

SB2379



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

SB2379

Introduced 2/7/2025, by Sen. John F. Curran

SYNOPSIS AS INTRODUCED:

725 ILCS 5/112A-23

from Ch. 38, par. 112A-23

740 ILCS 22/220

750 ILCS 60/223

from Ch. 40, par. 2312-23

Amends the Civil No Contact Order Act, the Illinois Domestic Violence Act of 1986, and the Protective Orders Article of the Code of Criminal Procedure of 1963. Provides that the court is encouraged to impose (i) a minimum penalty of 48 (rather than 24) hours imprisonment for a first violation of a civil no contact order, an order of protection, or a protective order and (ii) a minimum penalty of 96 (rather than 48) hours imprisonment for a second or subsequent violation of a civil no contact order, an order of protection, or a protective order.

LRB104 03940 RLC 13964 b

A BILL FOR

1 AN ACT concerning victims of violence.

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

4 Section 5. The Code of Criminal Procedure of 1963 is
5 amended by changing Section 112A-23 as follows:

6 (725 ILCS 5/112A-23) (from Ch. 38, par. 112A-23)

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

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

12 (1) The respondent commits the crime of violation of a
13 domestic violence order of protection pursuant to Section
14 12-3.4 or 12-30 of the Criminal Code of 1961 or the
15 Criminal Code of 2012, by having knowingly violated:

16 (i) remedies described in paragraph (1), (2), (3),
17 (14), or (14.5) of subsection (b) of Section 112A-14
18 of this Code,

19 (ii) a remedy, which is substantially similar to
20 the remedies authorized under paragraph (1), (2), (3),
21 (14), or (14.5) of subsection (b) of Section 214 of the
22 Illinois Domestic Violence Act of 1986, in a valid
23 order of protection, which is authorized under the

1 laws of another state, tribe, or United States
2 territory, or

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

6 Prosecution for a violation of a domestic violence
7 order of protection shall not bar concurrent prosecution
8 for any other crime, including any crime that may have
9 been committed at the time of the violation of the
10 domestic violence order of protection; or

11 (2) The respondent commits the crime of child
12 abduction pursuant to Section 10-5 of the Criminal Code of
13 1961 or the Criminal Code of 2012, by having knowingly
14 violated:

15 (i) remedies described in paragraph (5), (6), or
16 (8) of subsection (b) of Section 112A-14 of this Code,
17 or

18 (ii) a remedy, which is substantially similar to
19 the remedies authorized under paragraph (1), (5), (6),
20 or (8) of subsection (b) of Section 214 of the Illinois
21 Domestic Violence Act of 1986, in a valid domestic
22 violence order of protection, which is authorized
23 under the laws of another state, tribe, or United
24 States territory.

25 (3) The respondent commits the crime of violation of a
26 civil no contact order when the respondent violates

1 Section 12-3.8 of the Criminal Code of 2012. Prosecution
2 for a violation of a civil no contact order shall not bar
3 concurrent prosecution for any other crime, including any
4 crime that may have been committed at the time of the
5 violation of the civil no contact order.

6 (4) The respondent commits the crime of violation of a
7 stalking no contact order when the respondent violates
8 Section 12-3.9 of the Criminal Code of 2012. Prosecution
9 for a violation of a stalking no contact order shall not
10 bar concurrent prosecution for any other crime, including
11 any crime that may have been committed at the time of the
12 violation of the stalking no contact order.

13 (b) When violation is contempt of court. A violation of
14 any valid protective order, whether issued in a civil or
15 criminal proceeding or by a military judge, may be enforced
16 through civil or criminal contempt procedures, as appropriate,
17 by any court with jurisdiction, regardless where the act or
18 acts which violated the protective order were committed, to
19 the extent consistent with the venue provisions of this
20 Article. Nothing in this Article shall preclude any Illinois
21 court from enforcing any valid protective order issued in
22 another state. Illinois courts may enforce protective orders
23 through both criminal prosecution and contempt proceedings,
24 unless the action which is second in time is barred by
25 collateral estoppel or the constitutional prohibition against
26 double jeopardy.

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

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

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

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

(1) (Blank) .

(2) (Blank) .

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

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

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

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

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

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

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

(q) Penalties.

(1) Except as provided in paragraph (3) of this

1 subsection (g), where the court finds the commission of a
2 crime or contempt of court under subsection (a) or (b) of
3 this Section, the penalty shall be the penalty that
4 generally applies in such criminal or contempt
5 proceedings, and may include one or more of the following:
6 incarceration, payment of restitution, a fine, payment of
7 attorneys' fees and costs, or community service.

8 (2) The court shall hear and take into account
9 evidence of any factors in aggravation or mitigation
10 before deciding an appropriate penalty under paragraph (1)
11 of this subsection (g).

12 (3) To the extent permitted by law, the court is
13 encouraged to:

14 (i) increase the penalty for the knowing violation
15 of any protective order over any penalty previously
16 imposed by any court for respondent's violation of any
17 protective order or penal statute involving petitioner
18 as victim and respondent as defendant;

19 (ii) impose a minimum penalty of 48 ~~24~~ hours
20 imprisonment for respondent's first violation of any
21 protective order; and

22 (iii) impose a minimum penalty of 96 ~~48~~ hours
23 imprisonment for respondent's second or subsequent
24 violation of a protective order

25 unless the court explicitly finds that an increased
26 penalty or that period of imprisonment would be manifestly

1 unjust.

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

5 (i) to modify the conditions of pretrial release
6 on an underlying criminal charge pursuant to Section
7 110-6 of this Code;

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

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

14 (Source: P.A. 102-184, eff. 1-1-22; 102-558, eff. 8-20-21;
15 102-813, eff. 5-13-22; 102-890, eff. 5-19-22; 103-407, eff.
16 7-28-23.)

17 Section 10. The Civil No Contact Order Act is amended by
18 changing Section 220 as follows:

19 (740 ILCS 22/220)

20 Sec. 220. Enforcement of a civil no contact order.

21 (a) Nothing in this Act shall preclude any Illinois court
22 from enforcing a valid protective order issued in another
23 state or by a military judge.

24 (b) Illinois courts may enforce civil no contact orders

1 through both criminal proceedings and civil contempt
2 proceedings, unless the action which is second in time is
3 barred by collateral estoppel or the constitutional
4 prohibition against double jeopardy.

5 (b-1) The court shall not hold a school district or
6 private or non-public school or any of its employees in civil
7 or criminal contempt unless the school district or private or
8 non-public school has been allowed to intervene.

9 (b-2) The court may hold the parents, guardian, or legal
10 custodian of a minor respondent in civil or criminal contempt
11 for a violation of any provision of any order entered under
12 this Act for conduct of the minor respondent in violation of
13 this Act if the parents, guardian, or legal custodian
14 directed, encouraged, or assisted the respondent minor in such
15 conduct.

16 (c) Criminal prosecution. A violation of any civil no
17 contact order, whether issued in a civil or criminal
18 proceeding or by a military judge, shall be enforced by a
19 criminal court when the respondent commits the crime of
20 violation of a civil no contact order pursuant to Section 219
21 by having knowingly violated:

22 (1) remedies described in Section 213 and included in
23 a civil no contact order; or

24 (2) a provision of an order, which is substantially
25 similar to provisions of Section 213, in a valid civil no
26 contact order which is authorized under the laws of

1 another state, tribe, or United States territory.

2 Prosecution for a violation of a civil no contact order
3 shall not bar a concurrent prosecution for any other crime,
4 including any crime that may have been committed at the time of
5 the violation of the civil no contact order.

6 (d) Contempt of court. A violation of any valid Illinois
7 civil no contact order, whether issued in a civil or criminal
8 proceeding, may be enforced through civil or criminal contempt
9 procedures, as appropriate, by any court with jurisdiction,
10 regardless of where the act or acts which violated the civil no
11 contact order were committed, to the extent consistent with
12 the venue provisions of this Act.

13 (1) In a contempt proceeding where the petition for a
14 rule to show cause or petition for adjudication of
15 criminal contempt sets forth facts evidencing an immediate
16 danger that the respondent will flee the jurisdiction or
17 inflict physical abuse on the petitioner or minor children
18 or on dependent adults in the petitioner's care, the court
19 may order the attachment of the respondent without prior
20 service of the petition for a rule to show cause, the rule
21 to show cause, the petition for adjudication of criminal
22 contempt or the adjudication of criminal contempt.
23 Conditions of release shall be set unless specifically
24 denied in writing.

25 (2) A petition for a rule to show cause or a petition
26 for adjudication of criminal contempt for violation of a

1 civil no contact order shall be treated as an expedited
2 proceeding.

3 (e) Actual knowledge. A civil no contact order may be
4 enforced pursuant to this Section if the respondent violates
5 the order after the respondent has actual knowledge of its
6 contents as shown through one of the following means:

7 (1) by service, delivery, or notice under Section 208;

8 (2) by notice under Section 218;

9 (3) by service of a civil no contact order under
10 Section 218; or

11 (4) by other means demonstrating actual knowledge of
12 the contents of the order.

13 (f) The enforcement of a civil no contact order in civil or
14 criminal court shall not be affected by either of the
15 following:

16 (1) the existence of a separate, correlative order,
17 entered under Section 202; or

18 (2) any finding or order entered in a conjoined
19 criminal proceeding.

20 (g) Circumstances. The court, when determining whether or
21 not a violation of a civil no contact order has occurred, shall
22 not require physical manifestations of abuse on the person of
23 the victim.

24 (h) Penalties.

25 (1) Except as provided in paragraph (3) of this
26 subsection, where the court finds the commission of a

1 crime or contempt of court under subsection (a) or (b) of
2 this Section, the penalty shall be the penalty that
3 generally applies in such criminal or contempt
4 proceedings, and may include one or more of the following:
5 incarceration, payment of restitution, a fine, payment of
6 attorneys' fees and costs, or community service.

7 (2) The court shall hear and take into account
8 evidence of any factors in aggravation or mitigation
9 before deciding an appropriate penalty under paragraph (1)
10 of this subsection.

11 (3) To the extent permitted by law, the court is
12 encouraged to:

13 (i) increase the penalty for the knowing violation
14 of any civil no contact order over any penalty
15 previously imposed by any court for respondent's
16 violation of any civil no contact order or penal
17 statute involving petitioner as victim and respondent
18 as defendant;

19 (ii) impose a minimum penalty of 48 ~~24~~ hours
20 imprisonment for respondent's first violation of any
21 civil no contact order; and

22 (iii) impose a minimum penalty of 96 ~~48~~ hours
23 imprisonment for respondent's second or subsequent
24 violation of a civil no contact order unless the court
25 explicitly finds that an increased penalty or that
26 period of imprisonment would be manifestly unjust.

(4) In addition to any other penalties imposed for a violation of a civil no contact order, a criminal court may consider evidence of any previous violations of a civil no contact order:

(i) to modify the conditions of pretrial release on an underlying criminal charge pursuant to Section 110-6 of the Code of Criminal Procedure of 1963;

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

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

(Source: P.A. 103-407, eff. 7-28-23.)

Section 15. The Illinois Domestic Violence Act of 1986 is amended by changing Section 223 as follows:

(750 ILCS 60/223) (from Ch. 40, par. 2312-23)

Sec. 223. Enforcement of orders of protection.

(a) When violation is crime. A violation of any order of protection, whether issued in a civil or criminal proceeding or by a military judge, shall be enforced by a criminal court when:

(1) The respondent commits the crime of violation of an order of protection pursuant to Section 12-3.4 or 12-30

of the Criminal Code of 1961 or the Criminal Code of 2012,
by having knowingly violated:

(i) remedies described in paragraphs (1), (2),

(3), (14), or (14.5) of subsection (b) of Section 214 of this Act; or

(ii) a remedy, which is substantially similar to the remedies authorized under paragraphs (1), (2), (3), (14), and (14.5) of subsection (b) of Section 214 of this Act, in a valid order of protection which is authorized under the laws of another state, tribe, or United States territory; or

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

Prosecution for a violation of an order of protection shall not bar concurrent prosecution for any other crime, including any crime that may have been committed at the time of the violation of the order of protection; or

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

(i) remedies described in paragraphs (5), (6) or (8) of subsection (b) of Section 214 of this Act; or

(ii) a remedy, which is substantially similar to the remedies authorized under paragraphs (5), (6), or

(8) of subsection (b) of Section 214 of this Act, in a valid order of protection which is authorized under the laws of another state, tribe, or United States territory.

(b) When violation is contempt of court. A violation of any valid Illinois order of protection, whether issued in a civil or criminal proceeding or by a military judge, may be enforced through civil or criminal contempt procedures, as appropriate, by any court with jurisdiction, regardless where the act or acts which violated the order of protection were committed, to the extent consistent with the venue provisions of this Act. Nothing in this Act shall preclude any Illinois court from enforcing any valid order of protection issued in another state. Illinois courts may enforce orders of protection through both criminal prosecution and contempt proceedings, unless the action which is second in time is barred by collateral estoppel or the constitutional prohibition against double jeopardy.

(1) In a contempt proceeding where the petition for a rule to show cause sets forth facts evidencing an immediate danger that the respondent will flee the jurisdiction, conceal a child, or inflict physical abuse on the petitioner or minor children or on dependent adults in petitioner's care, the court may order the attachment of the respondent without prior service of the rule to show cause or the petition for a rule to show cause.

1 Conditions of release shall be set unless specifically
2 denied in writing.

3 (2) A petition for a rule to show cause for violation
4 of an order of protection shall be treated as an expedited
5 proceeding.

6 (b-1) The court shall not hold a school district or
7 private or non-public school or any of its employees in civil
8 or criminal contempt unless the school district or private or
9 non-public school has been allowed to intervene.

10 (b-2) The court may hold the parents, guardian, or legal
11 custodian of a minor respondent in civil or criminal contempt
12 for a violation of any provision of any order entered under
13 this Act for conduct of the minor respondent in violation of
14 this Act if the parents, guardian, or legal custodian
15 directed, encouraged, or assisted the respondent minor in such
16 conduct.

17 (c) Violation of custody or support orders or temporary or
18 final judgments allocating parental responsibilities. A
19 violation of remedies described in paragraphs (5), (6), (8),
20 or (9) of subsection (b) of Section 214 of this Act may be
21 enforced by any remedy provided by Section 607.5 of the
22 Illinois Marriage and Dissolution of Marriage Act. The court
23 may enforce any order for support issued under paragraph (12)
24 of subsection (b) of Section 214 in the manner provided for
25 under Parts V and VII of the Illinois Marriage and Dissolution
26 of Marriage Act.

1 (d) Actual knowledge. An order of protection may be
2 enforced pursuant to this Section if the respondent violates
3 the order after the respondent has actual knowledge of its
4 contents as shown through one of the following means:

5 (1) By service, delivery, or notice under Section 210.

6 (2) By notice under Section 210.1 or 211.

7 (3) By service of an order of protection under Section
8 222.

9 (4) By other means demonstrating actual knowledge of
10 the contents of the order.

11 (e) The enforcement of an order of protection in civil or
12 criminal court shall not be affected by either of the
13 following:

14 (1) The existence of a separate, correlative order,
15 entered under Section 215.

16 (2) Any finding or order entered in a conjoined
17 criminal proceeding.

18 (f) Circumstances. The court, when determining whether or
19 not a violation of an order of protection has occurred, shall
20 not require physical manifestations of abuse on the person of
21 the victim.

22 (g) Penalties.

23 (1) Except as provided in paragraph (3) of this
24 subsection, where the court finds the commission of a
25 crime or contempt of court under subsections (a) or (b) of
26 this Section, the penalty shall be the penalty that

1 generally applies in such criminal or contempt
2 proceedings, and may include one or more of the following:
3 incarceration, payment of restitution, a fine, payment of
4 attorneys' fees and costs, or community service.

5 (2) The court shall hear and take into account
6 evidence of any factors in aggravation or mitigation
7 before deciding an appropriate penalty under paragraph (1)
8 of this subsection.

9 (3) To the extent permitted by law, the court is
10 encouraged to:

11 (i) increase the penalty for the knowing violation
12 of any order of protection over any penalty previously
13 imposed by any court for respondent's violation of any
14 order of protection or penal statute involving
15 petitioner as victim and respondent as defendant;

16 (ii) impose a minimum penalty of 48 ~~24~~ hours
17 imprisonment for respondent's first violation of any
18 order of protection; and

19 (iii) impose a minimum penalty of 96 ~~48~~ hours
20 imprisonment for respondent's second or subsequent
21 violation of an order of protection
22 unless the court explicitly finds that an increased
23 penalty or that period of imprisonment would be manifestly
24 unjust.

25 (4) In addition to any other penalties imposed for a
26 violation of an order of protection, a criminal court may

1 consider evidence of any violations of an order of
2 protection:

3 (i) to increase, revoke or modify the conditions
4 of pretrial release on an underlying criminal charge
5 pursuant to Section 110-6 of the Code of Criminal
6 Procedure of 1963;

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

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

13 (5) In addition to any other penalties, the court
14 shall impose an additional fine of \$20 as authorized by
15 Section 5-9-1.11 of the Unified Code of Corrections upon
16 any person convicted of or placed on supervision for a
17 violation of an order of protection. The additional fine
18 shall be imposed for each violation of this Section.

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