, PDAs, cellular phones, and other devices under
26 his or her control that are capable of accessing the

1 Internet or storing electronic files, in order to confirm
2 Internet protocol addresses reported in accordance with
3 the Sex Offender Registration Act and compliance with
4 conditions in this Act;

5 (22) if convicted for an offense that would qualify
6 the offender as a sex offender or sexual predator under
7 the Sex Offender Registration Act, not possess
8 prescription drugs for erectile dysfunction;

9 (23) if convicted for an offense under Section 11-6,
10 11-9.1, 11-14.4 that involves soliciting for a juvenile
11 prostitute, 11-15.1, 11-20.1, 11-20.1B, 11-20.3, or 11-21
12 of the Criminal Code of 1961 or the Criminal Code of 2012,
13 or any attempt to commit any of these offenses:

14 (A) not access or use a computer or any other
15 device with Internet capability without the prior
16 written approval of the Department;

17 (B) submit to periodic unannounced examinations of
18 the youth's computer or any other device with Internet
19 capability by the youth's aftercare specialist, a law
20 enforcement officer, or assigned computer or
21 information technology specialist, including the
22 retrieval and copying of all data from the computer or
23 device and any internal or external peripherals and
24 removal of the information, equipment, or device to
25 conduct a more thorough inspection;

26 (C) submit to the installation on the youth's

1 computer or device with Internet capability, at the
2 youth's expense, of one or more hardware or software
3 systems to monitor the Internet use; and

4 (D) submit to any other appropriate restrictions
5 concerning the youth's use of or access to a computer
6 or any other device with Internet capability imposed
7 by the Department or the youth's aftercare specialist;

8 (24) if convicted of a sex offense as defined in the
9 Sex Offender Registration Act, refrain from accessing or
10 using a social networking website as defined in Section
11 17-0.5 of the Criminal Code of 2012;

12 (25) if convicted of a sex offense as defined in
13 Section 2 of the Sex Offender Registration Act that
14 requires the youth to register as a sex offender under
15 that Act, not knowingly use any computer scrub software on
16 any computer that the youth uses;

17 (26) if convicted of a sex offense as defined in
18 subsection (a-5) of Section 3-1-2 of this Code, unless the
19 youth is a parent or guardian of a person under 18 years of
20 age present in the home and no non-familial minors are
21 present, not participate in a holiday event involving
22 children under 18 years of age, such as distributing candy
23 or other items to children on Halloween, wearing a Santa
24 Claus costume on or preceding Christmas, being employed as
25 a department store Santa Claus, or wearing an Easter Bunny
26 costume on or preceding Easter;

1 (27) if convicted of a violation of an order of
2 protection under Section 12-3.4 or Section 12-30 of the
3 Criminal Code of 1961 or the Criminal Code of 2012, be
4 placed under electronic surveillance as provided in
5 Section 5-8A-7 of this Code; and

6 (28) if convicted of a violation of the
7 Methamphetamine Control and Community Protection Act, the
8 Methamphetamine Precursor Control Act, or a
9 methamphetamine related offense, be:

10 (A) prohibited from purchasing, possessing, or
11 having under his or her control any product containing
12 pseudoephedrine unless prescribed by a physician; and

13 (B) prohibited from purchasing, possessing, or
14 having under his or her control any product containing
15 ammonium nitrate.

16 (b) The Department may in addition to other conditions
17 require that the youth:

18 (1) work or pursue a course of study or vocational
19 training;

20 (2) undergo medical or psychiatric treatment, or
21 treatment for drug addiction or alcoholism;

22 (3) attend or reside in a facility established for the
23 instruction or residence of persons on probation or
24 aftercare release;

25 (4) support his or her dependents;

26 (5) if convicted for an offense that would qualify the

1 youth as a child sex offender as defined in Section 11-9.3
2 or 11-9.4 of the Criminal Code of 1961 or the Criminal Code
3 of 2012, refrain from communicating with or contacting, by
4 means of the Internet, a person who is related to the youth
5 and whom the youth reasonably believes to be under 18
6 years of age; for purposes of this paragraph (5),
7 "Internet" has the meaning ascribed to it in Section
8 16-0.1 of the Criminal Code of 2012; and a person is
9 related to the youth if the person is: (A) the spouse,
10 brother, or sister of the youth; (B) a descendant of the
11 youth; (C) a first or second cousin of the youth; or (D) a
12 step-child or adopted child of the youth;

13 (6) if convicted for an offense that would qualify as
14 a sex offense as defined in the Sex Offender Registration
15 Act:

16 (A) not access or use a computer or any other
17 device with Internet capability without the prior
18 written approval of the Department;

19 (B) submit to periodic unannounced examinations of
20 the youth's computer or any other device with Internet
21 capability by the youth's aftercare specialist, a law
22 enforcement officer, or assigned computer or
23 information technology specialist, including the
24 retrieval and copying of all data from the computer or
25 device and any internal or external peripherals and
26 removal of the information, equipment, or device to

1 conduct a more thorough inspection;

2 (C) submit to the installation on the youth's
3 computer or device with Internet capability, at the
4 youth's offender's expense, of one or more hardware or
5 software systems to monitor the Internet use; and

6 (D) submit to any other appropriate restrictions
7 concerning the youth's use of or access to a computer
8 or any other device with Internet capability imposed
9 by the Department or the youth's aftercare specialist;
10 and

11 (7) in addition to other conditions:

12 (A) reside with his or her parents or in a foster
13 home;

14 (B) attend school;

15 (C) attend a non-residential program for youth; or

16 (D) contribute to his or her own support at home or
17 in a foster home.

18 (c) In addition to the conditions under subsections (a)
19 and (b) of this Section, youths required to register as sex
20 offenders under the Sex Offender Registration Act, upon
21 release from the custody of the Department of Juvenile
22 Justice, may be required by the Department to comply with the
23 following specific conditions of release:

24 (1) reside only at a Department approved location;

25 (2) comply with all requirements of the Sex Offender
26 Registration Act;

1 (3) notify third parties of the risks that may be
2 occasioned by his or her criminal record;

3 (4) obtain the approval of an agent of the Department
4 prior to accepting employment or pursuing a course of
5 study or vocational training and notify the Department
6 prior to any change in employment, study, or training;

7 (5) not be employed or participate in any volunteer
8 activity that involves contact with children, except under
9 circumstances approved in advance and in writing by an
10 agent of the Department;

11 (6) be electronically monitored for a specified period
12 of time from the date of release as determined by the
13 Department;

14 (7) refrain from entering into a designated geographic
15 area except upon terms approved in advance by an agent of
16 the Department; these terms may include consideration of
17 the purpose of the entry, the time of day, and others
18 accompanying the youth;

19 (8) refrain from having any contact, including written
20 or oral communications, directly or indirectly, personally
21 or by telephone, letter, or through a third party with
22 certain specified persons including, but not limited to,
23 the victim or the victim's family without the prior
24 written approval of an agent of the Department;

25 (9) refrain from all contact, directly or indirectly,
26 personally, by telephone, letter, or through a third

1 party, with minor children without prior identification
2 and approval of an agent of the Department;

3 (10) neither possess or have under his or her control
4 any material that is sexually oriented, sexually
5 stimulating, or that shows male or female sex organs or
6 any pictures depicting children under 18 years of age nude
7 or any written or audio material describing sexual
8 intercourse or that depicts or alludes to sexual activity,
9 including, but not limited to, visual, auditory,
10 telephonic, or electronic media, or any matter obtained
11 through access to any computer or material linked to
12 computer access use;

13 (11) not patronize any business providing sexually
14 stimulating or sexually oriented entertainment nor utilize
15 "900" or adult telephone numbers;

16 (12) not reside near, visit, or be in or about parks,
17 schools, day care centers, swimming pools, beaches,
18 theaters, or any other places where minor children
19 congregate without advance approval of an agent of the
20 Department and immediately report any incidental contact
21 with minor children to the Department;

22 (13) not possess or have under his or her control
23 certain specified items of contraband related to the
24 incidence of sexually offending as determined by an agent
25 of the Department;

26 (14) may be required to provide a written daily log of

1 activities if directed by an agent of the Department;

2 (15) comply with all other special conditions that the
3 Department may impose that restrict the youth from
4 high-risk situations and limit access to potential
5 victims;

6 (16) take an annual polygraph exam;

7 (17) maintain a log of his or her travel; or

8 (18) obtain prior approval of an agent of the
9 Department before driving alone in a motor vehicle.

10 (d) The conditions under which the aftercare release is to
11 be served shall be communicated to the youth in writing prior
12 to his or her release, and he or she shall sign the same before
13 release. A signed copy of these conditions, including a copy
14 of an order of protection if one had been issued by the
15 criminal court, shall be retained by the youth and another
16 copy forwarded to the officer or aftercare specialist in
17 charge of his or her supervision.

18 (e) After a revocation hearing under Section 3-3-9.5, the
19 Department of Juvenile Justice may modify or enlarge the
20 conditions of aftercare release.

21 (f) The Department shall inform all youth of the optional
22 services available to them upon release and shall assist youth
23 in availing themselves of the optional services upon their
24 release on a voluntary basis.

25 (Source: P.A. 99-628, eff. 1-1-17.)

1 (730 ILCS 5/3-3-7) (from Ch. 38, par. 1003-3-7)

2 Sec. 3-3-7. Conditions of parole or mandatory supervised
3 release.

4 (a) The conditions of parole or mandatory supervised
5 release shall be such as the Prisoner Review Board deems
6 necessary to assist the subject in leading a law-abiding life.
7 The conditions of every parole and mandatory supervised
8 release are that the subject:

9 (1) not violate any criminal statute of any
10 jurisdiction during the parole or release term;

11 (2) refrain from possessing a firearm or other
12 dangerous weapon;

13 (3) report to an agent of the Department of
14 Corrections;

15 (4) permit the agent to visit him or her at his or her
16 home, employment, or elsewhere to the extent necessary for
17 the agent to discharge his or her duties;

18 (5) attend or reside in a facility established for the
19 instruction or residence of persons on parole or mandatory
20 supervised release;

21 (6) secure permission before visiting or writing a
22 committed person in an Illinois Department of Corrections
23 facility;

24 (7) report all arrests to an agent of the Department
25 of Corrections as soon as permitted by the arresting
26 authority but in no event later than 24 hours after

1 release from custody and immediately report service or
2 notification of an order of protection, a civil no contact
3 order, or a stalking or harassment no contact order to an
4 agent of the Department of Corrections;

5 (7.5) if convicted of a sex offense as defined in the
6 Sex Offender Management Board Act, the individual shall
7 undergo and successfully complete sex offender treatment
8 conducted in conformance with the standards developed by
9 the Sex Offender Management Board Act by a treatment
10 provider approved by the Board;

11 (7.6) if convicted of a sex offense as defined in the
12 Sex Offender Management Board Act, refrain from residing
13 at the same address or in the same condominium unit or
14 apartment unit or in the same condominium complex or
15 apartment complex with another person he or she knows or
16 reasonably should know is a convicted sex offender or has
17 been placed on supervision for a sex offense; the
18 provisions of this paragraph do not apply to a person
19 convicted of a sex offense who is placed in a Department of
20 Corrections licensed transitional housing facility for sex
21 offenders, or is in any facility operated or licensed by
22 the Department of Children and Family Services or by the
23 Department of Human Services, or is in any licensed
24 medical facility;

25 (7.7) if convicted for an offense that would qualify
26 the accused as a sexual predator under the Sex Offender

1 Registration Act on or after January 1, 2007 (the
2 effective date of Public Act 94-988), wear an approved
3 electronic monitoring device as defined in Section 5-8A-2
4 for the duration of the person's parole, mandatory
5 supervised release term, or extended mandatory supervised
6 release term and if convicted for an offense of criminal
7 sexual assault, aggravated criminal sexual assault,
8 predatory criminal sexual assault of a child, criminal
9 sexual abuse, aggravated criminal sexual abuse, or
10 ritualized abuse of a child committed on or after August
11 11, 2009 (the effective date of Public Act 96-236) when
12 the victim was under 18 years of age at the time of the
13 commission of the offense and the defendant used force or
14 the threat of force in the commission of the offense wear
15 an approved electronic monitoring device as defined in
16 Section 5-8A-2 that has Global Positioning System (GPS)
17 capability for the duration of the person's parole,
18 mandatory supervised release term, or extended mandatory
19 supervised release term;

20 (7.8) if convicted for an offense committed on or
21 after June 1, 2008 (the effective date of Public Act
22 95-464) that would qualify the accused as a child sex
23 offender as defined in Section 11-9.3 or 11-9.4 of the
24 Criminal Code of 1961 or the Criminal Code of 2012,
25 refrain from communicating with or contacting, by means of
26 the Internet, a person who is not related to the accused

1 and whom the accused reasonably believes to be under 18
2 years of age; for purposes of this paragraph (7.8),
3 "Internet" has the meaning ascribed to it in Section
4 16-0.1 of the Criminal Code of 2012; and a person is not
5 related to the accused if the person is not: (i) the
6 spouse, brother, or sister of the accused; (ii) a
7 descendant of the accused; (iii) a first or second cousin
8 of the accused; or (iv) a step-child or adopted child of
9 the accused;

10 (7.9) if convicted under Section 11-6, 11-20.1,
11 11-20.1B, 11-20.3, or 11-21 of the Criminal Code of 1961
12 or the Criminal Code of 2012, consent to search of
13 computers, PDAs, cellular phones, and other devices under
14 his or her control that are capable of accessing the
15 Internet or storing electronic files, in order to confirm
16 Internet protocol addresses reported in accordance with
17 the Sex Offender Registration Act and compliance with
18 conditions in this Act;

19 (7.10) if convicted for an offense that would qualify
20 the accused as a sex offender or sexual predator under the
21 Sex Offender Registration Act on or after June 1, 2008
22 (the effective date of Public Act 95-640), not possess
23 prescription drugs for erectile dysfunction;

24 (7.11) if convicted for an offense under Section 11-6,
25 11-9.1, 11-14.4 that involves soliciting for a juvenile
26 prostitute, 11-15.1, 11-20.1, 11-20.1B, 11-20.3, or 11-21

1 of the Criminal Code of 1961 or the Criminal Code of 2012,
2 or any attempt to commit any of these offenses, committed
3 on or after June 1, 2009 (the effective date of Public Act
4 95-983):

5 (i) not access or use a computer or any other
6 device with Internet capability without the prior
7 written approval of the Department;

8 (ii) submit to periodic unannounced examinations
9 of the offender's computer or any other device with
10 Internet capability by the offender's supervising
11 agent, a law enforcement officer, or assigned computer
12 or information technology specialist, including the
13 retrieval and copying of all data from the computer or
14 device and any internal or external peripherals and
15 removal of such information, equipment, or device to
16 conduct a more thorough inspection;

17 (iii) submit to the installation on the offender's
18 computer or device with Internet capability, at the
19 offender's expense, of one or more hardware or
20 software systems to monitor the Internet use; and

21 (iv) submit to any other appropriate restrictions
22 concerning the offender's use of or access to a
23 computer or any other device with Internet capability
24 imposed by the Board, the Department or the offender's
25 supervising agent;

26 (7.12) if convicted of a sex offense as defined in the

1 Sex Offender Registration Act committed on or after
2 January 1, 2010 (the effective date of Public Act 96-262),
3 refrain from accessing or using a social networking
4 website as defined in Section 17-0.5 of the Criminal Code
5 of 2012;

6 (7.13) if convicted of a sex offense as defined in
7 Section 2 of the Sex Offender Registration Act committed
8 on or after January 1, 2010 (the effective date of Public
9 Act 96-362) that requires the person to register as a sex
10 offender under that Act, may not knowingly use any
11 computer scrub software on any computer that the sex
12 offender uses;

13 (8) obtain permission of an agent of the Department of
14 Corrections before leaving the State of Illinois;

15 (9) obtain permission of an agent of the Department of
16 Corrections before changing his or her residence or
17 employment;

18 (10) consent to a search of his or her person,
19 property, or residence under his or her control;

20 (11) refrain from the use or possession of narcotics
21 or other controlled substances in any form, or both, or
22 any paraphernalia related to those substances and submit
23 to a urinalysis test as instructed by a parole agent of the
24 Department of Corrections if there is reasonable suspicion
25 of illicit drug use and the source of the reasonable
26 suspicion is documented in the Department's case

1 management system;

2 (12) not knowingly frequent places where controlled
3 substances are illegally sold, used, distributed, or
4 administered;

5 (13) except when the association described in either
6 subparagraph (A) or (B) of this paragraph (13) involves
7 activities related to community programs, worship
8 services, volunteering, engaging families, or some other
9 pro-social activity in which there is no evidence of
10 criminal intent:

11 (A) not knowingly associate with other persons on
12 parole or mandatory supervised release without prior
13 written permission of his or her parole agent; or

14 (B) not knowingly associate with persons who are
15 members of an organized gang as that term is defined in
16 the Illinois Streetgang Terrorism Omnibus Prevention
17 Act;

18 (14) provide true and accurate information, as it
19 relates to his or her adjustment in the community while on
20 parole or mandatory supervised release or to his or her
21 conduct while incarcerated, in response to inquiries by
22 his or her parole agent or of the Department of
23 Corrections;

24 (15) follow any specific instructions provided by the
25 parole agent that are consistent with furthering
26 conditions set and approved by the Prisoner Review Board

1 or by law, exclusive of placement on electronic detention,
2 to achieve the goals and objectives of his or her parole or
3 mandatory supervised release or to protect the public.
4 These instructions by the parole agent may be modified at
5 any time, as the agent deems appropriate;

6 (16) if convicted of a sex offense as defined in
7 subsection (a-5) of Section 3-1-2 of this Code, unless the
8 offender is a parent or guardian of the person under 18
9 years of age present in the home and no non-familial
10 minors are present, not participate in a holiday event
11 involving children under 18 years of age, such as
12 distributing candy or other items to children on
13 Halloween, wearing a Santa Claus costume on or preceding
14 Christmas, being employed as a department store Santa
15 Claus, or wearing an Easter Bunny costume on or preceding
16 Easter;

17 (17) if convicted of a violation of an order of
18 protection under Section 12-3.4 or Section 12-30 of the
19 Criminal Code of 1961 or the Criminal Code of 2012, be
20 placed under electronic surveillance as provided in
21 Section 5-8A-7 of this Code;

22 (18) comply with the terms and conditions of an order
23 of protection issued pursuant to the Illinois Domestic
24 Violence Act of 1986; an order of protection issued by the
25 court of another state, tribe, or United States territory;
26 a no contact order issued pursuant to the Civil No Contact

1 Order Act; or a no contact order issued pursuant to the
2 Stalking or Harassment No Contact Order Act;

3 (19) if convicted of a violation of the
4 Methamphetamine Control and Community Protection Act, the
5 Methamphetamine Precursor Control Act, or a
6 methamphetamine related offense, be:

7 (A) prohibited from purchasing, possessing, or
8 having under his or her control any product containing
9 pseudoephedrine unless prescribed by a physician; and

10 (B) prohibited from purchasing, possessing, or
11 having under his or her control any product containing
12 ammonium nitrate;

13 (20) if convicted of a hate crime under Section 12-7.1
14 of the Criminal Code of 2012, perform public or community
15 service of no less than 200 hours and enroll in an
16 educational program discouraging hate crimes involving the
17 protected class identified in subsection (a) of Section
18 12-7.1 of the Criminal Code of 2012 that gave rise to the
19 offense the offender committed ordered by the court; and

20 (21) be evaluated by the Department of Corrections
21 prior to release using a validated risk assessment and be
22 subject to a corresponding level of supervision. In
23 accordance with the findings of that evaluation:

24 (A) All subjects found to be at a moderate or high
25 risk to recidivate, or on parole or mandatory
26 supervised release for first degree murder, a forcible

1 felony as defined in Section 2-8 of the Criminal Code
2 of 2012, any felony that requires registration as a
3 sex offender under the Sex Offender Registration Act,
4 or a Class X felony or Class 1 felony that is not a
5 violation of the Cannabis Control Act, the Illinois
6 Controlled Substances Act, or the Methamphetamine
7 Control and Community Protection Act, shall be subject
8 to high level supervision. The Department shall define
9 high level supervision based upon evidence-based and
10 research-based practices. Notwithstanding this
11 placement on high level supervision, placement of the
12 subject on electronic monitoring or detention shall
13 not occur unless it is required by law or expressly
14 ordered or approved by the Prisoner Review Board.

15 (B) All subjects found to be at a low risk to
16 recidivate shall be subject to low-level supervision,
17 except for those subjects on parole or mandatory
18 supervised release for first degree murder, a forcible
19 felony as defined in Section 2-8 of the Criminal Code
20 of 2012, any felony that requires registration as a
21 sex offender under the Sex Offender Registration Act,
22 or a Class X felony or Class 1 felony that is not a
23 violation of the Cannabis Control Act, the Illinois
24 Controlled Substances Act, or the Methamphetamine
25 Control and Community Protection Act. Low level
26 supervision shall require the subject to check in with

1 the supervising officer via phone or other electronic
2 means. Notwithstanding this placement on low level
3 supervision, placement of the subject on electronic
4 monitoring or detention shall not occur unless it is
5 required by law or expressly ordered or approved by
6 the Prisoner Review Board.

7 (b) The Board may after making an individualized
8 assessment pursuant to subsection (a) of Section 3-14-2 in
9 addition to other conditions require that the subject:

10 (1) work or pursue a course of study or vocational
11 training;

12 (2) undergo medical or psychiatric treatment, or
13 treatment for drug addiction or alcoholism;

14 (3) attend or reside in a facility established for the
15 instruction or residence of persons on probation or
16 parole;

17 (4) support his or her dependents;

18 (5) (blank);

19 (6) (blank);

20 (7) (blank);

21 (7.5) if convicted for an offense committed on or
22 after the effective date of this amendatory Act of the
23 95th General Assembly that would qualify the accused as a
24 child sex offender as defined in Section 11-9.3 or 11-9.4
25 of the Criminal Code of 1961 or the Criminal Code of 2012,
26 refrain from communicating with or contacting, by means of

1 the Internet, a person who is related to the accused and
2 whom the accused reasonably believes to be under 18 years
3 of age; for purposes of this paragraph (7.5), "Internet"
4 has the meaning ascribed to it in Section 16-0.1 of the
5 Criminal Code of 2012; and a person is related to the
6 accused if the person is: (i) the spouse, brother, or
7 sister of the accused; (ii) a descendant of the accused;
8 (iii) a first or second cousin of the accused; or (iv) a
9 step-child or adopted child of the accused;

10 (7.6) if convicted for an offense committed on or
11 after June 1, 2009 (the effective date of Public Act
12 95-983) that would qualify as a sex offense as defined in
13 the Sex Offender Registration Act:

14 (i) not access or use a computer or any other
15 device with Internet capability without the prior
16 written approval of the Department;

17 (ii) submit to periodic unannounced examinations
18 of the offender's computer or any other device with
19 Internet capability by the offender's supervising
20 agent, a law enforcement officer, or assigned computer
21 or information technology specialist, including the
22 retrieval and copying of all data from the computer or
23 device and any internal or external peripherals and
24 removal of such information, equipment, or device to
25 conduct a more thorough inspection;

26 (iii) submit to the installation on the offender's

1 computer or device with Internet capability, at the
2 offender's expense, of one or more hardware or
3 software systems to monitor the Internet use; and

4 (iv) submit to any other appropriate restrictions
5 concerning the offender's use of or access to a
6 computer or any other device with Internet capability
7 imposed by the Board, the Department or the offender's
8 supervising agent; and

9 (8) (blank).

10 (b-1) In addition to the conditions set forth in
11 subsections (a) and (b), persons required to register as sex
12 offenders pursuant to the Sex Offender Registration Act, upon
13 release from the custody of the Illinois Department of
14 Corrections, may be required by the Board to comply with the
15 following specific conditions of release following an
16 individualized assessment pursuant to subsection (a) of
17 Section 3-14-2:

18 (1) reside only at a Department approved location;

19 (2) comply with all requirements of the Sex Offender
20 Registration Act;

21 (3) notify third parties of the risks that may be
22 occasioned by his or her criminal record;

23 (4) obtain the approval of an agent of the Department
24 of Corrections prior to accepting employment or pursuing a
25 course of study or vocational training and notify the
26 Department prior to any change in employment, study, or

1 training;

2 (5) not be employed or participate in any volunteer
3 activity that involves contact with children, except under
4 circumstances approved in advance and in writing by an
5 agent of the Department of Corrections;

6 (6) be electronically monitored for a minimum of 12
7 months from the date of release as determined by the
8 Board;

9 (7) refrain from entering into a designated geographic
10 area except upon terms approved in advance by an agent of
11 the Department of Corrections. The terms may include
12 consideration of the purpose of the entry, the time of
13 day, and others accompanying the person;

14 (8) refrain from having any contact, including written
15 or oral communications, directly or indirectly, personally
16 or by telephone, letter, or through a third party with
17 certain specified persons including, but not limited to,
18 the victim or the victim's family without the prior
19 written approval of an agent of the Department of
20 Corrections;

21 (9) refrain from all contact, directly or indirectly,
22 personally, by telephone, letter, or through a third
23 party, with minor children without prior identification
24 and approval of an agent of the Department of Corrections;

25 (10) neither possess or have under his or her control
26 any material that is sexually oriented, sexually

1 stimulating, or that shows male or female sex organs or
2 any pictures depicting children under 18 years of age nude
3 or any written or audio material describing sexual
4 intercourse or that depicts or alludes to sexual activity,
5 including but not limited to visual, auditory, telephonic,
6 or electronic media, or any matter obtained through access
7 to any computer or material linked to computer access use;

8 (11) not patronize any business providing sexually
9 stimulating or sexually oriented entertainment nor utilize
10 "900" or adult telephone numbers;

11 (12) not reside near, visit, or be in or about parks,
12 schools, day care centers, swimming pools, beaches,
13 theaters, or any other places where minor children
14 congregate without advance approval of an agent of the
15 Department of Corrections and immediately report any
16 incidental contact with minor children to the Department;

17 (13) not possess or have under his or her control
18 certain specified items of contraband related to the
19 incidence of sexually offending as determined by an agent
20 of the Department of Corrections;

21 (14) may be required to provide a written daily log of
22 activities if directed by an agent of the Department of
23 Corrections;

24 (15) comply with all other special conditions that the
25 Department may impose that restrict the person from
26 high-risk situations and limit access to potential

1 victims;

2 (16) take an annual polygraph exam;

3 (17) maintain a log of his or her travel; or

4 (18) obtain prior approval of his or her parole
5 officer before driving alone in a motor vehicle.

6 (c) The conditions under which the parole or mandatory
7 supervised release is to be served shall be communicated to
8 the person in writing prior to his or her release, and he or
9 she shall sign the same before release. A signed copy of these
10 conditions, including a copy of an order of protection where
11 one had been issued by the criminal court, shall be retained by
12 the person and another copy forwarded to the officer in charge
13 of his or her supervision.

14 (d) After a hearing under Section 3-3-9, the Prisoner
15 Review Board may modify or enlarge the conditions of parole or
16 mandatory supervised release.

17 (e) The Department shall inform all offenders committed to
18 the Department of the optional services available to them upon
19 release and shall assist inmates in availing themselves of
20 such optional services upon their release on a voluntary
21 basis.

22 (f) (Blank).

23 (Source: P.A. 103-271, eff. 1-1-24.)

24 Section 35. The Code of Civil Procedure is amended by
25 changing Sections 2-1401 and 21-103 as follows:

1 (735 ILCS 5/2-1401) (from Ch. 110, par. 2-1401)

2 Sec. 2-1401. Relief from judgments.

3 (a) Relief from final orders and judgments, after 30 days
4 from the entry thereof, may be had upon petition as provided in
5 this Section. Writs of error coram nobis and coram vobis,
6 bills of review, and bills in the nature of bills of review are
7 abolished. All relief heretofore obtainable and the grounds
8 for such relief heretofore available, whether by any of the
9 foregoing remedies or otherwise, shall be available in every
10 case, by proceedings hereunder, regardless of the nature of
11 the order or judgment from which relief is sought or of the
12 proceedings in which it was entered. Except as provided in the
13 Illinois Parentage Act of 2015, there shall be no distinction
14 between actions and other proceedings, statutory or otherwise,
15 as to availability of relief, grounds for relief, or the
16 relief obtainable.

17 (b) The petition must be filed in the same proceeding in
18 which the order or judgment was entered but is not a
19 continuation thereof. The petition must be supported by an
20 affidavit or other appropriate showing as to matters not of
21 record. A petition to reopen a foreclosure proceeding must
22 include as parties to the petition, but is not limited to, all
23 parties in the original action in addition to the current
24 record title holders of the property, current occupants, and
25 any individual or entity that had a recorded interest in the

1 property before the filing of the petition. All parties to the
2 petition shall be notified as provided by rule.

3 (b-5) A movant may present a meritorious claim under this
4 Section if the allegations in the petition establish each of
5 the following by a preponderance of the evidence:

6 (1) the movant was convicted of a forcible felony;

7 (2) the movant's participation in the offense was
8 related to him or her previously having been a victim of
9 domestic violence or gender-based violence;

10 (3) there is substantial evidence of domestic violence
11 or gender-based violence against the movant that was not
12 presented at the movant's sentencing hearing;

13 (4) (blank); and

14 (5) the evidence of domestic violence or gender-based
15 violence against the movant is material and noncumulative
16 to other evidence offered at the sentencing hearing, or
17 previous hearing under this Section filed on or after the
18 effective date of this amendatory Act of the 103rd General
19 Assembly, and is of such a conclusive character that it
20 would likely change the sentence imposed by the original
21 trial court.

22 Nothing in this subsection (b-5) shall prevent a movant
23 from applying for any other relief under this Section or any
24 other law otherwise available to him or her. This subsection
25 (b-5) applies to all eligible convictions, including, but not
26 limited to, if the judge renders the sentence based on a

1 negotiated plea agreement. Relief under this Section allows
2 for the modification of the length of sentence without
3 affecting the conviction.

4 As used in this subsection (b-5):

5 "Domestic violence" means abuse as defined in Section 103
6 of the Illinois Domestic Violence Act of 1986.

7 "Forcible felony" has the meaning ascribed to the term in
8 Section 2-8 of the Criminal Code of 2012.

9 "Gender-based violence" includes evidence of victimization
10 as a trafficking victim, as defined by paragraph (10) of
11 subsection (a) of Section 10-9 of the Criminal Code of 2012,
12 evidence of victimization under the Illinois Domestic Violence
13 Act of 1986, evidence of victimization under the Stalking or
14 Harassment No Contact Order Act, or evidence of victimization
15 of any offense under Article 11 of the Criminal Code of 2012,
16 irrespective of criminal prosecution or conviction.

17 "Intimate partner" means a spouse or former spouse,
18 persons who have or allegedly have had a child in common, or
19 persons who have or have had a dating or engagement
20 relationship.

21 "Substantial evidence" means evidence that a reasonable
22 mind might accept as adequate to support a conclusion.

23 (b-10) A movant may present a meritorious claim under this
24 Section if the allegations in the petition establish each of
25 the following by a preponderance of the evidence:

26 (A) she was convicted of a forcible felony;

1 (B) her participation in the offense was a direct
2 result of her suffering from postpartum depression or
3 postpartum psychosis;

4 (C) no evidence of postpartum depression or postpartum
5 psychosis was presented by a qualified medical person at
6 trial or sentencing, or both;

7 (D) she was unaware of the mitigating nature of the
8 evidence or, if aware, was at the time unable to present
9 this defense due to suffering from postpartum depression
10 or postpartum psychosis, or, at the time of trial or
11 sentencing, neither was a recognized mental illness and as
12 such, she was unable to receive proper treatment; and

13 (E) evidence of postpartum depression or postpartum
14 psychosis as suffered by the person is material and
15 noncumulative to other evidence offered at the time of
16 trial or sentencing, and it is of such a conclusive
17 character that it would likely change the sentence imposed
18 by the original court.

19 Nothing in this subsection (b-10) prevents a person from
20 applying for any other relief under this Article or any other
21 law otherwise available to her. This subsection (b-10) applies
22 to all eligible convictions, including, but not limited to, if
23 the judge renders the sentence based on a negotiated plea
24 agreement. Relief under this Section allows for the
25 modification of the length of sentence without affecting the
26 conviction.

1 As used in this subsection (b-10):

2 "Postpartum depression" means a mood disorder which
3 strikes many women during and after pregnancy and usually
4 occurs during pregnancy and up to 12 months after delivery.
5 This depression can include anxiety disorders.

6 "Postpartum psychosis" means an extreme form of postpartum
7 depression which can occur during pregnancy and up to 12
8 months after delivery. This can include losing touch with
9 reality, distorted thinking, delusions, auditory and visual
10 hallucinations, paranoia, hyperactivity and rapid speech, or
11 mania.

12 (c) Except as provided in Section 20b of the Adoption Act
13 and Section 2-32 of the Juvenile Court Act of 1987, in a
14 petition based upon Section 116-3 of the Code of Criminal
15 Procedure of 1963 or subsection (b-5) or (b-10) of this
16 Section, or in a motion to vacate and expunge convictions
17 under the Cannabis Control Act as provided by subsection (i)
18 of Section 5.2 of the Criminal Identification Act, the
19 petition must be filed not later than 2 years after the entry
20 of the order or judgment. Time during which the person seeking
21 relief is under legal disability or duress or the ground for
22 relief is fraudulently concealed shall be excluded in
23 computing the period of 2 years.

24 (c-5) Any individual may at any time file a petition and
25 institute proceedings under this Section if his or her final
26 order or judgment, which was entered based on a plea of guilty

1 or nolo contendere, has potential consequences under federal
2 immigration law.

3 (d) The filing of a petition under this Section does not
4 affect the order or judgment, or suspend its operation.

5 (e) Unless lack of jurisdiction affirmatively appears from
6 the record proper, the vacation or modification of an order or
7 judgment pursuant to the provisions of this Section does not
8 affect the right, title, or interest in or to any real or
9 personal property of any person, not a party to the original
10 action, acquired for value after the entry of the order or
11 judgment but before the filing of the petition, nor affect any
12 right of any person not a party to the original action under
13 any certificate of sale issued before the filing of the
14 petition, pursuant to a sale based on the order or judgment.
15 When a petition is filed pursuant to this Section to reopen a
16 foreclosure proceeding, notwithstanding the provisions of
17 Section 15-1701 of this Code, the purchaser or successor
18 purchaser of real property subject to a foreclosure sale who
19 was not a party to the mortgage foreclosure proceedings is
20 entitled to remain in possession of the property until the
21 foreclosure action is defeated or the previously foreclosed
22 defendant redeems from the foreclosure sale if the purchaser
23 has been in possession of the property for more than 6 months.

24 (f) Nothing contained in this Section affects any existing
25 right to relief from a void order or judgment, or to employ any
26 existing method to procure that relief.

1 (Source: P.A. 102-639, eff. 8-27-21; 102-813, eff. 5-13-22;
2 103-403, eff. 1-1-24; 103-968, eff. 1-1-25.)

3 (735 ILCS 5/21-103)

4 Sec. 21-103. Notice by publication.

5 (a) Previous notice shall be given of the intended
6 application by publishing a notice thereof in some newspaper
7 published in the municipality in which the person resides if
8 the municipality is in a county with a population under
9 2,000,000, or if the person does not reside in a municipality
10 in a county with a population under 2,000,000, or if no
11 newspaper is published in the municipality or if the person
12 resides in a county with a population of 2,000,000 or more,
13 then in some newspaper published in the county where the
14 person resides, or if no newspaper is published in that
15 county, then in some convenient newspaper published in this
16 State. The notice shall be inserted for 3 consecutive weeks
17 after filing, the first insertion to be at least 6 weeks before
18 the return day upon which the petition is to be heard, and
19 shall be signed by the petitioner or, in case of a minor, the
20 minor's parent or guardian, and shall set forth the return day
21 of court on which the petition is to be heard and the name
22 sought to be assumed.

23 (b) The publication requirement of subsection (a) shall
24 not be required in any application for a change of name
25 involving a minor if, before making judgment under this

1 Article, reasonable notice and opportunity to be heard is
2 given to any parent whose parental rights have not been
3 previously terminated and to any person who has physical
4 custody of the child. If any of these persons are outside this
5 State, notice and opportunity to be heard shall be given under
6 Section 21-104.

7 (b-3) The publication requirement of subsection (a) shall
8 not be required in any application for a change of name
9 involving a person who has received a judgment of dissolution
10 of marriage or declaration of invalidity of marriage and
11 wishes to change his or her name to resume the use of his or
12 her former or maiden name.

13 (b-5) The court may issue an order directing that the
14 notice and publication requirement be waived for a change of
15 name involving a person who files with the court a statement,
16 verified under oath as provided under Section 1-109 of this
17 Code, that the person believes that publishing notice of the
18 name change would be a hardship, including, but not limited
19 to, a negative impact on the person's health or safety.

20 (b-6) In a case where waiver of the notice and publication
21 requirement is sought, the petition for waiver is presumed
22 granted and heard at the same hearing as the petition for name
23 change. The court retains discretion to determine whether a
24 hardship is shown and may order the petitioner to publish
25 thereafter.

26 (c) The Director of the Illinois State Police or his or her

1 designee may apply to the circuit court for an order directing
2 that the notice and publication requirements of this Section
3 be waived if the Director or his or her designee certifies that
4 the name change being sought is intended to protect a witness
5 during and following a criminal investigation or proceeding.

6 (c-1) The court may also enter a written order waiving the
7 publication requirement of subsection (a) if:

8 (i) the petitioner is 18 years of age or older; and

9 (ii) concurrent with the petition, the petitioner
10 files with the court a statement, verified under oath as
11 provided under Section 1-109 of this Code, attesting that
12 the petitioner is or has been a person protected under the
13 Illinois Domestic Violence Act of 1986, the Stalking or
14 Harassment No Contact Order Act, the Civil No Contact
15 Order Act, Article 112A of the Code of Criminal Procedure
16 of 1963, a condition of pretrial release under subsections
17 (b) through (d) of Section 110-10 of the Code of Criminal
18 Procedure of 1963, or a similar provision of a law in
19 another state or jurisdiction.

20 The petitioner may attach to the statement any supporting
21 documents, including relevant court orders.

22 (c-2) If the petitioner files a statement attesting that
23 disclosure of the petitioner's address would put the
24 petitioner or any member of the petitioner's family or
25 household at risk or reveal the confidential address of a
26 shelter for domestic violence victims, that address may be

1 omitted from all documents filed with the court, and the
2 petitioner may designate an alternative address for service.

3 (c-3) Court administrators may allow domestic abuse
4 advocates, rape crisis advocates, and victim advocates to
5 assist petitioners in the preparation of name changes under
6 subsection (c-1).

7 (c-4) If the publication requirements of subsection (a)
8 have been waived, the circuit court shall enter an order
9 impounding the case.

10 (d) The maximum rate charged for publication of a notice
11 under this Section may not exceed the lowest classified rate
12 paid by commercial users for comparable space in the newspaper
13 in which the notice appears and shall include all cash
14 discounts, multiple insertion discounts, and similar benefits
15 extended to the newspaper's regular customers.

16 (Source: P.A. 102-538, eff. 8-20-21; 102-813, eff. 5-13-22;
17 102-1133, eff. 1-1-24; 103-605, eff. 7-1-24.)

18 Section 40. The Stalking No Contact Order Act is amended
19 by changing the title of the Act and Sections 1, 10, 15, 20,
20 25, 30, 40, 45, 55, 60, 70, 75, 80, 85, 90, 95, 100, 105, 110,
21 115, 117, 120, 125, 130, and 135 as follows:

22 (740 ILCS 21/Act title)

23 An Act in relation to no contact orders ~~stalking~~.

1 (740 ILCS 21/1)

2 Sec. 1. Short title. This Act may be cited as the Stalking
3 or Harassment No Contact Order Act.

4 (Source: P.A. 96-246, eff. 1-1-10.)

5 (740 ILCS 21/10)

6 Sec. 10. Definitions. For the purposes of this Act:

7 "Course of conduct" means 2 or more acts, including but
8 not limited to acts in which a respondent directly,
9 indirectly, or through third parties, by any action, method,
10 device, or means follows, monitors, observes, surveils, or
11 threatens a person, workplace, school, or place of worship,
12 engages in other contact, or interferes with or damages a
13 person's property or pet. A course of conduct may include
14 using any electronic tracking system or acquiring tracking
15 information to determine the targeted person's location,
16 movement, or travel patterns. A course of conduct may also
17 include contact via electronic communications. The
18 incarceration of a person in a penal institution who commits
19 the course of conduct is not a bar to prosecution under this
20 Section.

21 "Emotional distress" means significant mental suffering,
22 anxiety or alarm.

23 "Contact" includes any contact with the victim, that is
24 initiated or continued without the victim's consent, or that
25 is in disregard of the victim's expressed desire that the

1 contact be avoided or discontinued, including but not limited
2 to being in the physical presence of the victim; appearing
3 within the sight of the victim; approaching or confronting the
4 victim in a public place or on private property; appearing at
5 the workplace or residence of the victim; entering onto or
6 remaining on property owned, leased, or occupied by the
7 victim; placing an object on, or delivering an object to,
8 property owned, leased, or occupied by the victim; electronic
9 communication as defined in Section 26.5-0.1 of the Criminal
10 Code of 2012; and appearing at the prohibited workplace,
11 school, or place of worship.

12 "Harassment" means violence or threats of violence or
13 death, including a single act, directed at a specific person
14 which would cause a reasonable person to (i) fear for the
15 person's safety, the safety of a workplace, school, or place
16 of worship, or the safety of a third person or (ii) suffer
17 emotional distress.

18 "Petitioner" means any named petitioner for the stalking
19 or harassment no contact order or any named victim of stalking
20 on whose behalf the petition is brought. "Petitioner" includes
21 an authorized agent of a place of employment, an authorized
22 agent of a place of worship, or an authorized agent of a
23 school.

24 "Reasonable person" means a person in the petitioner's
25 circumstances with the petitioner's knowledge of the
26 respondent and the respondent's prior acts.

1 "Stalking" means engaging in a course of conduct directed
2 at a specific person, and he or she knows or should know that
3 this course of conduct would cause a reasonable person to fear
4 for his or her safety, the safety of a workplace, school, or
5 place of worship, or the safety of a third person or suffer
6 emotional distress. Stalking does not include an exercise of
7 the right to free speech or assembly that is otherwise lawful
8 or picketing occurring at the workplace that is otherwise
9 lawful and arises out of a bona fide labor dispute, including
10 any controversy concerning wages, salaries, hours, working
11 conditions or benefits, including health and welfare, sick
12 leave, insurance, and pension or retirement provisions, the
13 making or maintaining of collective bargaining agreements, and
14 the terms to be included in those agreements.

15 "Stalking or harassment no contact order" means an
16 emergency order or plenary order granted under this Act, which
17 includes a remedy authorized by Section 80 of this Act.

18 (Source: P.A. 102-220, eff. 1-1-22; 103-760, eff. 1-1-25.)

19 (740 ILCS 21/15)

20 Sec. 15. Persons protected by this Act. A petition for a
21 stalking or harassment no contact order may be filed when
22 relief is not available to the petitioner under the Illinois
23 Domestic Violence Act of 1986:

24 (1) by any person who is a victim of stalking;

25 (2) by a person on behalf of a minor child or an adult

1 who is a victim of stalking but, because of age,
2 disability, health, or inaccessibility, cannot file the
3 petition;

4 (3) by an authorized agent of a workplace;

5 (4) by an authorized agent of a place of worship;

6 (5) by an authorized agent of a school;

7 (6) by a service member of the Illinois National Guard
8 or any reserve military component serving within the State
9 who is a victim of stalking who has also received a
10 Military Protective Order; or

11 (7) by the Staff Judge Advocate of the Illinois
12 National Guard or any reserve military component serving
13 within the State on behalf of a named victim who is a
14 victim of stalking who has also received a Military
15 Protective Order only after receiving consent from the
16 victim, and the petition shall include a statement that
17 the victim has consented to the Staff Judge Advocate
18 filing the petition.

19 (Source: P.A. 103-407, eff. 7-28-23.)

20 (740 ILCS 21/20)

21 Sec. 20. Commencement of action; filing fees.

22 (a) An action for a stalking or harassment no contact
23 order is commenced:

24 (1) independently, by filing a petition for a stalking
25 or harassment no contact order in any civil court, unless

1 specific courts are designated by local rule or order; or

2 (2) in conjunction with a delinquency petition or a
3 criminal prosecution as provided in Article 112A of the
4 Code of Criminal Procedure of 1963.

5 (a-1) A petition for a stalking or harassment no contact
6 order may be filed in person or online.

7 (a-5) When a petition for an emergency stalking or
8 harassment no contact order is filed, the petition and file
9 shall not be public and shall only be accessible to the court,
10 law enforcement, petitioner, victim advocate, counsel of
11 record for either party, and State's Attorney for the county
12 until the petition is served on the respondent.

13 Accessibility to the petition and file under this
14 subsection prior to the petition being served on the
15 respondent shall be in accordance with Section 5 of the Court
16 Record and Document Accessibility Act.

17 (b) Withdrawal or dismissal of any petition for a stalking
18 or harassment no contact order prior to adjudication where the
19 petitioner is represented by the State shall operate as a
20 dismissal without prejudice. No action for a stalking or
21 harassment no contact order shall be dismissed because the
22 respondent is being prosecuted for a crime against the
23 petitioner. For any action commenced under item (2) of
24 subsection (a) of this Section, dismissal of the conjoined
25 case (or a finding of not guilty) shall not require dismissal
26 of the action for a stalking or harassment no contact order;

1 instead, it may be treated as an independent action and, if
2 necessary and appropriate, transferred to a different court or
3 division.

4 (c) No fee shall be charged by the clerk of the court for
5 filing petitions or modifying or certifying orders. No fee
6 shall be charged by the sheriff for service by the sheriff of a
7 petition, rule, motion, or order in an action commenced under
8 this Section.

9 (d) The court shall provide, through the office of the
10 clerk of the court, simplified forms for filing of a petition
11 under this Section by any person not represented by counsel.

12 (Source: P.A. 102-831, eff. 5-13-22; 102-853, eff. 1-1-23;
13 103-154, eff. 6-30-23; 103-166, eff. 1-1-24.)

14 (740 ILCS 21/25)

15 Sec. 25. Pleading; non-disclosure of address.

16 (a) A petition for a stalking or harassment no contact
17 order shall be in writing and verified or accompanied by
18 affidavit and shall allege that the petitioner has been the
19 victim of stalking by the respondent.

20 (b) If the petition states that disclosure of the
21 petitioner's address would risk abuse of the petitioner or any
22 member of the petitioner's family or household, that address
23 may be omitted from all documents filed with the court. If the
24 petitioner has not disclosed an address under this subsection,
25 the petitioner shall designate an alternative address at which

1 the respondent may serve notice of any motions.

2 (Source: P.A. 96-246, eff. 1-1-10.)

3 (740 ILCS 21/30)

4 Sec. 30. Application of rules of civil procedure; victim
5 advocates.

6 (a) Any proceeding to obtain, modify, reopen or appeal a
7 stalking or harassment no contact order shall be governed by
8 the rules of civil procedure of this State. The standard of
9 proof in such a proceeding is proof by a preponderance of the
10 evidence. The Code of Civil Procedure and Supreme Court and
11 local court rules applicable to civil proceedings shall apply,
12 except as otherwise provided by this Act.

13 (b) In circuit courts, victim advocates shall be allowed
14 to accompany the petitioner and confer with the petitioner,
15 unless otherwise directed by the court. Court administrators
16 shall allow victim advocates to assist victims of stalking in
17 the preparation of petitions for stalking or harassment no
18 contact orders. Victim advocates are not engaged in the
19 unauthorized practice of law when providing assistance of the
20 types specified in this subsection (b).

21 (Source: P.A. 96-246, eff. 1-1-10.)

22 (740 ILCS 21/40)

23 Sec. 40. Trial by jury. There shall be no right to trial by
24 jury in any proceeding to obtain, modify, vacate or extend any

1 stalking or harassment no contact order under this Act.
2 However, nothing in this Section shall deny any existing right
3 to trial by jury in a criminal proceeding.

4 (Source: P.A. 96-246, eff. 1-1-10.)

5 (740 ILCS 21/45)

6 Sec. 45. Subject matter jurisdiction. Each of the circuit
7 courts has the power to issue stalking or harassment no
8 contact orders.

9 (Source: P.A. 96-246, eff. 1-1-10.)

10 (740 ILCS 21/55)

11 Sec. 55. Venue. A petition for a stalking or harassment no
12 contact order may be filed in any county where (1) the
13 petitioner resides, (2) the respondent resides, or (3) one or
14 more acts of the alleged stalking occurred.

15 (Source: P.A. 96-246, eff. 1-1-10.)

16 (740 ILCS 21/60)

17 Sec. 60. Process.

18 (a) Any action for a stalking or harassment no contact
19 order requires that a separate summons be issued and served.
20 The summons shall be in the form prescribed by Supreme Court
21 Rule 101(d), except that it shall require the respondent to
22 answer or appear within 7 days. Attachments to the summons or
23 notice shall include the petition for stalking or harassment

1 no contact order and supporting affidavits, if any, and any
2 emergency stalking or harassment no contact order that has
3 been issued.

4 (b) The summons shall be served by the sheriff or other law
5 enforcement officer at the earliest time and shall take
6 precedence over other summonses except those of a similar
7 emergency nature. Special process servers may be appointed at
8 any time, and their designation shall not affect the
9 responsibilities and authority of the sheriff or other
10 official process servers.

11 (c) Service of process on a member of the respondent's
12 household or by publication shall be adequate if: (1) the
13 petitioner has made all reasonable efforts to accomplish
14 actual service of process personally upon the respondent, but
15 the respondent cannot be found to effect such service; and (2)
16 the petitioner files an affidavit or presents sworn testimony
17 as to those efforts.

18 (d) A plenary stalking or harassment no contact order may
19 be entered by default for the remedy sought in the petition, if
20 the respondent has been served or given notice in accordance
21 with subsection (a) and if the respondent then fails to appear
22 as directed or fails to appear on any subsequent appearance or
23 hearing date agreed to by the parties or set by the court.

24 (e) If an order is granted under subsection (c) of Section
25 95, the court shall immediately file a certified copy of the
26 order with the sheriff or other law enforcement official

1 charged with maintaining Department of State Police records.

2 (Source: P.A. 101-508, eff. 1-1-20.)

3 (740 ILCS 21/70)

4 Sec. 70. Hearings.

5 (a) A petition for a stalking or harassment no contact
6 order shall be treated as an expedited proceeding, and no
7 court may transfer or otherwise decline to decide all or part
8 of such petition. Nothing in this Section shall prevent the
9 court from reserving issues if jurisdiction or notice
10 requirements are not met.

11 (b) A court in a county with a population above 250,000
12 shall offer the option of a remote hearing to a petitioner for
13 a stalking or harassment no contact order. The court has the
14 discretion to grant or deny the request for a remote hearing.
15 Each court shall determine the procedure for a remote hearing.
16 The petitioner and respondent may appear remotely or in
17 person.

18 The court shall issue and publish a court order, standing
19 order, or local rule detailing information about the process
20 for requesting and participating in a remote court appearance.
21 The court order, standing order, or local rule shall be
22 published on the court's website and posted on signs
23 throughout the courthouse, including in the clerk's office.
24 The sign shall be written in plain language and include
25 information about the availability of remote court appearances

1 and the process for requesting a remote hearing.

2 (Source: P.A. 102-853, eff. 1-1-23; 103-154, eff. 6-30-23.)

3 (740 ILCS 21/75)

4 Sec. 75. Continuances.

5 (a) Petitions for emergency remedies shall be granted or
6 denied in accordance with the standards of Section 100,
7 regardless of the respondent's appearance or presence in
8 court.

9 (b) Any action for a stalking or harassment no contact
10 order is an expedited proceeding. Continuances shall be
11 granted only for good cause shown and kept to the minimum
12 reasonable duration, taking into account the reasons for the
13 continuance.

14 (Source: P.A. 96-246, eff. 1-1-10.)

15 (740 ILCS 21/80)

16 Sec. 80. Stalking or harassment no contact orders;
17 remedies.

18 (a) If the court finds that the petitioner has been a
19 victim of stalking, a stalking or harassment no contact order
20 shall issue; provided that the petitioner must also satisfy
21 the requirements of Section 95 on emergency orders or Section
22 100 on plenary orders. The petitioner shall not be denied a
23 stalking or harassment no contact order because the petitioner
24 or the respondent is a minor. The court, when determining

1 whether or not to issue a stalking or harassment no contact
2 order, may not require physical injury on the person of the
3 petitioner. Modification and extension of prior stalking or
4 harassment no contact orders shall be in accordance with this
5 Act.

6 (b) A stalking or harassment no contact order shall order
7 one or more of the following:

8 (1) prohibit the respondent from threatening to commit
9 or committing stalking;

10 (2) order the respondent not to have any contact with
11 the petitioner or a third person specifically named by the
12 court;

13 (3) prohibit the respondent from knowingly coming
14 within, or knowingly remaining within a specified distance
15 of the petitioner or the petitioner's residence, school,
16 daycare, or place of employment, or any specified place
17 frequented by the petitioner; however, the court may order
18 the respondent to stay away from the respondent's own
19 residence, school, or place of employment only if the
20 respondent has been provided actual notice of the
21 opportunity to appear and be heard on the petition;

22 (4) prohibit the respondent from possessing a Firearm
23 Owners Identification Card, or possessing or buying
24 firearms;

25 (5) prohibit the respondent from using any electronic
26 tracking system or acquiring tracking information to

1 determine the petitioner's location, movement, or travel
2 pattern; and

3 (6) order other injunctive relief the court determines
4 to be necessary to protect the petitioner or third party
5 specifically named by the court.

6 (b-5) When the petitioner and the respondent attend the
7 same public, private, or non-public elementary, middle, or
8 high school, the court when issuing a stalking or harassment
9 no contact order and providing relief shall consider the
10 severity of the act, any continuing physical danger or
11 emotional distress to the petitioner, the educational rights
12 guaranteed to the petitioner and respondent under federal and
13 State law, the availability of a transfer of the respondent to
14 another school, a change of placement or a change of program of
15 the respondent, the expense, difficulty, and educational
16 disruption that would be caused by a transfer of the
17 respondent to another school, and any other relevant facts of
18 the case. The court may order that the respondent not attend
19 the public, private, or non-public elementary, middle, or high
20 school attended by the petitioner, order that the respondent
21 accept a change of placement or program, as determined by the
22 school district or private or non-public school, or place
23 restrictions on the respondent's movements within the school
24 attended by the petitioner. The respondent bears the burden of
25 proving by a preponderance of the evidence that a transfer,
26 change of placement, or change of program of the respondent is

1 not available. The respondent also bears the burden of
2 production with respect to the expense, difficulty, and
3 educational disruption that would be caused by a transfer of
4 the respondent to another school. A transfer, change of
5 placement, or change of program is not unavailable to the
6 respondent solely on the ground that the respondent does not
7 agree with the school district's or private or non-public
8 school's transfer, change of placement, or change of program
9 or solely on the ground that the respondent fails or refuses to
10 consent to or otherwise does not take an action required to
11 effectuate a transfer, change of placement, or change of
12 program. When a court orders a respondent to stay away from the
13 public, private, or non-public school attended by the
14 petitioner and the respondent requests a transfer to another
15 attendance center within the respondent's school district or
16 private or non-public school, the school district or private
17 or non-public school shall have sole discretion to determine
18 the attendance center to which the respondent is transferred.
19 In the event the court order results in a transfer of the minor
20 respondent to another attendance center, a change in the
21 respondent's placement, or a change of the respondent's
22 program, the parents, guardian, or legal custodian of the
23 respondent is responsible for transportation and other costs
24 associated with the transfer or change.

25 (b-6) The court may order the parents, guardian, or legal
26 custodian of a minor respondent to take certain actions or to

1 refrain from taking certain actions to ensure that the
2 respondent complies with the order. In the event the court
3 orders a transfer of the respondent to another school, the
4 parents, guardian, or legal custodian of the respondent are
5 responsible for transportation and other costs associated with
6 the change of school by the respondent.

7 (b-7) The court shall not hold a school district or
8 private or non-public school or any of its employees in civil
9 or criminal contempt unless the school district or private or
10 non-public school has been allowed to intervene.

11 (b-8) The court may hold the parents, guardian, or legal
12 custodian of a minor respondent in civil or criminal contempt
13 for a violation of any provision of any order entered under
14 this Act for conduct of the minor respondent in violation of
15 this Act if the parents, guardian, or legal custodian
16 directed, encouraged, or assisted the respondent minor in such
17 conduct.

18 (c) The court may award the petitioner costs and attorneys
19 fees if a stalking or harassment no contact order is granted.

20 (d) Monetary damages are not recoverable as a remedy.

21 (e) If the stalking or harassment no contact order
22 prohibits the respondent from possessing a Firearm Owner's
23 Identification Card, or possessing or buying firearms; the
24 court shall confiscate the respondent's Firearm Owner's
25 Identification Card and immediately return the card to the
26 Illinois State Police Firearm Owner's Identification Card

1 Office.

2 (Source: P.A. 102-538, eff. 8-20-21; 103-760, eff. 1-1-25.)

3 (740 ILCS 21/85)

4 Sec. 85. Mutual stalking or harassment no contact orders
5 are prohibited. Correlative separate orders undermine the
6 purposes of this Act. If separate orders are sought, both must
7 comply with all provisions of this Act.

8 (Source: P.A. 96-246, eff. 1-1-10.)

9 (740 ILCS 21/90)

10 Sec. 90. Accountability for actions of others. For the
11 purposes of issuing a stalking or harassment no contact order,
12 deciding what remedies should be included and enforcing the
13 order, Article 5 of the Criminal Code of 2012 shall govern
14 whether respondent is legally accountable for the conduct of
15 another person.

16 (Source: P.A. 96-246, eff. 1-1-10; 97-1150, eff. 1-25-13.)

17 (740 ILCS 21/95)

18 Sec. 95. Emergency stalking or harassment no contact
19 order.

20 (a) An emergency stalking or harassment no contact order
21 shall issue if the petitioner satisfies the requirements of
22 this subsection (a). The petitioner shall establish that:

23 (1) the court has jurisdiction under Section 50;

1 (2) the requirements of Section 80 are satisfied; and

2 (3) there is good cause to grant the remedy,
3 regardless of prior service of process or of notice upon
4 the respondent, because the harm which that remedy is
5 intended to prevent would be likely to occur if the
6 respondent were given any prior notice, or greater notice
7 than was actually given, of the petitioner's efforts to
8 obtain judicial relief.

9 An emergency stalking or harassment no contact order shall
10 be issued by the court if it appears from the contents of the
11 petition and the examination of the petitioner that the
12 averments are sufficient to indicate stalking by the
13 respondent and to support the granting of relief under the
14 issuance of the stalking or harassment no contact order.

15 An emergency stalking or harassment no contact order shall
16 be issued if the court finds that items (1), (2), and (3) of
17 this subsection (a) are met.

18 (a-5) When a petition for an emergency stalking or
19 harassment no contact order is granted, the petition, order,
20 and file shall not be public and shall only be accessible to
21 the court, law enforcement, petitioner, victim advocate,
22 counsel of record for either party, and State's Attorney for
23 the county until the order is served on the respondent.

24 Accessibility to the petition, order, and file under this
25 subsection prior to the petition being served on the
26 respondent shall be in accordance with Section 5 of the Court

1 Record and Document Accessibility Act.

2 (b) If the respondent appears in court for this hearing
3 for an emergency order, he or she may elect to file a general
4 appearance and testify. Any resulting order may be an
5 emergency order, governed by this Section. Notwithstanding the
6 requirements of this Section, if all requirements of Section
7 100 have been met, the court may issue a plenary order.

8 (c) Emergency orders; court holidays and evenings.

9 (1) When the court is unavailable at the close of
10 business, the petitioner may file a petition for a 21-day
11 emergency order before any available circuit judge or
12 associate judge who may grant relief under this Act. If
13 the judge finds that there is an immediate and present
14 danger of abuse against the petitioner and that the
15 petitioner has satisfied the prerequisites set forth in
16 subsection (a), that judge may issue an emergency stalking
17 or harassment no contact order.

18 (2) The chief judge of the circuit court may designate
19 for each county in the circuit at least one judge to be
20 reasonably available to issue orally, by telephone, by
21 facsimile, or otherwise, an emergency stalking or
22 harassment no contact order at all times, whether or not
23 the court is in session.

24 (3) Any order issued under this Section and any
25 documentation in support of the order shall be certified
26 on the next court day to the appropriate court. The clerk

1 of that court shall immediately assign a case number, file
2 the petition, order, and other documents with the court,
3 and enter the order of record and file it with the sheriff
4 for service, in accordance with Section 60. Filing the
5 petition shall commence proceedings for further relief
6 under Section 20. Failure to comply with the requirements
7 of this paragraph (3) does not affect the validity of the
8 order.

9 (Source: P.A. 102-831, eff. 5-13-22; 103-166, eff. 1-1-24.)

10 (740 ILCS 21/100)

11 Sec. 100. Plenary stalking or harassment no contact order.
12 A plenary stalking or harassment no contact order shall issue
13 if the petitioner has served notice of the hearing for that
14 order on the respondent, in accordance with Section 65, and
15 satisfies the requirements of this Section. The petitioner
16 must establish that:

- 17 (1) the court has jurisdiction under Section 50;
18 (2) the requirements of Section 80 are satisfied;
19 (3) a general appearance was made or filed by or for
20 the respondent or process was served on the respondent in
21 the manner required by Section 60; and
22 (4) the respondent has answered or is in default.

23 (Source: P.A. 96-246, eff. 1-1-10.)

24 (740 ILCS 21/105)

1 Sec. 105. Duration and extension of orders.

2 (a) Unless re-opened or extended or voided by entry of an
3 order of greater duration, an emergency order shall be
4 effective for not less than 14 nor more than 21 days.

5 (b) Except as otherwise provided in this Section, a
6 plenary stalking or harassment no contact order shall be
7 effective for a fixed period of time, not to exceed 2 years. A
8 stalking or harassment no contact order entered in conjunction
9 with a criminal prosecution or delinquency petition shall
10 remain in effect as provided in Section 112A-20 of the Code of
11 Criminal Procedure of 1963.

12 (c) Any emergency or plenary order may be extended one or
13 more times, as required, provided that the requirements of
14 Section 95 or 100, as appropriate, are satisfied. If the
15 motion for extension is uncontested and the petitioner seeks
16 no modification of the order, the order may be extended on the
17 basis of the petitioner's motion or affidavit stating that
18 there has been no material change in relevant circumstances
19 since entry of the order and stating the reason for the
20 requested extension. Extensions may be granted only in open
21 court and not under the provisions of subsection (c) of
22 Section 95, which applies only when the court is unavailable
23 at the close of business or on a court holiday.

24 (d) Any stalking or harassment no contact order which
25 would expire on a court holiday shall instead expire at the
26 close of the next court business day.

1 (e) The practice of dismissing or suspending a criminal
2 prosecution in exchange for the issuance of a stalking or
3 harassment no contact order undermines the purposes of this
4 Act. This Section shall not be construed as encouraging that
5 practice.

6 (Source: P.A. 100-199, eff. 1-1-18.)

7 (740 ILCS 21/110)

8 Sec. 110. Contents of orders.

9 (a) Any stalking or harassment no contact order shall
10 describe each remedy granted by the court, in reasonable
11 detail and not by reference to any other document, so that the
12 respondent may clearly understand what he or she must do or
13 refrain from doing.

14 (b) A stalking or harassment no contact order shall
15 further state the following:

16 (1) The name of each petitioner that the court finds
17 was the victim of stalking by the respondent.

18 (2) The date and time the stalking or harassment no
19 contact order was issued, whether it is an emergency or
20 plenary order, and the duration of the order.

21 (3) The date, time, and place for any scheduled
22 hearing for extension of that stalking or harassment no
23 contact order or for another order of greater duration or
24 scope.

25 (4) For each remedy in an emergency stalking or

1 harassment no contact order, the reason for entering that
2 remedy without prior notice to the respondent or greater
3 notice than was actually given.

4 (5) For emergency stalking or harassment no contact
5 orders, that the respondent may petition the court, in
6 accordance with Section 120, to reopen the order if he or
7 she did not receive actual prior notice of the hearing as
8 required under Section 65 of this Act and if the
9 respondent alleges that he or she had a meritorious
10 defense to the order or that the order or its remedy is not
11 authorized by this Act.

12 (c) A stalking or harassment no contact order shall
13 include the following notice, printed in conspicuous type: "An
14 initial knowing violation of a stalking or harassment no
15 contact order is a Class A misdemeanor. Any second or
16 subsequent knowing violation is a Class 4 felony."

17 (Source: P.A. 96-246, eff. 1-1-10.)

18 (740 ILCS 21/115)

19 Sec. 115. Notice of orders.

20 (a) Upon issuance of any stalking or harassment no contact
21 order, the clerk shall immediately:

22 (1) enter the order on the record and file it in
23 accordance with the circuit court procedures; and

24 (2) provide a file stamped copy of the order to the
25 respondent, if present, and to the petitioner.

1 (b) The clerk of the issuing judge shall, or the
2 petitioner may, on the same day that a stalking or harassment
3 no contact order is issued, file a certified copy of that order
4 with the sheriff or other law enforcement officials charged
5 with maintaining Illinois State Police records or charged with
6 serving the order upon the respondent. If the respondent, at
7 the time of the issuance of the order, is committed to the
8 custody of the Illinois Department of Corrections or Illinois
9 Department of Juvenile Justice or is on parole, aftercare
10 release, or mandatory supervised release, the sheriff or other
11 law enforcement officials charged with maintaining Illinois
12 State Police records shall notify the Department of
13 Corrections or Department of Juvenile Justice within 48 hours
14 of receipt of a copy of the stalking or harassment no contact
15 order from the clerk of the issuing judge or the petitioner.
16 Such notice shall include the name of the respondent, the
17 respondent's IDOC inmate number or IDJJ youth identification
18 number, the respondent's date of birth, and the LEADS Record
19 Index Number.

20 (c) Unless the respondent was present in court when the
21 order was issued, the sheriff, other law enforcement official,
22 or special process server shall promptly serve that order upon
23 the respondent and file proof of such service in the manner
24 provided for service of process in civil proceedings. Instead
25 of serving the order upon the respondent, however, the
26 sheriff, other law enforcement official, special process

1 server, or other persons defined in Section 117 may serve the
2 respondent with a short form notification as provided in
3 Section 117. If process has not yet been served upon the
4 respondent, it shall be served with the order or short form
5 notification if such service is made by the sheriff, other law
6 enforcement official, or special process server.

7 (d) If the person against whom the stalking or harassment
8 no contact order is issued is arrested and the written order is
9 issued in accordance with subsection (c) of Section 95 and
10 received by the custodial law enforcement agency before the
11 respondent or arrestee is released from custody, the custodial
12 law enforcement agent shall promptly serve the order upon the
13 respondent or arrestee before the respondent or arrestee is
14 released from custody. In no event shall detention of the
15 respondent or arrestee be extended for hearing on the petition
16 for stalking or harassment no contact order or receipt of the
17 order issued under Section 95 of this Act.

18 (e) Any order extending, modifying, or revoking any
19 stalking or harassment no contact order shall be promptly
20 recorded, issued, and served as provided in this Section.

21 (f) Upon the request of the petitioner, within 24 hours of
22 the issuance of a stalking or harassment no contact order, the
23 clerk of the issuing judge shall send written notice of the
24 order along with a certified copy of the order to any school,
25 daycare, college, or university at which the petitioner is
26 enrolled.

1 (Source: P.A. 101-508, eff. 1-1-20; 102-538, eff. 8-20-21.)

2 (740 ILCS 21/117)

3 Sec. 117. Short form notification.

4 (a) Instead of personal service of a stalking or
5 harassment no contact order under Section 115, a sheriff,
6 other law enforcement official, special process server, or
7 personnel assigned by the Department of Corrections or
8 Department of Juvenile Justice to investigate the alleged
9 misconduct of committed persons or alleged violations of a
10 parolee's or releasee's conditions of parole, aftercare
11 release, or mandatory supervised release may serve a
12 respondent with a short form notification. The short form
13 notification must include the following items:

14 (1) The respondent's name.

15 (2) The respondent's date of birth, if known.

16 (3) The petitioner's name.

17 (4) The names of other protected parties.

18 (5) The date and county in which the stalking or
19 harassment no contact order was filed.

20 (6) The court file number.

21 (7) The hearing date and time, if known.

22 (8) The conditions that apply to the respondent,
23 either in checklist form or handwritten.

24 (b) The short form notification must contain the following
25 notice in bold print:

1 "The order is now enforceable. You must report to the
2 office of the sheriff or the office of the circuit court in
3 (name of county) County to obtain a copy of the order. You are
4 subject to arrest and may be charged with a misdemeanor or
5 felony if you violate any of the terms of the order."

6 (c) Upon verification of the identity of the respondent
7 and the existence of an unserved order against the respondent,
8 a sheriff or other law enforcement official may detain the
9 respondent for a reasonable time necessary to complete and
10 serve the short form notification.

11 (d) When service is made by short form notification under
12 this Section, it may be proved by the affidavit of the person
13 making the service.

14 (e) The Attorney General shall make the short form
15 notification form available to law enforcement agencies in
16 this State.

17 (f) A single short form notification form may be used for
18 orders of protection under the Illinois Domestic Violence Act
19 of 1986, stalking or harassment no contact orders under this
20 Act, and civil no contact orders under the Civil No Contact
21 Order Act.

22 (Source: P.A. 97-1017, eff. 1-1-13; 98-558, eff. 1-1-14.)

23 (740 ILCS 21/120)

24 Sec. 120. Modification; reopening of orders.

25 (a) Except as otherwise provided in this Section, upon

1 motion by the petitioner, the court may modify an emergency or
2 plenary stalking or harassment no contact order by altering
3 the remedy, subject to Section 80.

4 (b) After 30 days following entry of a plenary stalking or
5 harassment no contact order, a court may modify that order
6 only when a change in the applicable law or facts since that
7 plenary order was entered warrants a modification of its
8 terms.

9 (c) Upon 2 days' notice to the petitioner, or such shorter
10 notice as the court may prescribe, a respondent subject to an
11 emergency stalking or harassment no contact order issued under
12 this Act may appear and petition the court to rehear the
13 original or amended petition. Any petition to rehear shall be
14 verified and shall allege the following:

15 (1) that the respondent did not receive prior notice
16 of the initial hearing in which the emergency order was
17 entered under Sections 65 and 95; and

18 (2) that the respondent had a meritorious defense to
19 the order or any of its remedies or that the order or any
20 of its remedies was not authorized by this Act.

21 (Source: P.A. 96-246, eff. 1-1-10.)

22 (740 ILCS 21/125)

23 Sec. 125. Violation. An initial knowing violation of a
24 stalking or harassment no contact order is a Class A
25 misdemeanor. A second or subsequent knowing violation is a

1 Class 4 felony.

2 (Source: P.A. 96-246, eff. 1-1-10.)

3 (740 ILCS 21/130)

4 Sec. 130. Arrest without warrant.

5 (a) Any law enforcement officer may make an arrest without
6 warrant if the officer has probable cause to believe that the
7 person has committed or is committing a violation of a
8 stalking or harassment no contact order.

9 (b) The law enforcement officer may verify the existence
10 of a stalking or harassment no contact order by telephone or
11 radio communication with his or her law enforcement agency or
12 by referring to the copy of the order provided by the
13 petitioner or the respondent.

14 (Source: P.A. 96-246, eff. 1-1-10.)

15 (740 ILCS 21/135)

16 Sec. 135. Data maintenance by law enforcement agencies.

17 (a) All sheriffs shall furnish to the Illinois State
18 Police, on the same day as received, in the form and detail the
19 Department requires, copies of any recorded emergency or
20 plenary stalking or harassment no contact orders issued by the
21 court and transmitted to the sheriff by the clerk of the court
22 in accordance with subsection (b) of Section 115 of this Act.
23 Each stalking or harassment no contact order shall be entered
24 in the Law Enforcement Agencies Data System on the same day it

1 is issued by the court. If an emergency stalking or harassment
2 no contact order was issued in accordance with subsection (c)
3 of Section 100, the order shall be entered in the Law
4 Enforcement Agencies Data System as soon as possible after
5 receipt from the clerk of the court.

6 (b) The Illinois State Police shall maintain a complete
7 and systematic record and index of all valid and recorded
8 stalking or harassment no contact orders issued under this
9 Act. The data shall be used to inform all dispatchers and law
10 enforcement officers at the scene of an alleged incident of
11 stalking or violation of a stalking or harassment no contact
12 order of any recorded prior incident of stalking involving the
13 petitioner and the effective dates and terms of any recorded
14 stalking or harassment no contact order.

15 (Source: P.A. 102-538, eff. 8-20-21.)

16 Section 45. The Civil No Contact Order Act is amended by
17 changing Section 218.1 as follows:

18 (740 ILCS 22/218.1)

19 Sec. 218.1. Short form notification.

20 (a) Instead of personal service of a civil no contact
21 order under Section 218, a sheriff, other law enforcement
22 official, special process server, or personnel assigned by the
23 Department of Corrections or Department of Juvenile Justice to
24 investigate the alleged misconduct of committed persons or

1 alleged violations of a parolee's or releasee's conditions of
2 parole, aftercare release, or mandatory supervised release may
3 serve a respondent with a short form notification. The short
4 form notification must include the following items:

5 (1) The respondent's name.

6 (2) The respondent's date of birth, if known.

7 (3) The petitioner's name.

8 (4) The names of other protected parties.

9 (5) The date and county in which the civil no contact
10 order was filed.

11 (6) The court file number.

12 (7) The hearing date and time, if known.

13 (8) The conditions that apply to the respondent,
14 either in checklist form or handwritten.

15 (b) The short form notification must contain the following
16 notice in bold print:

17 "The order is now enforceable. You must report to the
18 office of the sheriff or the office of the circuit court in
19 (name of county) County to obtain a copy of the order. You are
20 subject to arrest and may be charged with a misdemeanor or
21 felony if you violate any of the terms of the order."

22 (c) Upon verification of the identity of the respondent
23 and the existence of an unserved order against the respondent,
24 a sheriff or other law enforcement official may detain the
25 respondent for a reasonable time necessary to complete and
26 serve the short form notification.

1 (d) When service is made by short form notification under
2 this Section, it may be proved by the affidavit of the person
3 making the service.

4 (e) The Attorney General shall make the short form
5 notification form available to law enforcement agencies in
6 this State.

7 (f) A single short form notification form may be used for
8 orders of protection under the Illinois Domestic Violence Act
9 of 1986, stalking or harassment no contact orders under the
10 Stalking or Harassment No Contact Order Act, and civil no
11 contact orders under this Act.

12 (Source: P.A. 97-1017, eff. 1-1-13; 98-558, eff. 1-1-14.)

13 Section 50. The Crime Victims Compensation Act is amended
14 by changing Sections 2, 6.1, and 7.1 as follows:

15 (740 ILCS 45/2)

16 Sec. 2. Definitions. As used in this Act, unless the
17 context otherwise requires:

18 (a) "Applicant" means any of the following claiming
19 compensation under this Act:

20 (1) A victim.

21 (2) If the victim was a guardian or primary caregiver
22 to an adult who is physically or mentally incapacitated,
23 that adult who is physically or mentally incapacitated.

24 (3) A guardian of a minor or of a person under legal

1 disability.

2 (4) A person who, at the time the crime occurred,
3 resided in the same dwelling as the victim, solely for the
4 purpose of compensating for any of the following:

5 (A) Pecuniary loss incurred for psychological
6 treatment of a mental or emotional condition caused or
7 aggravated by the crime.

8 (B) Loss of earnings under paragraph (14.5) of
9 subsection (h) for time off from work necessary to
10 provide full time care for the injured victim.

11 (C) Relocation expenses.

12 (5) A person who assumes a legal obligation or
13 voluntarily pays for a victim's medical or funeral or
14 burial expenses.

15 (6) Any other person the Court of Claims or the
16 Attorney General finds is entitled to compensation.

17 The changes made to this subsection by Public Act 101-652
18 apply to actions commenced or pending on or after January 1,
19 2022.

20 (b) "Court of Claims" means the Court of Claims created by
21 the Court of Claims Act.

22 (c) "Crime of violence" means and includes any offense
23 defined in Sections 9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.2, 10-1,
24 10-2, 10-9, 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60,
25 11-11, 11-20.1, 11-23, 11-23.5, 12-1, 12-2, 12-3, 12-3.05,
26 12-3.1, 12-3.2, 12-3.3, 12-3.4, 12-5, 12-7.1, 12-7.3, 12-7.4,

1 12-20.5, 20-1 or 20-1.1, or Section 12-3.05 except for
2 subdivision (a) (4) or (g) (1), or subdivision (a) (4) of Section
3 11-14.4, of the Criminal Code of 1961 or the Criminal Code of
4 2012, Sections 1(a) and 1(a-5) of the Cemetery Protection Act,
5 Section 125 of the Stalking or Harassment No Contact Order
6 Act, Section 219 of the Civil No Contact Order Act, driving
7 under the influence as defined in Section 11-501 of the
8 Illinois Vehicle Code, a violation of Section 11-401 of the
9 Illinois Vehicle Code, provided the victim was a pedestrian or
10 was operating a vehicle moved solely by human power or a
11 mobility device at the time of contact, and a violation of
12 Section 11-204.1 of the Illinois Vehicle Code; so long as the
13 offense did not occur during a civil riot, insurrection or
14 rebellion. "Crime of violence" does not include any other
15 offense or crash involving a motor vehicle except those
16 vehicle offenses specifically provided for in this paragraph.
17 "Crime of violence" does include all of the offenses
18 specifically provided for in this paragraph that occur within
19 this State but are subject to federal jurisdiction and crimes
20 involving terrorism as defined in 18 U.S.C. 2331.

21 (d) "Victim" means (1) a person killed or injured in this
22 State as a result of a crime of violence perpetrated or
23 attempted against him or her, (2) the spouse, parent, or child
24 of a person killed or injured in this State as a result of a
25 crime of violence perpetrated or attempted against the person,
26 or anyone living in the dwelling of a person killed or injured

1 in a relationship that is substantially similar to that of a
2 parent, spouse, or child, (3) a person killed or injured in
3 this State while attempting to assist a person against whom a
4 crime of violence is being perpetrated or attempted, if that
5 attempt of assistance would be expected of a reasonable person
6 under the circumstances, (4) a person killed or injured in
7 this State while assisting a law enforcement official
8 apprehend a person who has perpetrated a crime of violence or
9 prevent the perpetration of any such crime if that assistance
10 was in response to the express request of the law enforcement
11 official, (5) a person who personally witnessed a violent
12 crime, (5.05) a person who will be called as a witness by the
13 prosecution to establish a necessary nexus between the
14 offender and the violent crime, (5.1) any person who is the
15 grandparent, grandchild, brother, sister, half brother, or
16 half sister of a person killed or injured in this State as a
17 result of a crime of violence, applying solely for the purpose
18 of compensating for pecuniary loss incurred for psychological
19 treatment of a mental or emotional condition caused or
20 aggravated by the crime, loss of earnings under paragraph
21 (14.5) of subsection (h) for time off from work necessary to
22 provide full time care for the injured victim, or relocation
23 if the crime occurred within the dwelling of the applicant,
24 (5.2) any person who was in a dating relationship with a person
25 killed in this State as a result of a crime of violence, solely
26 for the purpose of compensating for pecuniary loss incurred

1 for psychological treatment of a mental or emotional condition
2 caused or aggravated by the crime, (6) an Illinois resident
3 who is a victim of a "crime of violence" as defined in this Act
4 except, if the crime occurred outside this State, the resident
5 has the same rights under this Act as if the crime had occurred
6 in this State upon a showing that the state, territory,
7 country, or political subdivision of a country in which the
8 crime occurred does not have a compensation of victims of
9 crimes law for which that Illinois resident is eligible, (7)
10 the parent, spouse, or child of a deceased person whose body is
11 dismembered or whose remains are desecrated as the result of a
12 crime of violence, (8) (blank), or (9) an individual who is
13 injured or killed in an incident in which a law enforcement
14 officer's use of force caused bodily harm or death to that
15 individual.

16 (e) "Dependent" means a relative of a deceased victim who
17 was wholly or partially dependent upon the victim's income at
18 the time of his or her death and shall include the child of a
19 victim born after his or her death.

20 (f) "Relative" means a spouse, parent, grandparent,
21 stepfather, stepmother, child, grandchild, brother,
22 brother-in-law, sister, sister-in-law, half brother, half
23 sister, spouse's parent, nephew, niece, uncle, aunt, or anyone
24 living in the dwelling of a person killed or injured in a
25 relationship that is substantially similar to that of a
26 parent, spouse, or child.

1 (g) "Child" means a son or daughter and includes a
2 stepchild, an adopted child or a child born out of wedlock.

3 (h) "Pecuniary loss" means:

4 (1) in the case of injury, appropriate medical
5 expenses and hospital expenses including expenses of
6 medical examinations, rehabilitation, medically required
7 nursing care expenses, appropriate psychiatric care or
8 psychiatric counseling expenses, appropriate expenses for
9 care or counseling by a licensed clinical psychologist,
10 licensed clinical social worker, licensed professional
11 counselor, or licensed clinical professional counselor and
12 expenses for treatment by Christian Science practitioners
13 and nursing care appropriate thereto;

14 (2) transportation expenses to and from medical and
15 counseling treatment facilities;

16 (3) prosthetic appliances, eyeglasses, and hearing
17 aids necessary or damaged as a result of the crime;

18 (4) expenses incurred for the towing and storage of a
19 victim's vehicle in connection with a crime of violence,
20 to a maximum of \$1,000;

21 (5) costs associated with trafficking tattoo removal
22 by a person authorized or licensed to perform the specific
23 removal procedure; for victims of offenses defined in
24 Section 10-9 of the Criminal Code of 2012, the victim
25 shall submit a statement under oath on a form prescribed
26 by the Attorney General attesting that the removed tattoo

1 was applied in connection with the commission of the
2 offense;

3 (6) replacement costs for clothing and bedding used as
4 evidence;

5 (7) costs associated with temporary lodging or
6 relocation necessary as a result of the crime, including,
7 but not limited to, the first 2 months' rent and security
8 deposit of the dwelling that the claimant relocated to and
9 other reasonable relocation expenses incurred as a result
10 of the violent crime;

11 (8) locks, doors, or windows necessary or damaged as a
12 result of the crime;

13 (9) the purchase, lease, or rental of equipment
14 necessary to create usability of and accessibility to the
15 victim's real and personal property, or the real and
16 personal property which is used by the victim, necessary
17 as a result of the crime; "real and personal property"
18 includes, but is not limited to, vehicles, houses,
19 apartments, townhouses, or condominiums;

20 (10) the costs of appropriate crime scene clean-up;

21 (11) replacement services loss, to a maximum of \$1,250
22 per month, with this amount to be divided in proportion to
23 the amount of the actual loss among those entitled to
24 compensation;

25 (12) dependents replacement services loss, to a
26 maximum of \$1,250 per month, with this amount to be

1 divided in proportion to the amount of the actual loss
2 among those entitled to compensation;

3 (13) loss of tuition paid to attend grammar school or
4 high school when the victim had been enrolled as a student
5 prior to the injury, or college or graduate school when
6 the victim had been enrolled as a day or night student
7 prior to the injury when the victim becomes unable to
8 continue attendance at school as a result of the crime of
9 violence perpetrated against him or her;

10 (14) loss of earnings, loss of future earnings because
11 of disability resulting from the injury. Loss of future
12 earnings shall be reduced by any income from substitute
13 work actually performed by the victim or by income the
14 victim would have earned in available appropriate
15 substitute work the victim was capable of performing but
16 unreasonably failed to undertake; loss of earnings and
17 loss of future earnings shall be determined on the basis
18 of the victim's average net monthly earnings for the 6
19 months immediately preceding the date of the injury or on
20 \$2,400 per month, whichever is less, or, in cases where
21 the absences commenced more than 3 years from the date of
22 the crime, on the basis of the net monthly earnings for the
23 6 months immediately preceding the date of the first
24 absence, not to exceed \$2,400 per month;

25 (14.5) loss of earnings for applicants or loss of
26 future earnings for applicants. The applicant must

1 demonstrate that the loss of earnings is a direct result
2 of circumstances attributed to the crime including, but
3 not limited to, court appearances, funeral preparation and
4 bereavement, receipt of medical or psychological care;
5 loss of earnings and loss of future earnings shall be
6 determined on the basis of the applicant's average net
7 monthly earnings for the 6 months immediately preceding
8 the date of the injury or on \$2,400 per month, whichever is
9 less, or, in cases where the absences commenced more than
10 3 years from the date of the crime, on the basis of the net
11 monthly earnings for the 6 months immediately preceding
12 the date of the first absence, not to exceed \$2,400 per
13 month;

14 (15) loss of support of the dependents of the victim.
15 Loss of support shall be determined on the basis of the
16 victim's average net monthly earnings for the 6 months
17 immediately preceding the date of the injury or on \$2,400
18 per month, whichever is less, or, in cases where the
19 absences commenced more than 3 years from the date of the
20 crime, on the basis of the net monthly earnings for the 6
21 months immediately preceding the date of the first
22 absence, not to exceed \$2,400 per month. If a divorced or
23 legally separated applicant is claiming loss of support
24 for a minor child of the deceased, the amount of support
25 for each child shall be based either on the amount of
26 support pursuant to the judgment prior to the date of the

1 deceased victim's injury or death, or, if the subject of
2 pending litigation filed by or on behalf of the divorced
3 or legally separated applicant prior to the injury or
4 death, on the result of that litigation. Loss of support
5 for minors shall be divided in proportion to the amount of
6 the actual loss among those entitled to such compensation;

7 (16) in the case of death, expenses for reasonable
8 funeral, burial, headstone, cremation, and travel and
9 transport for survivors of homicide victims to secure
10 bodies of deceased victims and to transport bodies for
11 burial all of which may be awarded up to a maximum of
12 \$10,000 for each victim. Other individuals that have paid
13 or become obligated to pay funeral, cremation, or burial
14 expenses, including a headstone, for the deceased shall
15 share a maximum award of \$10,000, with the award divided
16 in proportion to the amount of the actual loss among those
17 entitled to compensation;

18 (17) in the case of dismemberment or desecration of a
19 body, expenses for reasonable funeral, burial, headstone,
20 and cremation, all of which may be awarded up to a maximum
21 of \$10,000 for each victim. Other individuals that have
22 paid or become obligated to pay funeral, cremation, or
23 burial expenses, including a headstone, for the deceased
24 shall share a maximum award of \$10,000, with the award
25 divided in proportion to the amount of the actual loss
26 among those entitled to compensation; and

1 (19) legal fees resulting from proceedings that became
2 necessary solely because of the crime, including, but not
3 limited to, establishing a legal guardian for the minor
4 victim or the minor child of a victim, or obtaining a
5 restraining order, no contact order, or order of
6 protection, awarded up to a maximum of \$3,500.

7 "Pecuniary loss" does not include pain and suffering or
8 property loss or damage.

9 The changes made to this subsection by Public Act 101-652
10 apply to actions commenced or pending on or after January 1,
11 2022.

12 (i) "Replacement services loss" means expenses reasonably
13 incurred in obtaining ordinary and necessary services in lieu
14 of those the injured person would have performed, not for
15 income, but for the benefit of himself or herself or his or her
16 family, if he or she had not been injured.

17 (j) "Dependents replacement services loss" means loss
18 reasonably incurred by dependents or private legal guardians
19 of minor dependents after a victim's death in obtaining
20 ordinary and necessary services in lieu of those the victim
21 would have performed, not for income, but for their benefit,
22 if he or she had not been fatally injured.

23 (k) "Survivor" means immediate family including a parent,
24 stepfather, stepmother, child, brother, sister, or spouse.

25 (l) "Parent" means a natural parent, adopted parent,
26 stepparent, or permanent legal guardian of another person.

1 (m) "Trafficking tattoo" is a tattoo which is applied to a
2 victim in connection with the commission of a violation of
3 Section 10-9 of the Criminal Code of 2012.

4 (n) "Dwelling" means a person's primary home. A person may
5 be required to provide verification or proof of residence
6 including, but not limited to, a lease agreement, utility
7 bill, license registration, document showing the mailing
8 address, pay stub, tax form, or notarized statement.

9 (o) "Dating relationship" means a current, continuous,
10 romantic, courtship, or engagement relationship, often
11 characterized by actions of an intimate or sexual nature or an
12 expectation of affection. "Dating relationship" does not
13 include a casual acquaintanceship or ordinary fraternization
14 between persons in a business or social context.

15 (p) "Medical facility" means a facility for the delivery
16 of health services. "Medical facility" includes, but is not
17 limited to, a hospital, public health center, outpatient
18 medical facility, federally qualified health center, migrant
19 health center, community health center, or State correctional
20 institution.

21 (q) "Mental health provider" means a licensed clinical
22 psychologist, a licensed clinical social worker, a licensed
23 professional counselor, or a licensed clinical professional
24 counselor as defined in the Mental Health and Developmental
25 Disabilities Code.

26 (r) "Independent medical evaluation" means an assessment

1 by a mental health provider who is not currently providing
2 treatment to the applicant and will not seek reimbursement
3 from the program for continuing treatment after the
4 assessment. A provider may seek reimbursement for the
5 assessment.

6 (Source: P.A. 102-27, eff. 6-25-21; 102-905, eff. 1-1-23;
7 102-982, eff. 7-1-23; 103-154, eff. 6-30-23; 103-564, eff.
8 11-17-23; 103-1037, eff. 1-1-25.)

9 (740 ILCS 45/6.1) (from Ch. 70, par. 76.1)

10 Sec. 6.1. Right to compensation. A person is entitled to
11 compensation under this Act if:

12 (a) Timing. Within 5 years of the occurrence of the
13 crime, or within one year after a criminal charge of a
14 person for an offense, upon which the claim is based, the
15 applicant presents an application, under oath, to the
16 Attorney General that is filed with the Court of Claims
17 and on a form prescribed in accordance with Section 7.1
18 furnished by the Attorney General. If the person entitled
19 to compensation is under 18 years of age or under other
20 legal disability at the time of the occurrence or is
21 determined by a court to be under a legal disability as a
22 result of the occurrence, he or she may present the
23 application required by this subsection within 3 years
24 after he or she attains the age of 18 years or the
25 disability is removed, as the case may be. Legal

1 disability includes a diagnosis of posttraumatic stress
2 disorder.

3 (a-1) The Attorney General and the Court of Claims may
4 accept an application presented after the period provided
5 in subsection (a) if the Attorney General determines that
6 the applicant had good cause for a delay.

7 (b) Notification. The appropriate law enforcement
8 officials were notified within 72 hours of the
9 perpetration of the crime allegedly causing the death or
10 injury to the victim. If the notification was made more
11 than 72 hours after the perpetration of the crime and the
12 applicant establishes that the notice was timely under the
13 circumstances, the Attorney General and the Court of
14 Claims may extend the time for reporting to law
15 enforcement.

16 For victims of offenses defined in Sections 10-9,
17 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 12-13, and
18 12-14 of the Criminal Code of 1961 or the Criminal Code of
19 2012, the appropriate law enforcement officials were
20 notified within 7 days of the perpetration of the crime
21 allegedly causing death or injury to the victim or, if the
22 notification was made more than 7 days after the
23 perpetration of the crime, the applicant establishes that
24 the notice was timely under the circumstances.

25 (b-1) If, in lieu of a law enforcement report, the
26 applicant or victim has obtained an order of protection, a

1 civil no contact order, or a stalking or harassment no
2 contact order, has presented to a medical facility for
3 medical care or sexual assault evidence collection, has
4 presented to a mental health provider for an independent
5 medical evaluation, or is engaged in a legal proceeding
6 involving a claim that the applicant or victim is a victim
7 of human trafficking or law enforcement use of force, such
8 action shall constitute appropriate notification under
9 this Section.

10 (b-2) For purposes of notification under this Act, a
11 victim who presents to a medical facility shall provide
12 information sufficient to fulfill the requirements of this
13 Section, except that the victim shall not be required to
14 identify the offender to the medical provider.

15 (b-3) An applicant who is filing a claim that a law
16 enforcement officer's use of force caused injury or death,
17 may fulfill the notification requirement by complying with
18 subsection (b), filing a complaint with the Illinois Law
19 Enforcement Training Standards Board, filing a lawsuit
20 against a law enforcement officer or department, or
21 presenting evidence that the victim has obtained a
22 settlement or a verdict in a civil suit. An application
23 filed by an individual presenting evidence of a verdict in
24 a civil suit must be filed within one year after the
25 resolution of the civil suit.

26 (b-4) An applicant may provide notification to a

1 mental health provider regarding physical injuries of the
2 victim or for victims of offenses defined in Sections
3 10-9, 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60,
4 11-14.4, 12-3.2, 12-3.3, 12-3.4, 12-7.3, 12-7.4 of the
5 Criminal Code of 2012, psychological injuries resulting
6 from the commission of the crime for which the applicant
7 is filing an application. The provider shall perform an
8 independent medical evaluation and provide the provider's
9 professional opinion as to whether the injuries claimed
10 are consistent with having resulted from the commission of
11 the crime for which the applicant is filing an
12 application.

13 Upon completion of the independent medical evaluation,
14 the mental health provider shall complete a certification
15 form, signed under oath. The form shall be provided by the
16 Office of the Attorney General and contain the following:

17 (1) The provider's name, title, license number and
18 place of employment.

19 (2) Contact information for the provider.

20 (3) The provider's relationship with the
21 applicant.

22 (4) The date the crime was reported to the
23 provider.

24 (5) The reported crime.

25 (6) The date and location of the crime.

26 (7) If there are physical injuries, what injuries

1 that the mental health provider can attest to being
2 present on the day of the reporting if they are
3 consistent with the crime reported to the provider.

4 (8) If there are psychological injuries, whether
5 the provider in his or her professional opinion
6 believes that the injuries presented on the day of the
7 reporting are consistent with the crime reported to
8 the provider.

9 (9) A detailed summary of the incident, as
10 reported.

11 (10) Any documentation or photos that relate to
12 the crime of violence for which the applicant is
13 seeking reimbursement.

14 (c) Cooperation. The applicant has cooperated with law
15 enforcement officials in the apprehension and prosecution
16 of the assailant. If the applicant or victim has obtained
17 an order of protection, a civil no contact order, or a
18 stalking or harassment no contact order, has presented to
19 a medical facility for medical care or sexual assault
20 evidence collection, obtained an independent medical
21 examination from a mental health provider as described in
22 subsection (b-4), has taken any of the actions described
23 in subsection (b-3), or is engaged in a legal proceeding
24 involving a claim that the applicant or victim is a victim
25 of human trafficking, such action shall constitute
26 cooperation under this subsection (c). If the victim is

1 under 18 years of age at the time of the commission of the
2 offense, the following shall constitute cooperation under
3 this subsection (c):

4 (1) the applicant or the victim files a police
5 report with a law enforcement agency;

6 (2) a mandated reporter reports the crime to law
7 enforcement; or

8 (3) a person with firsthand knowledge of the crime
9 reports the crime to law enforcement.

10 In evaluating cooperation, the Attorney General and
11 Court of Claims may consider the victim's age, physical
12 condition, psychological state, cultural or linguistic
13 barriers, and compelling health and safety concerns,
14 including, but not limited to, a reasonable fear of
15 retaliation or harm that would jeopardize the well-being
16 of the victim or the victim's family, and giving due
17 consideration to the degree of cooperation that the victim
18 or derivative victim is capable of in light of the
19 presence of any of these factors, or any other factor the
20 Attorney General considers relevant.

21 (d) If the applicant is not barred from receiving
22 compensation under Section 10.1.

23 (e) (Blank).

24 (f) (Blank).

25 (g) (Blank).

26 The changes made to this Section by this amendatory Act of

1 the 101st General Assembly apply to actions commenced or
2 pending on or after January 1, 2022.

3 (Source: P.A. 102-27, eff. 6-25-21; 103-1037, eff. 1-1-25.)

4 (740 ILCS 45/7.1) (from Ch. 70, par. 77.1)

5 Sec. 7.1. (a) The application shall set out:

6 (1) the name and address of the victim;

7 (2) if the victim is deceased, the name and address of
8 the applicant and his or her relationship to the victim,
9 the names and addresses of other persons dependent on the
10 victim for their support and the extent to which each is so
11 dependent, and other persons who may be entitled to
12 compensation for a pecuniary loss;

13 (3) the date and nature of the crime on which the
14 application for compensation is based;

15 (4) the date and place where notification under
16 Section 6.1 was given and to whom, or the date and place of
17 issuance of an order of protection, no contact order,
18 evidence of a legal proceeding involving human
19 trafficking, or in cases of a law enforcement officer's
20 use of force, another form of documentation allowable
21 under Section 6.1;

22 (4.5) if the victim is providing supplemental forms of
23 documentation, that documentation, the date the victim
24 obtained that other form of documentation and the type of
25 documentation;

1 (5) the nature and extent of the injuries sustained by
2 the victim, and the names and addresses of those giving
3 medical and hospitalization treatment to the victim;

4 (6) the pecuniary loss to the applicant and to such
5 other persons as are specified under item (2) resulting
6 from the injury or death;

7 (7) the amount of benefits, payments, or awards, if
8 any, payable under:

9 (a) the Workers' Compensation Act,

10 (b) the Dram Shop Act,

11 (c) any claim, demand, or cause of action based
12 upon the crime-related injury or death,

13 (d) the Federal Medicare program,

14 (e) the State Public Aid program,

15 (f) Social Security Administration burial
16 benefits,

17 (g) Veterans administration burial benefits,

18 (h) life, health, accident, vehicle, towing, or
19 liability insurance,

20 (i) the Criminal Victims' Escrow Account Act,

21 (j) the Sexual Assault Survivors Emergency
22 Treatment Act,

23 (k) restitution, or

24 (l) any other source;

25 (8) releases authorizing the surrender to the Court of
26 Claims or Attorney General of reports, documents and other

1 information relating to the matters specified under this
2 Act and rules promulgated in accordance with the Act;

3 (9) such other information as the Court of Claims or
4 the Attorney General reasonably requires.

5 (b) The Attorney General may require that materials
6 substantiating the facts stated in the application be
7 submitted with that application.

8 (b-5) The victim or applicant may provide to the Attorney
9 General a sworn statement by the victim or applicant that
10 attests to the victim's or applicant's experience of a crime
11 or crimes of violence, in addition to documentation required
12 under this Act. If the victim or applicant has additional
13 corroborating evidence beyond those described in this Act, the
14 victim or applicant may provide the following documents: law
15 enforcement report; medical records; confirmation of sexual
16 assault evidence collection; order of protection; civil no
17 contact order, stalking or harassment no contact order;
18 photographs; letter from a service provider who serves victims
19 of crime; affidavit from a witness of the crime of violence;
20 court record; military record; or any other corroborating
21 evidence. Such documentation or statement may be used to
22 supplement required documentation to verify the incident but
23 is not required. If an applicant is seeking an exception under
24 subsection (b) or (c-1) of Section 6.1, the applicant shall
25 provide any additional documentation, information, or
26 statement that substantiates the facts stated in the

1 application.

2 (c) An applicant, on his or her own motion, may file an
3 amended application or additional substantiating materials to
4 correct inadvertent errors or omissions at any time before the
5 original application has been disposed of by the Court of
6 Claims or the Attorney General. In either case, the filing of
7 additional information or of an amended application shall be
8 considered for the purpose of this Act to have been filed at
9 the same time as the original application.

10 For claims submitted on or after January 1, 2022, an
11 amended application or additional substantiating materials to
12 correct inadvertent errors or omissions may be filed at any
13 time before the original application is disposed of by the
14 Attorney General or the Court of Claims.

15 (d) Determinations submitted by the Attorney General to
16 the Court of Claims shall be available to the Court of Claims
17 for review. The Attorney General shall provide the sources and
18 evidence relied upon as a basis for a compensation
19 determination.

20 (e) The changes made to this Section by this amendatory
21 Act of the 101st General Assembly apply to actions commenced
22 or pending on or after January 1, 2022.

23 (Source: P.A. 102-27, eff. 6-25-21; 102-905, eff. 1-1-23;
24 103-1037, eff. 1-1-25.)

25 Section 55. The Illinois Domestic Violence Act of 1986 is

1 amended by changing Section 222.10 as follows:

2 (750 ILCS 60/222.10)

3 Sec. 222.10. Short form notification.

4 (a) Instead of personal service of an order of protection
5 under Section 222, a sheriff, other law enforcement official,
6 special process server, or personnel assigned by the
7 Department of Corrections or Department of Juvenile Justice to
8 investigate the alleged misconduct of committed persons or
9 alleged violations of a parolee's or releasee's conditions of
10 parole, aftercare release, or mandatory supervised release may
11 serve a respondent with a short form notification. The short
12 form notification must include the following items:

13 (1) The respondent's name.

14 (2) The respondent's date of birth, if known.

15 (3) The petitioner's name.

16 (4) The names of other protected parties.

17 (5) The date and county in which the order of
18 protection was filed.

19 (6) The court file number.

20 (7) The hearing date and time, if known.

21 (8) The conditions that apply to the respondent,
22 either in checklist form or handwritten.

23 (b) The short form notification must contain the following
24 notice in bold print:

25 "The order is now enforceable. You must report to the

1 office of the sheriff or the office of the circuit court in
2 (name of county) County to obtain a copy of the order. You
3 are subject to arrest and may be charged with a
4 misdemeanor or felony if you violate any of the terms of
5 the order."

6 (c) Upon verification of the identity of the respondent
7 and the existence of an unserved order against the respondent,
8 a sheriff or other law enforcement official may detain the
9 respondent for a reasonable time necessary to complete and
10 serve the short form notification.

11 (d) When service is made by short form notification under
12 this Section, it may be proved by the affidavit of the person
13 making the service.

14 (e) The Attorney General shall make the short form
15 notification form available to law enforcement agencies in
16 this State.

17 (f) A single short form notification form may be used for
18 orders of protection under this Act, stalking or harassment no
19 contact orders under the Stalking or Harassment No Contact
20 Order Act, and civil no contact orders under the Civil No
21 Contact Order Act.

22 (Source: P.A. 97-50, eff. 6-28-11; 97-1017, eff. 1-1-13;
23 98-558, eff. 1-1-14.)

24 Section 60. The Address Confidentiality for Victims of
25 Domestic Violence, Sexual Assault, Human Trafficking, or

1 Stalking Act is amended by changing Section 10 as follows:

2 (750 ILCS 61/10)

3 Sec. 10. Definitions. In this Act, unless the context
4 otherwise requires:

5 "Address" means a residential street address, school
6 address, or work address of an individual, as specified on the
7 individual's application to be a program participant under
8 this Act.

9 "Program participant" means a person certified as a
10 program participant under this Act.

11 "Domestic violence" has the same meaning as in the
12 Illinois Domestic Violence Act of 1986 and includes a threat
13 of domestic violence against an individual in a domestic
14 situation, regardless of whether the domestic violence or
15 threat has been reported to law enforcement officers.

16 "Human trafficking" means the practices set forth in
17 subsection (b), (c), or (d) of Section 10-9 of the Criminal
18 Code of 2012, regardless of whether the victim has reported
19 the trafficking to law enforcement officers.

20 "Sexual assault" has the same meaning as sexual conduct or
21 sexual penetration as defined in the Civil No Contact Order
22 Act. "Sexual assault" includes a threat of sexual assault,
23 regardless of whether the sexual assault or threat has been
24 reported to law enforcement officers.

25 "Stalking" has the same meaning as in the Stalking or

1 Harassment No Contact Order Act. "Stalking" includes a threat
2 of stalking, regardless of whether the stalking or threat has
3 been reported to law enforcement officers.

4 (Source: P.A. 101-270, eff. 1-1-21; 102-292, eff. 1-1-22.)

5 Section 65. The Domestic Violence Fatality Review Act is
6 amended by changing Section 70 as follows:

7 (750 ILCS 62/70)

8 Sec. 70. Case eligible for review by regional review team.
9 A case eligible for review shall include a fatality or
10 near-fatality that occurred within the geographic boundaries
11 of the judicial circuit covered by the regional review team
12 and a qualifying relationship.

13 (a) A fatality or near-fatality includes at least one of
14 the following:

15 (1) a homicide, as defined in Article 9 of the
16 Criminal Code of 2012 in which:

17 (A) the offender causes the death of the victim,
18 the deceased, or others; or

19 (B) the survivor causes the death of the offender,
20 the deceased, or others;

21 (2) a suicide or attempted suicide of the offender;

22 (3) a suicide of the victim;

23 (4) a suicide attempt of the survivor;

24 (5) a familicide in which the offender causes the

1 death of the victim and other members of the victim's
2 family including, but not limited to, minor or adult
3 children and parents;

4 (6) the near-fatality of a survivor caused by the
5 offender;

6 (7) the near-fatality of an offender caused by the
7 survivor; or

8 (8) any other case involving domestic violence if a
9 majority of the regional review team vote that a review of
10 the case will advance the purposes of this Act.

11 (b) A qualifying relationship between the offender and the
12 victim or survivor shall include instances or a history of
13 domestic violence perpetrated by the offender against the
14 victim or survivor and at least one of the following
15 circumstances:

16 (1) the offender and the victim or survivor:

17 (A) resided together or shared a common dwelling
18 at any time;

19 (B) have or are alleged to have a child in common;

20 or

21 (C) are or were engaged, married, divorced,
22 separated, or had a dating or romantic relationship,
23 regardless of whether they had sexual relations;

24 (2) the offender stalked the victim or survivor as
25 described in Section 12-7.3 of the Criminal Code of 2012;

26 (3) the victim or survivor filed for an order of

1 protection against the offender under the Illinois
2 Domestic Violence Act of 1986 or Section 112A-2.5 of the
3 Code of Criminal Procedure of 1963;

4 (4) the victim or survivor filed for a civil no
5 contact order against the offender under the Civil No
6 Contact Order Act or Section 112A-14.5 of the Code of
7 Criminal Procedure of 1963;

8 (5) the victim or survivor filed for a stalking or
9 harassment no contact order against the offender under the
10 Stalking or Harassment No Contact Order Act or Section
11 112A-2.5 of the Code of Criminal Procedure of 1963;

12 (6) the offender violated an order of protection,
13 civil no contact order, or stalking or harassment no
14 contact order obtained by the victim or survivor;

15 (7) the deceased resided in the same household as, was
16 present at the workplace of, was in the proximity of, or
17 was related by blood or affinity to a victim or survivor;

18 (8) the deceased was a law enforcement officer,
19 emergency medical technician, or other responder to a
20 domestic violence incident between the offender and the
21 victim or survivor; or

22 (9) a relationship between the offender and the
23 victim, survivor, or deceased exists that a majority of
24 the regional review team votes warrants review of the case
25 to advance the purposes of this Act.

26 (c) A case eligible for review does not require criminal

1 charges or a conviction.

2 (d) Any criminal investigation, civil, criminal, or
3 administrative proceeding, and appeals shall be complete for a
4 case to be eligible for review.

5 (Source: P.A. 102-520, eff. 8-20-21.)

6 Section 70. The Illinois Human Rights Act is amended by
7 changing Section 1-103 as follows:

8 (775 ILCS 5/1-103) (from Ch. 68, par. 1-103)

9 Sec. 1-103. General definitions. When used in this Act,
10 unless the context requires otherwise, the term:

11 (A) Age. "Age" means the chronological age of a person who
12 is at least 40 years old, except with regard to any practice
13 described in Section 2-102, insofar as that practice concerns
14 training or apprenticeship programs. In the case of training
15 or apprenticeship programs, for the purposes of Section 2-102,
16 "age" means the chronological age of a person who is 18 but not
17 yet 40 years old.

18 (B) Aggrieved party. "Aggrieved party" means a person who
19 is alleged or proved to have been injured by a civil rights
20 violation or believes he or she will be injured by a civil
21 rights violation under Article 3 that is about to occur.

22 (B-5) Arrest record. "Arrest record" means:

23 (1) an arrest not leading to a conviction;

24 (2) a juvenile record; or

1 (3) criminal history record information ordered
2 expunged, sealed, or impounded under Section 5.2 of the
3 Criminal Identification Act.

4 (C) Charge. "Charge" means an allegation filed with the
5 Department by an aggrieved party or initiated by the
6 Department under its authority.

7 (D) Civil rights violation. "Civil rights violation"
8 includes and shall be limited to only those specific acts set
9 forth in Sections 2-102, 2-103, 2-105, 3-102, 3-102.1, 3-103,
10 3-102.10, 3-104.1, 3-105, 3-105.1, 4-102, 4-103, 5-102,
11 5A-102, 6-101, 6-101.5, and 6-102 of this Act.

12 (E) Commission. "Commission" means the Human Rights
13 Commission created by this Act.

14 (F) Complaint. "Complaint" means the formal pleading filed
15 by the Department with the Commission following an
16 investigation and finding of substantial evidence of a civil
17 rights violation.

18 (G) Complainant. "Complainant" means a person including
19 the Department who files a charge of civil rights violation
20 with the Department or the Commission.

21 (G-5) Conviction record. "Conviction record" means
22 information indicating that a person has been convicted of a
23 felony, misdemeanor or other criminal offense, placed on
24 probation, fined, imprisoned, or paroled pursuant to any law
25 enforcement or military authority.

26 (H) Department. "Department" means the Department of Human

1 Rights created by this Act.

2 (I) Disability.

3 (1) "Disability" means a determinable physical or mental
4 characteristic of a person, including, but not limited to, a
5 determinable physical characteristic which necessitates the
6 person's use of a guide, hearing or support dog, the history of
7 such characteristic, or the perception of such characteristic
8 by the person complained against, which may result from
9 disease, injury, congenital condition of birth or functional
10 disorder and which characteristic:

11 (a) For purposes of Article 2, is unrelated to the
12 person's ability to perform the duties of a particular job
13 or position and, pursuant to Section 2-104 of this Act, a
14 person's illegal use of drugs or alcohol is not a
15 disability;

16 (b) For purposes of Article 3, is unrelated to the
17 person's ability to acquire, rent, or maintain a housing
18 accommodation;

19 (c) For purposes of Article 4, is unrelated to a
20 person's ability to repay;

21 (d) For purposes of Article 5, is unrelated to a
22 person's ability to utilize and benefit from a place of
23 public accommodation;

24 (e) For purposes of Article 5, also includes any
25 mental, psychological, or developmental disability,
26 including autism spectrum disorders.

1 (2) Discrimination based on disability includes unlawful
2 discrimination against an individual because of the
3 individual's association with a person with a disability.

4 (J) Marital status. "Marital status" means the legal
5 status of being married, single, separated, divorced, or
6 widowed.

7 (J-1) Military status. "Military status" means a person's
8 status on active duty in or status as a veteran of the armed
9 forces of the United States, status as a current member or
10 veteran of any reserve component of the armed forces of the
11 United States, including the United States Army Reserve,
12 United States Marine Corps Reserve, United States Navy
13 Reserve, United States Air Force Reserve, and United States
14 Coast Guard Reserve, or status as a current member or veteran
15 of the Illinois Army National Guard or Illinois Air National
16 Guard.

17 (K) National origin. "National origin" means the place in
18 which a person or one of his or her ancestors was born.

19 (K-5) "Order of protection status" means a person's status
20 as being a person protected under an order of protection
21 issued pursuant to the Illinois Domestic Violence Act of 1986,
22 Article 112A of the Code of Criminal Procedure of 1963, the
23 Stalking or Harassment No Contact Order Act, or the Civil No
24 Contact Order Act, or an order of protection issued by a court
25 of another state.

26 (L) Person. "Person" includes one or more individuals,

1 partnerships, associations or organizations, labor
2 organizations, labor unions, joint apprenticeship committees,
3 or union labor associations, corporations, the State of
4 Illinois and its instrumentalities, political subdivisions,
5 units of local government, legal representatives, trustees in
6 bankruptcy or receivers.

7 (L-5) Pregnancy. "Pregnancy" means pregnancy, childbirth,
8 or medical or common conditions related to pregnancy or
9 childbirth.

10 (M) Public contract. "Public contract" includes every
11 contract to which the State, any of its political
12 subdivisions, or any municipal corporation is a party.

13 (M-5) Race. "Race" includes traits associated with race,
14 including, but not limited to, hair texture and protective
15 hairstyles such as braids, locks, and twists.

16 (N) Religion. "Religion" includes all aspects of religious
17 observance and practice, as well as belief, except that with
18 respect to employers, for the purposes of Article 2,
19 "religion" has the meaning ascribed to it in paragraph (F) of
20 Section 2-101.

21 (O) Sex. "Sex" means the status of being male or female.

22 (O-1) Sexual orientation. "Sexual orientation" means
23 actual or perceived heterosexuality, homosexuality,
24 bisexuality, or gender-related identity, whether or not
25 traditionally associated with the person's designated sex at
26 birth. "Sexual orientation" does not include a physical or

1 sexual attraction to a minor by an adult.

2 (O-2) Reproductive Health Decisions. "Reproductive Health
3 Decisions" means a person's decisions regarding the person's
4 use of: contraception; fertility or sterilization care;
5 assisted reproductive technologies; miscarriage management
6 care; healthcare related to the continuation or termination of
7 pregnancy; or prenatal, intranatal, or postnatal care.

8 (O-5) Source of income. "Source of income" means the
9 lawful manner by which an individual supports himself or
10 herself and his or her dependents.

11 (P) Unfavorable military discharge. "Unfavorable military
12 discharge" includes discharges from the Armed Forces of the
13 United States, their Reserve components, or any National Guard
14 or Naval Militia which are classified as RE-3 or the
15 equivalent thereof, but does not include those characterized
16 as RE-4 or "Dishonorable".

17 (Q) Unlawful discrimination. "Unlawful discrimination"
18 means discrimination against a person because of his or her
19 actual or perceived: race, color, religion, national origin,
20 ancestry, age, sex, marital status, order of protection
21 status, disability, military status, sexual orientation,
22 pregnancy, reproductive health decisions, or unfavorable
23 discharge from military service as those terms are defined in
24 this Section.

25 (Source: P.A. 102-362, eff. 1-1-22; 102-419, eff. 1-1-22;
26 102-558, eff. 8-20-21; 102-813, eff. 5-13-22; 102-896, eff.

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1 1-1-23; 102-1102, eff. 1-1-23; 103-154, eff. 6-30-23; 103-785,
2 eff. 1-1-25.)

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