

1 AN ACT concerning domestic violence.

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

4 Section 5. The Criminal Code of 2012 is amended by
5 changing Sections 12-3.4, 12-3.8, and 12-3.9 as follows:

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

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

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

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

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

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

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

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

11 A person alleged to have violated a plenary order of
12 protection is presumed to have actual knowledge of the
13 contents of the order if:

14 (i) the person has been served with a summons that
15 includes the language set forth in paragraph (3) of
16 subsection (a) of Section 210 of the Illinois Domestic
17 Violence Act of 1986 or paragraph (2) of subsection (c) of
18 Section 112A-5.5 of the Code of Criminal Procedure of
19 1963;

20 (ii) the person has been served with the petition for
21 the order of protection;

22 (iii) the person has been held in default in the order
23 of protection proceeding; and

24 (iv) the person has been served with an emergency
25 order of protection in the same proceeding that grants the
26 same remedy, including any specifics, that the person is

1 alleged to have violated.

2 An order of protection issued by a state, tribal or
3 territorial court related to domestic or family violence shall
4 be deemed valid if the issuing court had jurisdiction over the
5 parties and matter under the law of the state, tribe or
6 territory. There shall be a presumption of validity where an
7 order is certified and appears authentic on its face. For
8 purposes of this Section, an "order of protection" may have
9 been issued in a criminal or civil proceeding.

10 (a-5) Failure to provide reasonable notice and opportunity
11 to be heard shall be an affirmative defense to any charge or
12 process filed seeking enforcement of a foreign order of
13 protection.

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

17 (c) The limitations placed on law enforcement liability by
18 Section 305 of the Illinois Domestic Violence Act of 1986
19 apply to actions taken under this Section.

20 (d) Violation of an order of protection is a Class A
21 misdemeanor. Violation of an order of protection is a Class 4
22 felony if the defendant has any prior conviction under this
23 Code for domestic battery (Section 12-3.2) or violation of an
24 order of protection (Section 12-3.4 or 12-30) or any prior
25 conviction under the law of another jurisdiction for an
26 offense that could be charged in this State as a domestic

1 battery or violation of an order of protection. Violation of
2 an order of protection is a Class 4 felony if the defendant has
3 any prior conviction under this Code for first degree murder
4 (Section 9-1), attempt to commit first degree murder (Section
5 8-4), aggravated domestic battery (Section 12-3.3), aggravated
6 battery (Section 12-3.05 or 12-4), heinous battery (Section
7 12-4.1), aggravated battery with a firearm (Section 12-4.2),
8 aggravated battery with a machine gun or a firearm equipped
9 with a silencer (Section 12-4.2-5), aggravated battery of a
10 child (Section 12-4.3), aggravated battery of an unborn child
11 (subsection (a-5) of Section 12-3.1, or Section 12-4.4),
12 aggravated battery of a senior citizen (Section 12-4.6),
13 stalking (Section 12-7.3), aggravated stalking (Section
14 12-7.4), criminal sexual assault (Section 11-1.20 or 12-13),
15 aggravated criminal sexual assault (Section 11-1.30 or 12-14),
16 kidnapping (Section 10-1), aggravated kidnapping (Section
17 10-2), predatory criminal sexual assault of a child (Section
18 11-1.40 or 12-14.1), aggravated criminal sexual abuse (Section
19 11-1.60 or 12-16), unlawful restraint (Section 10-3),
20 aggravated unlawful restraint (Section 10-3.1), aggravated
21 arson (Section 20-1.1), aggravated discharge of a firearm
22 (Section 24-1.2), or a violation of any former law of this
23 State that is substantially similar to any listed offense, or
24 any prior conviction under the law of another jurisdiction for
25 an offense that could be charged in this State as one of the
26 offenses listed in this Section, when any of these offenses

1 have been committed against a family or household member as
2 defined in Section 112A-3 of the Code of Criminal Procedure of
3 1963. The court shall impose a minimum penalty of 24 hours
4 imprisonment for defendant's second or subsequent violation of
5 any order of protection; unless the court explicitly finds
6 that an increased penalty or such period of imprisonment would
7 be manifestly unjust. In addition to any other penalties, the
8 court may order the defendant to pay a fine as authorized under
9 Section 5-9-1 of the Unified Code of Corrections or to make
10 restitution to the victim under Section 5-5-6 of the Unified
11 Code of Corrections.

12 (e) (Blank).

13 (f) A defendant who directed the actions of a third party
14 to violate this Section, under the principles of
15 accountability set forth in Article 5 of this Code, is guilty
16 of violating this Section as if the same had been personally
17 done by the defendant, without regard to the mental state of
18 the third party acting at the direction of the defendant.

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

20 (720 ILCS 5/12-3.8)

21 Sec. 12-3.8. Violation of a civil no contact order.

22 (a) A person commits violation of a civil no contact order
23 if:

24 (1) he or she knowingly commits an act which was
25 prohibited by a court or fails to commit an act which was

1 ordered in violation of:

2 (A) a remedy of a valid civil no contact order
3 authorized under Section 213 of the Civil No Contact
4 Order Act or Section 112A-14.5 of the Code of Criminal
5 Procedure of 1963; or

6 (B) a remedy, which is substantially similar to
7 the remedies authorized under Section 213 of the Civil
8 No Contact Order Act or Section 112A-14.5 of the Code
9 of Criminal Procedure of 1963, or in a valid civil no
10 contact order, which is authorized under the laws of
11 another state, tribe, or United States territory; and

12 (2) the violation occurs after the offender has been
13 served notice of the contents of the order under the Civil
14 No Contact Order Act, Article 112A of the Code of Criminal
15 Procedure of 1963, or any substantially similar statute of
16 another state, tribe, or United States territory, or
17 otherwise has acquired actual knowledge of the contents of
18 the order.

19 A person alleged to have violated a civil no contact order
20 is presumed to have actual knowledge of the contents of the
21 order if:

22 (i) the person has been served with a summons that
23 includes the language set forth in paragraph (3) of
24 subsection (a) of Section 208 of the Civil No Contact
25 Order Act or paragraph (2) of subsection (c) of Section
26 112A-5.5 of the Code of Criminal Procedure of 1963;

1 (ii) the person has been served with the petition for
2 the civil no contact order;

3 (iii) the person has been held in default in the civil
4 no contact proceeding; and

5 (iv) the person has been served with an emergency
6 order in the same proceeding that grants the same remedy,
7 including any specifics, that the person is alleged to
8 have violated.

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

15 (a-3) For purposes of this Section, a "civil no contact
16 order" may have been issued in a criminal or civil proceeding.

17 (a-5) Failure to provide reasonable notice and opportunity
18 to be heard shall be an affirmative defense to any charge or
19 process filed seeking enforcement of a foreign civil no
20 contact order.

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

25 (c) Nothing in this Section shall be construed to diminish
26 the inherent authority of the courts to enforce their lawful

1 orders through civil or criminal contempt proceedings.

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

8 (e) Sentence. A violation of a civil no contact order is a
9 Class A misdemeanor for a first violation, and a Class 4 felony
10 for a second or subsequent violation.

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

12 (720 ILCS 5/12-3.9)

13 Sec. 12-3.9. Violation of a stalking no contact order.

14 (a) A person commits violation of a stalking no contact
15 order if:

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

19 (A) a remedy in a valid stalking no contact order
20 of protection authorized under Section 80 of the
21 Stalking No Contact Order Act or Section 112A-14.7 of
22 the Code of Criminal Procedure of 1963; or

23 (B) a remedy, which is substantially similar to
24 the remedies authorized under Section 80 of the
25 Stalking No Contact Order Act or Section 112A-14.7 of

1 the Code of Criminal Procedure of 1963, or in a valid
2 stalking no contact order, which is authorized under
3 the laws of another state, tribe, or United States
4 territory; and

5 (2) the violation occurs after the offender has been
6 served notice of the contents of the order, under the
7 Stalking No Contact Order Act, Article 112A of the Code of
8 Criminal Procedure of 1963, or any substantially similar
9 statute of another state, tribe, or United States
10 territory, or otherwise has acquired actual knowledge of
11 the contents of the order.

12 A person alleged to have violated a stalking no contact
13 order is presumed to have actual knowledge of the contents of
14 the order if:

15 (i) the person has been served with a summons that
16 includes the language set forth in paragraph (3) of
17 subsection (a) of Section 60 of the Stalking No Contact
18 Order Act or paragraph (2) of subsection (c) of Section
19 112A-5.5 of the Code of Criminal Procedure of 1963;

20 (ii) the person has been served with the petition for
21 the stalking no contact order;

22 (iii) the person has been held in default in the
23 stalking no contact proceeding; and

24 (iv) the person has been served with an emergency
25 order in the same proceeding that grants the same remedy,
26 including any specifics, that the person is alleged to

1 have violated.

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

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

10 (a-5) Failure to provide reasonable notice and opportunity
11 to be heard shall be an affirmative defense to any charge or
12 process filed seeking enforcement of a foreign stalking no
13 contact order.

14 (b) Prosecution for a violation of a stalking no contact
15 order shall not bar a concurrent prosecution for any other
16 crime, including any crime that may have been committed at the
17 time of the violation of the civil no contact order.

18 (c) Nothing in this Section shall be construed to diminish
19 the inherent authority of the courts to enforce their lawful
20 orders through civil or criminal contempt proceedings.

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

1 (e) Sentence. A violation of a stalking no contact order
2 is a Class A misdemeanor for a first violation, and a Class 4
3 felony for a second or subsequent violation.

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

5 Section 10. The Code of Criminal Procedure of 1963 is
6 amended by changing Sections 112A-5.5 and 112A-23 as follows:

7 (725 ILCS 5/112A-5.5)

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

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

16 (b) The request for an ex parte protective order may be
17 considered without notice to the respondent under Section
18 112A-17.5 of this Code.

19 (c) (1) A summons shall be issued and served for a
20 protective order. The summons may be served by delivery to the
21 respondent personally in open court in the criminal or
22 juvenile delinquency proceeding, in the form prescribed by
23 subsection (d) of Supreme Court Rule 101, except that it shall
24 require the respondent to answer or appear within 7 days.

1 (2) The summons shall include the following language:

2 (A) "If an emergency protective order has been ordered
3 against you and included with this summons or you have
4 otherwise received a copy of that order, you may be
5 arrested or held criminally or civilly liable for
6 violating certain terms of the order. The court may enter
7 another protective order when the attached emergency order
8 expires."

9 (B) "You must attend court on the date in this
10 summons. If you do not attend that date or on any
11 subsequent hearing date agreed to by the parties or set by
12 the court, the judge may decide the case without hearing
13 from you. This is called default."

14 (C) "A plenary protective order may be entered by
15 default for any of the remedies sought in the petition if
16 you fail to appear on the specified hearing date or on any
17 subsequent hearing date agreed to by the parties or set by
18 the court."

19 (D) "If a plenary order is entered at the next or
20 subsequent court date, even if you do not attend or get a
21 copy of the order, you may be arrested or held criminally
22 or civilly liable for violating certain terms of that
23 order."

24 (3) Attachments to the summons shall include the petition
25 for protective order, supporting affidavits, if any, and any
26 ex parte protective order that has been issued.

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

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

23 (f) The request for a final protective order can be
24 considered at any court proceeding in the delinquency or
25 criminal case after service of the petition. If the petitioner
26 has not been provided notice of the court proceeding at least

1 10 days in advance of the proceeding, the court shall schedule
2 a hearing on the petition and provide notice to the
3 petitioner.

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

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

19 (g) Default orders.

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

22 (A) for any of the remedies sought in the
23 petition, if the respondent has been served with
24 documents under subsection (b) or (c) of this Section
25 and if the respondent fails to appear on the specified
26 return date or any subsequent hearing date agreed to

1 by the petitioner and respondent or set by the court;
2 or

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

11 (2) A final civil no contact order may be entered by
12 default for any of the remedies provided in Section
13 112A-14.5 of this Code, if the respondent has been served
14 with documents under subsection (b) or (c) of this
15 Section, and if the respondent fails to answer or appear
16 in accordance with the date set in the publication notice
17 or the return date indicated on the service of a household
18 member.

19 (3) A final stalking no contact order may be entered
20 by default for any of the remedies provided by Section
21 112A-14.7 of this Code, if the respondent has been served
22 with documents under subsection (b) or (c) of this Section
23 and if the respondent fails to answer or appear in
24 accordance with the date set in the publication notice or
25 the return date indicated on the service of a household
26 member.

1 (4) When the court enters a default order under this
2 Section, the court shall include a finding about whether
3 the language required in paragraph (2) of subsection (c)
4 was included in the summons. Whether the language required
5 in paragraph (2) of subsection (c) was included in a
6 summons shall not impact whether the court grants the
7 default order if the summons was otherwise proper and the
8 requirements for default are otherwise met.

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

10 (725 ILCS 5/112A-23) (from Ch. 38, par. 112A-23)

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

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

16 (1) The respondent commits the crime of violation of a
17 domestic violence order of protection pursuant to Section
18 12-3.4 or 12-30 of the Criminal Code of 1961 or the
19 Criminal Code of 2012, by having knowingly violated:

20 (i) remedies described in paragraph (1), (2), (3),
21 (14), or (14.5) of subsection (b) of Section 112A-14
22 of this Code,

23 (ii) a remedy, which is substantially similar to
24 the remedies authorized under paragraph (1), (2), (3),
25 (14), or (14.5) of subsection (b) of Section 214 of the

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

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

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

13 (2) The respondent commits the crime of child
14 abduction pursuant to Section 10-5 of the Criminal Code of
15 1961 or the Criminal Code of 2012, by having knowingly
16 violated:

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

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

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

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

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

1 collateral estoppel or the constitutional prohibition against
2 double jeopardy.

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

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

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

25 (d) Actual knowledge. A protective order may be enforced
26 pursuant to this Section if the respondent violates the order

1 after the respondent has actual knowledge of its contents as
2 shown through one of the following means:

3 (1) (Blank).

4 (2) (Blank).

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

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

9 A respondent alleged to have violated a protective order
10 is presumed to have actual knowledge of the contents of the
11 order if:

12 (i) the respondent has been served with a summons that
13 includes the language set forth in paragraph (2) of
14 subsection (c) of Section 112A-5.5;

15 (ii) the respondent has been served with the petition
16 for the protective order;

17 (iii) the respondent has been held in default in the
18 protective order proceeding; and

19 (iv) the respondent has been served with an emergency
20 order in the same proceeding that grants the same remedy,
21 including any specifics, that the respondent is alleged to
22 have violated.

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

26 (1) The existence of a separate, correlative order

1 entered under Section 112A-15 of this Code.

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

4 (e-5) If a civil no contact order entered under subsection
5 (6) of Section 112A-20 of the Code of Criminal Procedure of
6 1963 conflicts with an order issued pursuant to the Juvenile
7 Court Act of 1987 or the Illinois Marriage and Dissolution of
8 Marriage Act, the conflicting order issued under subsection
9 (6) of Section 112A-20 of the Code of Criminal Procedure of
10 1963 shall be void.

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

15 (g) Penalties.

16 (1) Except as provided in paragraph (3) of this
17 subsection (g), where the court finds the commission of a
18 crime or contempt of court under subsection (a) or (b) of
19 this Section, the penalty shall be the penalty that
20 generally applies in such criminal or contempt
21 proceedings, and may include one or more of the following:
22 incarceration, payment of restitution, a fine, payment of
23 attorneys' fees and costs, or community service.

24 (2) The court shall hear and take into account
25 evidence of any factors in aggravation or mitigation
26 before deciding an appropriate penalty under paragraph (1)

1 of this subsection (g).

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

4 (i) increase the penalty for the knowing violation
5 of any protective order over any penalty previously
6 imposed by any court for respondent's violation of any
7 protective order or penal statute involving petitioner
8 as victim and respondent as defendant;

9 (ii) impose a minimum penalty of 24 hours
10 imprisonment for respondent's first violation of any
11 protective order; and

12 (iii) impose a minimum penalty of 48 hours
13 imprisonment for respondent's second or subsequent
14 violation of a protective order unless the court
15 explicitly finds that an increased penalty or that
16 period of imprisonment would be manifestly unjust.

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

20 (i) to modify the conditions of pretrial release
21 on an underlying criminal charge pursuant to Section
22 110-6 of this Code;

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

26 (iii) to revoke or modify a sentence of periodic

1 imprisonment, pursuant to Section 5-7-2 of the Unified
2 Code of Corrections.

3 (Source: P.A. 102-184, eff. 1-1-22; 102-558, eff. 8-20-21;
4 102-813, eff. 5-13-22; 102-890, eff. 5-19-22; 103-407, eff.
5 7-28-23.)

6 Section 15. The Stalking No Contact Order Act is amended
7 by changing Section 60 as follows:

8 (740 ILCS 21/60)

9 Sec. 60. Process.

10 (a) (1) Any action for a stalking no contact order requires
11 that a separate summons be issued and served.

12 (2) The summons shall be in the form prescribed by Supreme
13 Court Rule 101(d), except that it shall require the respondent
14 to answer or appear within 7 days.

15 (3) The summons shall include the following language:

16 (A) "If an emergency stalking no contact order has
17 been ordered against you and included with this summons or
18 you have otherwise received a copy of that order, you may
19 be arrested or held criminally or civilly liable for
20 violating certain terms of the order. The court may enter
21 another protective order when the attached emergency order
22 expires."

23 (B) "You must attend court on the date in this
24 summons. If you do not attend that date or on any

1 subsequent hearing date agreed to by the parties or set by
2 the court, the judge may decide the case without hearing
3 from you. This is called default."

4 (C) "A plenary stalking no contact order may be
5 entered by default for any of the remedies sought in the
6 petition if you fail to appear on the specified hearing
7 date or on any subsequent hearing date agreed to by the
8 parties or set by the court."

9 (D) "If a plenary order is entered at the next or
10 subsequent court date, even if you do not attend or get a
11 copy of the order, you may be arrested or held criminally
12 or civilly liable for violating certain terms of that
13 order."

14 (4) Attachments to the summons or notice shall include the
15 petition for stalking no contact order and supporting
16 affidavits, if any, and any emergency stalking no contact
17 order that has been issued.

18 (b) The summons shall be served by the sheriff or other law
19 enforcement officer at the earliest time and shall take
20 precedence over other summonses except those of a similar
21 emergency nature. Special process servers may be appointed at
22 any time, and their designation shall not affect the
23 responsibilities and authority of the sheriff or other
24 official process servers.

25 (c) Service of process on a member of the respondent's
26 household or by publication shall be adequate if: (1) the

1 petitioner has made all reasonable efforts to accomplish
2 actual service of process personally upon the respondent, but
3 the respondent cannot be found to effect such service; and (2)
4 the petitioner files an affidavit or presents sworn testimony
5 as to those efforts.

6 (d) A plenary stalking no contact order may be entered by
7 default for the remedy sought in the petition, if the
8 respondent has been served or given notice in accordance with
9 subsection (a) and if the respondent then fails to appear as
10 directed or fails to appear on any subsequent appearance or
11 hearing date agreed to by the parties or set by the court.

12 (e) If an order is granted under subsection (c) of Section
13 95, the court shall immediately file a certified copy of the
14 order with the sheriff or other law enforcement official
15 charged with maintaining Department of State Police records.

16 (Source: P.A. 101-508, eff. 1-1-20.)

17 Section 20. The Civil No Contact Order Act is amended by
18 changing Sections 208 and 220 as follows:

19 (740 ILCS 22/208)

20 Sec. 208. Process.

21 (a) (1) Any action for a civil no contact order requires
22 that a separate summons be issued and served.

23 (2) The summons shall be in the form prescribed by Supreme
24 Court Rule 101(d), except that it shall require the respondent

1 to answer or appear within 7 days.

2 (3) The summons shall include the following language:

3 (A) "If an emergency civil no contact order has been
4 ordered against you and included with this summons or you
5 have otherwise received a copy of that order, you may be
6 arrested or held criminally or civilly liable for
7 violating certain terms of the order. The court may enter
8 another protective order when the attached emergency order
9 expires."

10 (B) "You must attend court on the date in this
11 summons. If you do not attend that date or on any
12 subsequent hearing date agreed to by the parties or set by
13 the court, the judge may decide the case without hearing
14 from you. This is called default."

15 (C) "A plenary civil no contact order may be entered
16 by default for any of the remedies sought in the petition
17 if you fail to appear on the specified hearing date or on
18 any subsequent hearing date agreed to by the parties or
19 set by the court."

20 (D) "If a plenary order is entered at the next or
21 subsequent court date, even if you do not attend or get a
22 copy of the order, you may be arrested or held criminally
23 or civilly liable for violating certain terms of that
24 order."

25 (4) Attachments to the summons or notice shall include the
26 petition for civil no contact order and supporting affidavits,

1 if any, and any emergency civil no contact order that has been
2 issued.

3 (b) The summons shall be served by the sheriff or other law
4 enforcement officer at the earliest time and shall take
5 precedence over other summonses except those of a similar
6 emergency nature. Special process servers may be appointed at
7 any time, and their designation shall not affect the
8 responsibilities and authority of the sheriff or other
9 official process servers.

10 (c) Service of process on a member of the respondent's
11 household or by publication shall be adequate if: (1) the
12 petitioner has made all reasonable efforts to accomplish
13 actual service of process personally upon the respondent, but
14 the respondent cannot be found to effect such service; and (2)
15 the petitioner files an affidavit or presents sworn testimony
16 as to those efforts.

17 (d) A plenary civil no contact order may be entered by
18 default for the remedy sought in the petition, if the
19 respondent has been served or given notice in accordance with
20 subsection (a) and if the respondent then fails to appear as
21 directed or fails to appear on any subsequent appearance or
22 hearing date agreed to by the parties or set by the court.

23 (e) If an order is granted under subsection (c) of Section
24 214, the court shall immediately file a certified copy of the
25 order with the sheriff or other law enforcement official
26 charged with maintaining Department of State Police records.

1 (Source: P.A. 101-508, eff. 1-1-20.)

2 (740 ILCS 22/220)

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

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

7 (b) Illinois courts may enforce civil no contact orders
8 through both criminal proceedings and civil contempt
9 proceedings, unless the action which is second in time is
10 barred by collateral estoppel or the constitutional
11 prohibition against double jeopardy.

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

16 (b-2) The court may hold the parents, guardian, or legal
17 custodian of a minor respondent in civil or criminal contempt
18 for a violation of any provision of any order entered under
19 this Act for conduct of the minor respondent in violation of
20 this Act if the parents, guardian, or legal custodian
21 directed, encouraged, or assisted the respondent minor in such
22 conduct.

23 (c) Criminal prosecution. A violation of any civil no
24 contact order, whether issued in a civil or criminal
25 proceeding or by a military judge, shall be enforced by a

1 criminal court when the respondent commits the crime of
2 violation of a civil no contact order pursuant to Section 219
3 by having knowingly violated:

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

6 (2) a provision of an order, which is substantially
7 similar to provisions of Section 213, in a valid civil no
8 contact order which is authorized under the laws of
9 another state, tribe, or United States territory.

10 Prosecution for a violation of a civil no contact order
11 shall not bar a concurrent prosecution for any other crime,
12 including any crime that may have been committed at the time of
13 the violation of the civil no contact order.

14 (d) Contempt of court. A violation of any valid Illinois
15 civil no contact order, whether issued in a civil or criminal
16 proceeding, may be enforced through civil or criminal contempt
17 procedures, as appropriate, by any court with jurisdiction,
18 regardless of where the act or acts which violated the civil no
19 contact order were committed, to the extent consistent with
20 the venue provisions of this Act.

21 (1) In a contempt proceeding where the petition for a
22 rule to show cause or petition for adjudication of
23 criminal contempt sets forth facts evidencing an immediate
24 danger that the respondent will flee the jurisdiction or
25 inflict physical abuse on the petitioner or minor children
26 or on dependent adults in the petitioner's care, the court

1 may order the attachment of the respondent without prior
2 service of the petition for a rule to show cause, the rule
3 to show cause, the petition for adjudication of criminal
4 contempt or the adjudication of criminal contempt.
5 Conditions of release shall be set unless specifically
6 denied in writing.

7 (2) A petition for a rule to show cause or a petition
8 for adjudication of criminal contempt for violation of a
9 civil no contact order shall be treated as an expedited
10 proceeding.

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

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

16 (2) by notice under Section 218;

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

19 (4) by other means demonstrating actual knowledge of
20 the contents of the order.

21 A respondent alleged to have violated a civil no contact
22 order is presumed to have actual knowledge of the contents of
23 the order if:

24 (i) the respondent has been served with a summons that
25 includes the language set forth in paragraph (3) of
26 subsection (a) of Section 208;

1 (ii) the respondent has been served with the petition
2 for the civil no contact order;

3 (iii) the respondent has been held in default in the
4 civil no contact order proceeding; and

5 (iv) the respondent has been served with an emergency
6 civil no contact order in the same proceeding that grants
7 the same remedy, including any specifics, that the
8 respondent is alleged to have violated.

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

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

14 (2) any finding or order entered in a conjoined
15 criminal proceeding.

16 (g) Circumstances. The court, when determining whether or
17 not a violation of a civil no contact order has occurred, shall
18 not require physical manifestations of abuse on the person of
19 the victim.

20 (h) Penalties.

21 (1) Except as provided in paragraph (3) of this
22 subsection, where the court finds the commission of a
23 crime or contempt of court under subsection (a) or (b) of
24 this Section, the penalty shall be the penalty that
25 generally applies in such criminal or contempt
26 proceedings, and may include one or more of the following:

1 incarceration, payment of restitution, a fine, payment of
2 attorneys' fees and costs, or community service.

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

7 (3) To the extent permitted by law, the court is
8 encouraged to:

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

15 (ii) impose a minimum penalty of 24 hours
16 imprisonment for respondent's first violation of any
17 civil no contact order; and

18 (iii) impose a minimum penalty of 48 hours
19 imprisonment for respondent's second or subsequent
20 violation of a civil no contact order unless the court
21 explicitly finds that an increased penalty or that
22 period of imprisonment would be manifestly unjust.

23 (4) In addition to any other penalties imposed for a
24 violation of a civil no contact order, a criminal court
25 may consider evidence of any previous violations of a
26 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 25. The Illinois Domestic Violence Act of 1986 is amended by changing Sections 210, 210.1, and 223 as follows:

(750 ILCS 60/210) (from Ch. 40, par. 2312-10)

Sec. 210. Process.

(a) Summons.

(1) Any action for an order of protection, whether commenced alone or in conjunction with another proceeding, is a distinct cause of action and requires that a separate summons be issued and served, except that in pending cases the following methods may be used:

(A) ~~(1)~~ By delivery of the summons to respondent personally in open court in pending civil or criminal cases.

(B) ~~(2)~~ By notice in accordance with Section 210.1 in

1 civil cases in which the defendant has filed a general
2 appearance.

3 (2) The summons shall be in the form prescribed by Supreme
4 Court Rule 101(d), except that it shall require respondent to
5 answer or appear within 7 days.

6 (3) The summons shall include the following language:

7 (A) "If an emergency order of protection has been
8 ordered against you and included with this summons or
9 you have otherwise received a copy of that order, you
10 may be arrested or held criminally or civilly liable
11 for violating certain terms of the order. The court
12 may enter another order of protection when the
13 attached emergency order expires."

14 (B) "You must attend court on the date in this
15 summons. If you do not attend that date or on any
16 subsequent hearing date agreed to by the parties or
17 set by the court, the judge may decide the case without
18 hearing from you. This is called default."

19 (C) "A plenary order of protection may be entered
20 by default for any of the remedies sought in the
21 petition if you fail to appear on the specified
22 hearing date or on any subsequent hearing date agreed
23 to by the parties or set by the court."

24 (D) "If a plenary order is entered at the next or
25 subsequent court date, even if you do not attend or get
26 a copy of the order, you may be arrested or held

1 criminally or civilly liable for violating certain
2 terms of that order."

3 (4) Attachments to the summons or notice shall include the
4 petition for order of protection and supporting affidavits, if
5 any, and any emergency order of protection that has been
6 issued.

7 (5) The enforcement of an order of protection under Section
8 223 shall not be affected by the lack of service, delivery, or
9 notice, provided the requirements of subsection (d) of that
10 Section are otherwise met.

11 (b) Blank.

12 (c) Expedited service. The summons shall be served by the
13 sheriff or other law enforcement officer at the earliest time
14 and shall take precedence over other summonses except those of
15 a similar emergency nature. Special process servers may be
16 appointed at any time, and their designation shall not affect
17 the responsibilities and authority of the sheriff or other
18 official process servers. In counties with a population over
19 3,000,000, a special process server may not be appointed if
20 the order of protection grants the surrender of a child, the
21 surrender of a firearm or firearm owners identification card,
22 or the exclusive possession of a shared residence.

23 (d) Remedies requiring actual notice. The counseling,
24 payment of support, payment of shelter services, and payment
25 of losses remedies provided by paragraphs 4, 12, 13, and 16 of
26 subsection (b) of Section 214 may be granted only if

1 respondent has been personally served with process, has
2 answered or has made a general appearance.

3 (e) Remedies upon constructive notice. Service of process
4 on a member of respondent's household or by publication shall
5 be adequate for the remedies provided by paragraphs 1, 2, 3, 5,
6 6, 7, 8, 9, 10, 11, 14, 15, and 17 of subsection (b) of Section
7 214, but only if: (i) petitioner has made all reasonable
8 efforts to accomplish actual service of process personally
9 upon respondent, but respondent cannot be found to effect such
10 service and (ii) petitioner files an affidavit or presents
11 sworn testimony as to those efforts.

12 (f) Default. A plenary order of protection may be entered
13 by default as follows:

14 (1) For any of the remedies sought in the petition, if
15 respondent has been served or given notice in accordance
16 with subsection (a) and if respondent then fails to appear
17 as directed or fails to appear on any subsequent
18 appearance or hearing date agreed to by the parties or set
19 by the court; or

20 (2) For any of the remedies provided in accordance
21 with subsection (e), if respondent fails to answer or
22 appear in accordance with the date set in the publication
23 notice or the return date indicated on the service of a
24 household member.

25 (g) Emergency orders. If an order is granted under
26 subsection (c) of Section 217, the court shall immediately

1 file a certified copy of the order with the sheriff or other
2 law enforcement official charged with maintaining Department
3 of State Police records.

4 (Source: P.A. 101-508, eff. 1-1-20.)

5 (750 ILCS 60/210.1) (from Ch. 40, par. 2312-10.1)

6 Sec. 210.1. Service of notice in conjunction with a
7 pending civil case.

8 (a) Notice. When an action for an order of protection is
9 sought in conjunction with a pending civil case in which the
10 court has obtained jurisdiction over respondent, and
11 respondent has filed a general appearance, then a separate
12 summons need not issue. Original notice of a hearing on a
13 petition for an order of protection may be given, and the
14 documents served, in accordance with Illinois Supreme Court
15 Rules 11 and 12. When, however, an emergency order of
16 protection is sought in such a case on an ex parte application,
17 then the procedure set forth in subsection (a) of Section 210
18 (other than in subparagraph (B) of paragraph (1) of subsection
19 (a) ~~(2)~~) shall be followed. If an order of protection is issued
20 using the notice provisions of this Section, then the order of
21 protection or extensions of that order may survive the
22 disposition of the main civil case. The enforcement of any
23 order of protection under Section 223 shall not be affected by
24 the lack of notice under this Section, provided the
25 requirements of subsection (d) of that Section are otherwise

1 met.

2 (b) Default. The form of notice described in subsection
3 (a) shall include the following language directed to the
4 respondent:

5 A 2-year plenary order of protection may be entered by
6 default for any of the remedies sought in the petition if
7 you fail to appear on the specified hearing date or on any
8 subsequent hearing date agreed to by the parties or set by
9 the court.

10 (c) Party to give notice. Notice in the pending civil case
11 shall be given (i) by either party under this Section, with
12 respect to extensions, modifications, hearings, or other
13 relief pertinent to an order of protection, in accordance with
14 Illinois Supreme Court Rules 11 and 12 or (ii) by the
15 respondent as provided in subsection (c) of Section 224.

16 (Source: P.A. 87-1186.)

17 (750 ILCS 60/223) (from Ch. 40, par. 2312-23)

18 Sec. 223. Enforcement of orders of protection.

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

23 (1) The respondent commits the crime of violation of
24 an order of protection pursuant to Section 12-3.4 or 12-30
25 of the Criminal Code of 1961 or the Criminal Code of 2012,

1 by having knowingly violated:

2 (i) remedies described in paragraphs (1), (2),
3 (3), (14), or (14.5) of subsection (b) of Section 214
4 of this Act; or

5 (ii) a remedy, which is substantially similar to
6 the remedies authorized under paragraphs (1), (2),
7 (3), (14), and (14.5) of subsection (b) of Section 214
8 of this Act, in a valid order of protection which is
9 authorized under the laws of another state, tribe, or
10 United States territory; or

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

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

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

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

24 (ii) a remedy, which is substantially similar to
25 the remedies authorized under paragraphs (5), (6), or
26 (8) of subsection (b) of Section 214 of this Act, in a

1 valid order of protection which is authorized under
2 the laws of another state, tribe, or United States
3 territory.

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

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

1 denied in writing.

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

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

26 (d) Actual knowledge. An order of protection may be

1 enforced pursuant to this Section if the respondent violates
2 the order after the respondent has actual knowledge of its
3 contents as shown through one of the following means:

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

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

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

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

10 A respondent alleged to have violated a plenary order of
11 protection is presumed to have actual knowledge of the
12 contents of the order if:

13 (i) the respondent has been served with a summons that
14 includes the language set forth in paragraph (3) of
15 subsection (a) of Section 210;

16 (ii) the respondent has been served with the petition
17 for the order of protection;

18 (iii) the respondent has been held in default in the
19 order of protection proceeding; and

20 (iv) the respondent has been served with an emergency
21 order of protection in the same proceeding that grants the
22 same remedy, including any specifics, that the respondent
23 is alleged to have violated.

24 (e) The enforcement of an order of protection in civil or
25 criminal court shall not be affected by either of the
26 following:

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

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

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

9 (g) Penalties.

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

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

22 (3) To the extent permitted by law, the court is
23 encouraged to:

24 (i) increase the penalty for the knowing violation
25 of any order of protection over any penalty previously
26 imposed by any court for respondent's violation of any

1 order of protection or penal statute involving
2 petitioner as victim and respondent as defendant;

3 (ii) impose a minimum penalty of 24 hours
4 imprisonment for respondent's first violation of any
5 order of protection; and

6 (iii) impose a minimum penalty of 48 hours
7 imprisonment for respondent's second or subsequent
8 violation of an order of protection

9 unless the court explicitly finds that an increased
10 penalty or that period of imprisonment would be manifestly
11 unjust.

12 (4) In addition to any other penalties imposed for a
13 violation of an order of protection, a criminal court may
14 consider evidence of any violations of an order of
15 protection:

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

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

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

26 (5) In addition to any other penalties, the court

1 shall impose an additional fine of \$20 as authorized by
2 Section 5-9-1.11 of the Unified Code of Corrections upon
3 any person convicted of or placed on supervision for a
4 violation of an order of protection. The additional fine
5 shall be imposed for each violation of this Section.

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

7 Section 99. Effective date. This Act takes effect January
8 1, 2028.