



Rep. Maurice A. West, II

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10400SB3044ham001

LRB104 17940 LNS 38176 a

1 AMENDMENT TO SENATE BILL 3044

2 AMENDMENT NO. _____. Amend Senate Bill 3044 by replacing
3 everything after the enacting clause with the following:

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,

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

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

12 (2) Such violation occurs after the offender has been
13 served notice of the contents of the order, pursuant to
14 the Illinois Domestic Violence Act of 1986 or any
15 substantially similar statute of another state, tribe or
16 United States territory, or otherwise has acquired actual
17 knowledge of the contents of the order.

18 A person alleged to have violated a plenary order of
19 protection is presumed to have actual knowledge of the
20 contents of the order if:

21 (i) the person has been served with a summons that
22 includes the language set forth in paragraph (3) of
23 subsection (a) of Section 210 of the Illinois Domestic
24 Violence Act of 1986 or paragraph (2) of subsection (c) of
25 Section 112A-5.5 of the Code of Criminal Procedure of
26 1963;

1 (ii) the person has been served with the petition for
2 the order of protection;

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

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

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

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

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

1 (d) Violation of an order of protection is a Class A
2 misdemeanor. Violation of an order of protection is a Class 4
3 felony if the defendant has any prior conviction under this
4 Code for domestic battery (Section 12-3.2) or violation of an
5 order of protection (Section 12-3.4 or 12-30) or any prior
6 conviction under the law of another jurisdiction for an
7 offense that could be charged in this State as a domestic
8 battery or violation of an order of protection. Violation of
9 an order of protection is a Class 4 felony if the defendant has
10 any prior conviction under this Code for first degree murder
11 (Section 9-1), attempt to commit first degree murder (Section
12 8-4), aggravated domestic battery (Section 12-3.3), aggravated
13 battery (Section 12-3.05 or 12-4), heinous battery (Section
14 12-4.1), aggravated battery with a firearm (Section 12-4.2),
15 aggravated battery with a machine gun or a firearm equipped
16 with a silencer (Section 12-4.2-5), aggravated battery of a
17 child (Section 12-4.3), aggravated battery of an unborn child
18 (subsection (a-5) of Section 12-3.1, or Section 12-4.4),
19 aggravated battery of a senior citizen (Section 12-4.6),
20 stalking (Section 12-7.3), aggravated stalking (Section
21 12-7.4), criminal sexual assault (Section 11-1.20 or 12-13),
22 aggravated criminal sexual assault (Section 11-1.30 or 12-14),
23 kidnapping (Section 10-1), aggravated kidnapping (Section
24 10-2), predatory criminal sexual assault of a child (Section
25 11-1.40 or 12-14.1), aggravated criminal sexual abuse (Section
26 11-1.60 or 12-16), unlawful restraint (Section 10-3),

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

19 (e) (Blank).

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

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

1 (720 ILCS 5/12-3.8)

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

3 (a) A person commits violation of a civil no contact order
4 if:

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

8 (A) a remedy of a valid civil no contact order
9 authorized under Section 213 of the Civil No Contact
10 Order Act or Section 112A-14.5 of the Code of Criminal
11 Procedure of 1963; or

12 (B) a remedy, which is substantially similar to
13 the remedies authorized under Section 213 of the Civil
14 No Contact Order Act or Section 112A-14.5 of the Code
15 of Criminal Procedure of 1963, or in a valid civil no
16 contact order, which is authorized under the laws of
17 another state, tribe, or United States territory; and

18 (2) the violation occurs after the offender has been
19 served notice of the contents of the order under the Civil
20 No Contact Order Act, Article 112A of the Code of Criminal
21 Procedure of 1963, or any substantially similar statute of
22 another state, tribe, or United States territory, or
23 otherwise has acquired actual knowledge of the contents of
24 the order.

25 A person alleged to have violated a civil no contact order

1 is presumed to have actual knowledge of the contents of the
2 order if:

3 (i) the person has been served with a summons that
4 includes the language set forth in paragraph (3) of
5 subsection (a) of Section 208 of the Civil No Contact
6 Order Act or paragraph (2) of subsection (c) of Section
7 112A-5.5 of the Code of Criminal Procedure of 1963;

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

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

12 (iv) the person has been served with an emergency
13 order in the same proceeding that grants the same remedy,
14 including any specifics, that the person is alleged to
15 have violated.

16 A civil no contact order issued by a state, tribal, or
17 territorial court shall be deemed valid if the issuing court
18 had jurisdiction over the parties and matter under the law of
19 the state, tribe, or territory. There shall be a presumption
20 of validity when an order is certified and appears authentic
21 on its face.

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

24 (a-5) Failure to provide reasonable notice and opportunity
25 to be heard shall be an affirmative defense to any charge or
26 process filed seeking enforcement of a foreign civil no

1 contact order.

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

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

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

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

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

19 (720 ILCS 5/12-3.9)

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

21 (a) A person commits violation of a stalking no contact
22 order if:

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

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

5 (B) a remedy, which is substantially similar to
6 the remedies authorized under Section 80 of the
7 Stalking No Contact Order Act or Section 112A-14.7 of
8 the Code of Criminal Procedure of 1963, or in a valid
9 stalking no contact order, which is authorized under
10 the laws of another state, tribe, or United States
11 territory; and

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

19 A person alleged to have violated a stalking no contact
20 order is presumed to have actual knowledge of the contents of
21 the 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 60 of the Stalking 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 stalking no contact order;

3 (iii) the person has been held in default in the
4 stalking 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 stalking 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 "stalking 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 stalking no
20 contact order.

21 (b) Prosecution for a violation of a stalking 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 stalking no contact order
9 is a Class A misdemeanor for a first violation, and a Class 4
10 felony for a second or subsequent violation.

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

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

14 (725 ILCS 5/112A-5.5)

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

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

23 (b) The request for an ex parte protective order may be
24 considered without notice to the respondent under Section

1 112A-17.5 of this Code.

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

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

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

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

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

26 (D) "If a plenary order is entered at the next or

1 subsequent court date, even if you do not attend or get a
2 copy of the order, you may be arrested or held criminally
3 or civilly liable for violating certain terms of that
4 order."

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

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

22 (e) If the respondent is not served within 30 days of the
23 filing of the petition, the court shall schedule a court
24 proceeding on the issue of service. Either the petitioner, the
25 petitioner's counsel, or the State's Attorney shall appear and
26 the court shall either order continued attempts at personal

1 service or shall order service by publication, in accordance
2 with Sections 2-203, 2-206, and 2-207 of the Code of Civil
3 Procedure.

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

11 (f-5) 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 protective order. The court has the discretion to grant or
14 deny the request for a remote hearing. Each court shall
15 determine the procedure for a remote hearing. The petitioner
16 and respondent may appear remotely or in person.

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

26 (g) Default orders.

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

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

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

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

26 (3) A final stalking no contact order may be entered

1 by default for any of the remedies provided by Section
2 112A-14.7 of this Code, if the respondent has been served
3 with documents under subsection (b) or (c) of this Section
4 and if the respondent fails to answer or appear in
5 accordance with the date set in the publication notice or
6 the return date indicated on the service of a household
7 member.

8 (4) When the court enters a default order under this
9 Section, the court shall include a finding about whether
10 the language required in paragraph (2) of subsection (c)
11 was included in the summons. Whether the language required
12 in paragraph (2) of subsection (c) was included in a
13 summons shall not impact whether the court grants the
14 default order if the summons was otherwise proper and the
15 requirements for default are otherwise met.

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

17 (725 ILCS 5/112A-23) (from Ch. 38, par. 112A-23)

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

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

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

1 Criminal Code of 2012, by having knowingly violated:

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

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

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

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

20 (2) The respondent commits the crime of child
21 abduction pursuant to Section 10-5 of the Criminal Code of
22 1961 or the Criminal Code of 2012, by having knowingly
23 violated:

24 (i) remedies described in paragraph (5), (6), or
25 (8) of subsection (b) of Section 112A-14 of this Code,
26 or

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

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

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

22 (b) When violation is contempt of court. A violation of
23 any valid protective order, whether issued in a civil or
24 criminal proceeding or by a military judge, may be enforced
25 through civil or criminal contempt procedures, as appropriate,
26 by any court with jurisdiction, regardless where the act or

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

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

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

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

1 Dissolution of Marriage Act. The court may enforce any order
2 for support issued under paragraph (12) of subsection (b) of
3 Section 112A-14 of this Code in the manner provided for under
4 Parts V and VII of the Illinois Marriage and Dissolution of
5 Marriage Act.

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

10 (1) (Blank).

11 (2) (Blank).

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

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

16 A respondent alleged to have violated a protective order
17 is presumed to have actual knowledge of the contents of the
18 order if:

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

22 (ii) the respondent has been served with the petition
23 for the protective order;

24 (iii) the respondent has been held in default in the
25 protective order proceeding; and

26 (iv) the respondent has been served with an emergency

1 order in the same proceeding that grants the same remedy,
2 including any specifics, that the respondent is alleged to
3 have violated.

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

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

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

11 (e-5) If a civil no contact order entered under subsection
12 (6) of Section 112A-20 of the Code of Criminal Procedure of
13 1963 conflicts with an order issued pursuant to the Juvenile
14 Court Act of 1987 or the Illinois Marriage and Dissolution of
15 Marriage Act, the conflicting order issued under subsection
16 (6) of Section 112A-20 of the Code of Criminal Procedure of
17 1963 shall be void.

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

22 (g) Penalties.

23 (1) Except as provided in paragraph (3) of this
24 subsection (g), where the court finds the commission of a
25 crime or contempt of court under subsection (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 (g).

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 protective order over any penalty previously
13 imposed by any court for respondent's violation of any
14 protective order or penal statute involving petitioner
15 as victim and respondent as defendant;

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

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

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

1 (i) to modify the conditions of pretrial release
2 on an underlying criminal charge pursuant to Section
3 110-6 of this Code;

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

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

10 (Source: P.A. 102-184, eff. 1-1-22; 102-558, eff. 8-20-21;
11 102-813, eff. 5-13-22; 102-890, eff. 5-19-22; 103-407, eff.
12 7-28-23.)

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

15 (740 ILCS 21/60)

16 Sec. 60. Process.

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

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

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

23 (A) "If an emergency stalking no contact order has
24 been ordered against you and included with this summons or

1 you have otherwise received a copy of that order, you may
2 be arrested or held criminally or civilly liable for
3 violating certain terms of the order. The court may enter
4 another protective order when the attached emergency order
5 expires."

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

11 (C) "A plenary stalking no contact order may be
12 entered by default for any of the remedies sought in the
13 petition if you fail to appear on the specified hearing
14 date or on any subsequent hearing date agreed to by the
15 parties or set by the court."

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

21 (4) Attachments to the summons or notice shall include the
22 petition for stalking no contact order and supporting
23 affidavits, if any, and any emergency stalking no contact
24 order that has been issued.

25 (b) The summons shall be served by the sheriff or other law
26 enforcement officer at the earliest time and shall take

1 precedence over other summonses except those of a similar
2 emergency nature. Special process servers may be appointed at
3 any time, and their designation shall not affect the
4 responsibilities and authority of the sheriff or other
5 official process servers.

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

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

19 (e) If an order is granted under subsection (c) of Section
20 95, the court shall immediately file a certified copy of the
21 order with the sheriff or other law enforcement official
22 charged with maintaining Department of State Police records.

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

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

1 (740 ILCS 22/208)

2 Sec. 208. Process.

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

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

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

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

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

21 (C) "A plenary civil no contact order may be entered
22 by default for any of the remedies sought in the petition
23 if you fail to appear on the specified hearing date or on
24 any subsequent hearing date agreed to by the parties or
25 set by the court."

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

6 (4) Attachments to the summons or notice shall include the
7 petition for civil no contact order and supporting affidavits,
8 if any, and any emergency civil no contact order that has been
9 issued.

10 (b) The summons shall be served by the sheriff or other law
11 enforcement officer at the earliest time and shall take
12 precedence over other summonses except those of a similar
13 emergency nature. Special process servers may be appointed at
14 any time, and their designation shall not affect the
15 responsibilities and authority of the sheriff or other
16 official process servers.

17 (c) Service of process on a member of the respondent's
18 household or by publication shall be adequate if: (1) the
19 petitioner has made all reasonable efforts to accomplish
20 actual service of process personally upon the respondent, but
21 the respondent cannot be found to effect such service; and (2)
22 the petitioner files an affidavit or presents sworn testimony
23 as to those efforts.

24 (d) A plenary civil no contact order may be entered by
25 default for the remedy sought in the petition, if the
26 respondent has been served or given notice in accordance with

1 subsection (a) and if the respondent then fails to appear as
2 directed or fails to appear on any subsequent appearance or
3 hearing date agreed to by the parties or set by the court.

4 (e) If an order is granted under subsection (c) of Section
5 214, the court shall immediately file a certified copy of the
6 order with the sheriff or other law enforcement official
7 charged with maintaining Department of State Police records.

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

9 (740 ILCS 22/220)

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

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

14 (b) Illinois courts may enforce civil no contact orders
15 through both criminal proceedings and civil contempt
16 proceedings, unless the action which is second in time is
17 barred by collateral estoppel or the constitutional
18 prohibition against double jeopardy.

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

23 (b-2) The court may hold the parents, guardian, or legal
24 custodian of a minor respondent in civil or criminal contempt
25 for a violation of any provision of any order entered under

1 this Act for conduct of the minor respondent in violation of
2 this Act if the parents, guardian, or legal custodian
3 directed, encouraged, or assisted the respondent minor in such
4 conduct.

5 (c) Criminal prosecution. A violation of any civil no
6 contact order, whether issued in a civil or criminal
7 proceeding or by a military judge, shall be enforced by a
8 criminal court when the respondent commits the crime of
9 violation of a civil no contact order pursuant to Section 219
10 by having knowingly violated:

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

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

17 Prosecution for a violation of a civil no contact order
18 shall not bar a concurrent prosecution for any other crime,
19 including any crime that may have been committed at the time of
20 the violation of the civil no contact order.

21 (d) Contempt of court. A violation of any valid Illinois
22 civil no contact order, whether issued in a civil or criminal
23 proceeding, may be enforced through civil or criminal contempt
24 procedures, as appropriate, by any court with jurisdiction,
25 regardless of where the act or acts which violated the civil no
26 contact order were committed, to the extent consistent with

1 the venue provisions of this Act.

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

14 (2) A petition for a rule to show cause or a petition
15 for adjudication of criminal contempt for violation of a
16 civil no contact order shall be treated as an expedited
17 proceeding.

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

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

23 (2) by notice under Section 218;

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

26 (4) by other means demonstrating actual knowledge of

1 the contents of the order.

2 A respondent alleged to have violated a civil no contact
3 order is presumed to have actual knowledge of the contents of
4 the order if:

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

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

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

12 (iv) the respondent has been served with an emergency
13 civil no contact order in the same proceeding that grants
14 the same remedy, including any specifics, that the
15 respondent is alleged to have violated.

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

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

21 (2) any finding or order entered in a conjoined
22 criminal proceeding.

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

1 (h) Penalties.

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

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

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

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

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

25 (iii) impose a minimum penalty of 48 hours
26 imprisonment for respondent's second or subsequent

1 violation of a civil no contact order unless the court
2 explicitly finds that an increased penalty or that
3 period of imprisonment would be manifestly unjust.

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

8 (i) to modify the conditions of pretrial release
9 on an underlying criminal charge pursuant to Section
10 110-6 of the Code of Criminal Procedure of 1963;

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

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

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

18 Section 25. The Illinois Domestic Violence Act of 1986 is
19 amended by changing Sections 210, 210.1, and 223 as follows:

20 (750 ILCS 60/210) (from Ch. 40, par. 2312-10)

21 Sec. 210. Process.

22 (a) Summons.

23 (1) Any action for an order of protection, whether
24 commenced alone or in conjunction with another proceeding, is

1 a distinct cause of action and requires that a separate
2 summons be issued and served, except that in pending cases the
3 following methods may be used:

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

7 (B) ~~(2)~~ By notice in accordance with Section 210.1 in
8 civil cases in which the defendant has filed a general
9 appearance.

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

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

14 (A) "If an emergency order of protection has been
15 ordered against you and included with this summons or
16 you have otherwise received a copy of that order, you
17 may be arrested or held criminally or civilly liable
18 for violating certain terms of the order. The court
19 may enter another order of protection when the
20 attached emergency order expires."

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

26 (C) "A plenary order of protection may be entered

1 by default for any of the remedies sought in the
2 petition if you fail to appear on the specified
3 hearing date or on any subsequent hearing date agreed
4 to by the parties or set by the court."

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

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

14 (5) The enforcement of an order of protection under Section
15 223 shall not be affected by the lack of service, delivery, or
16 notice, provided the requirements of subsection (d) of that
17 Section are otherwise met.

18 (b) Blank.

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

1 the order of protection grants the surrender of a child, the
2 surrender of a firearm or firearm owners identification card,
3 or the exclusive possession of a shared residence.

4 (d) Remedies requiring actual notice. The counseling,
5 payment of support, payment of shelter services, and payment
6 of losses remedies provided by paragraphs 4, 12, 13, and 16 of
7 subsection (b) of Section 214 may be granted only if
8 respondent has been personally served with process, has
9 answered or has made a general appearance.

10 (e) Remedies upon constructive notice. Service of process
11 on a member of respondent's household or by publication shall
12 be adequate for the remedies provided by paragraphs 1, 2, 3, 5,
13 6, 7, 8, 9, 10, 11, 14, 15, and 17 of subsection (b) of Section
14 214, but only if: (i) petitioner has made all reasonable
15 efforts to accomplish actual service of process personally
16 upon respondent, but respondent cannot be found to effect such
17 service and (ii) petitioner files an affidavit or presents
18 sworn testimony as to those efforts.

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

21 (1) For any of the remedies sought in the petition, if
22 respondent has been served or given notice in accordance
23 with subsection (a) and if respondent then fails to appear
24 as directed or fails to appear on any subsequent
25 appearance or hearing date agreed to by the parties or set
26 by the court; or

1 (2) For any of the remedies provided in accordance
2 with subsection (e), if 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 (g) Emergency orders. If an order is granted under
7 subsection (c) of Section 217, the court shall immediately
8 file a certified copy of the order with the sheriff or other
9 law enforcement official charged with maintaining Department
10 of State Police records.

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

12 (750 ILCS 60/210.1) (from Ch. 40, par. 2312-10.1)

13 Sec. 210.1. Service of notice in conjunction with a
14 pending civil case.

15 (a) Notice. When an action for an order of protection is
16 sought in conjunction with a pending civil case in which the
17 court has obtained jurisdiction over respondent, and
18 respondent has filed a general appearance, then a separate
19 summons need not issue. Original notice of a hearing on a
20 petition for an order of protection may be given, and the
21 documents served, in accordance with Illinois Supreme Court
22 Rules 11 and 12. When, however, an emergency order of
23 protection is sought in such a case on an ex parte application,
24 then the procedure set forth in subsection (a) of Section 210
25 (other than in subparagraph (B) of paragraph (1) of subsection

1 (a) ~~(2)~~ shall be followed. If an order of protection is issued
2 using the notice provisions of this Section, then the order of
3 protection or extensions of that order may survive the
4 disposition of the main civil case. The enforcement of any
5 order of protection under Section 223 shall not be affected by
6 the lack of notice under this Section, provided the
7 requirements of subsection (d) of that Section are otherwise
8 met.

9 (b) Default. The form of notice described in subsection
10 (a) shall include the following language directed to the
11 respondent:

12 A 2-year plenary order of protection may be entered by
13 default for any of the remedies sought in the petition if
14 you fail to appear on the specified hearing date or on any
15 subsequent hearing date agreed to by the parties or set by
16 the court.

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

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

24 (750 ILCS 60/223) (from Ch. 40, par. 2312-23)

25 Sec. 223. Enforcement of orders of protection.

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

5 (1) The respondent commits the crime of violation of
6 an order of protection pursuant to Section 12-3.4 or 12-30
7 of the Criminal Code of 1961 or the Criminal Code of 2012,
8 by having knowingly violated:

9 (i) remedies described in paragraphs (1), (2),
10 (3), (14), or (14.5) of subsection (b) of Section 214
11 of this Act; or

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

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

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

25 (2) The respondent commits the crime of child
26 abduction pursuant to Section 10-5 of the Criminal Code of

1 1961 or the Criminal Code of 2012, by having knowingly
2 violated:

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

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

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

25 (1) In a contempt proceeding where the petition for a
26 rule to show cause sets forth facts evidencing an

1 immediate danger that the respondent will flee the
2 jurisdiction, conceal a child, or inflict physical abuse
3 on the petitioner or minor children or on dependent adults
4 in petitioner's care, the court may order the attachment
5 of the respondent without prior service of the rule to
6 show cause or the petition for a rule to show cause.
7 Conditions of release shall be set unless specifically
8 denied in writing.

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

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) Violation of custody or support orders or temporary or
24 final judgments allocating parental responsibilities. A
25 violation of remedies described in paragraphs (5), (6), (8),
26 or (9) of subsection (b) of Section 214 of this Act may be

1 enforced by any remedy provided by Section 607.5 of the
2 Illinois Marriage and Dissolution of Marriage Act. The court
3 may enforce any order for support issued under paragraph (12)
4 of subsection (b) of Section 214 in the manner provided for
5 under Parts V and VII of the Illinois Marriage and Dissolution
6 of Marriage Act.

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

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

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

13 (3) By service of an order of protection under Section
14 222.

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

17 A respondent alleged to have violated a plenary order of
18 protection is presumed to have actual knowledge of the
19 contents of the order if:

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

23 (ii) the respondent has been served with the petition
24 for the order of protection;

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

1 (iv) the respondent has been served with an emergency
2 order of protection in the same proceeding that grants the
3 same remedy, including any specifics, that the respondent
4 is alleged to have violated.

5 (e) The enforcement of an order of protection in civil or
6 criminal court shall not be affected by either of the
7 following:

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

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

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

16 (g) Penalties.

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

25 (2) The court shall hear and take into account
26 evidence of any factors in aggravation or mitigation

1 before deciding an appropriate penalty under paragraph (1)
2 of this subsection.

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

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

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

13 (iii) impose a minimum penalty of 48 hours
14 imprisonment for respondent's second or subsequent
15 violation of an order of protection

16 unless the court explicitly finds that an increased
17 penalty or that period of imprisonment would be manifestly
18 unjust.

19 (4) In addition to any other penalties imposed for a
20 violation of an order of protection, a criminal court may
21 consider evidence of any violations of an order of
22 protection:

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

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

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

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

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

14 Section 99. Effective date. This Act takes effect January
15 1, 2028."