



## 101ST GENERAL ASSEMBLY

### State of Illinois

2019 and 2020

HB3402

by Rep. Joyce Mason

#### SYNOPSIS AS INTRODUCED:

See Index

Amends the Code of Civil Procedure. Provides that the privilege extended to members of the clergy shall not apply (i) when a member of the clergy is required to report child abuse or neglect pursuant to the Abused and Neglected Child Reporting Act, (ii) in a case involving domestic violence, or (iii) in a case involving violent criminal matters. Amends the Criminal Code of 2012. Exempts from the eavesdropping prohibitions recordings made under the reasonable suspicion that the person is committing, is about to commit, or has committed an act of abuse and that the recording will contain evidence of the abuse. Amends the Illinois Domestic Violence Act of 1986. Provides that all judges who preside over family law or domestic violence courtrooms, mandated reporters, victim assistance professionals, family law attorneys, family law mediators, court-appointed guardians ad litem, court-appointed child representatives, court-appointed therapists and counselors, and court-appointed experts who practice in the area of family law shall complete the Domestic Violence Foundation Training Course offered by the Illinois Coalition Against Domestic Violence. Provides that the clerk of the court shall provide to all petitioners seeking an order of protection resources and information on domestic violence and how to obtain assistance as a victim of domestic violence. Provides that, when determining whether to issue an order of protection, the court shall consider the law enforcement records relating to domestic violence committed by the respondent for a period of at least 10 years. Provides that if an order of protection is issued, the petitioner is entitled to attorney's fees incurred in bringing the petition. Provides that the Department of State Police shall maintain a complete and systematic record and index of all valid or expired and recorded orders of protection for a period of at least 20 years. Makes additional changes to provisions concerning: purposes and rules of construction; definitions; remedies; law enforcement recordkeeping; and the National Crime Information Center. Makes a corresponding change in the Abused and Neglected Child Reporting Act. Effective immediately.

LRB101 10466 LNS 55572 b

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 Abused and Neglected Child Reporting Act is  
5 amended by changing Section 4 as follows:

6 (325 ILCS 5/4)

7 Sec. 4. Persons required to report; privileged  
8 communications; transmitting false report. Any physician,  
9 resident, intern, hospital, hospital administrator and  
10 personnel engaged in examination, care and treatment of  
11 persons, surgeon, dentist, dentist hygienist, osteopath,  
12 chiropractor, podiatric physician, physician assistant,  
13 substance abuse treatment personnel, funeral home director or  
14 employee, coroner, medical examiner, emergency medical  
15 technician, acupuncturist, crisis line or hotline personnel,  
16 school personnel (including administrators and both certified  
17 and non-certified school employees), personnel of institutions  
18 of higher education, educational advocate assigned to a child  
19 pursuant to the School Code, member of a school board or the  
20 Chicago Board of Education or the governing body of a private  
21 school (but only to the extent required in accordance with  
22 other provisions of this Section expressly concerning the duty  
23 of school board members to report suspected child abuse),

1 truant officers, social worker, social services administrator,  
2 domestic violence program personnel, registered nurse,  
3 licensed practical nurse, genetic counselor, respiratory care  
4 practitioner, advanced practice registered nurse, home health  
5 aide, director or staff assistant of a nursery school or a  
6 child day care center, recreational or athletic program or  
7 facility personnel, early intervention provider as defined in  
8 the Early Intervention Services System Act, law enforcement  
9 officer, licensed professional counselor, licensed clinical  
10 professional counselor, registered psychologist and assistants  
11 working under the direct supervision of a psychologist,  
12 psychiatrist, or field personnel of the Department of  
13 Healthcare and Family Services, Juvenile Justice, Public  
14 Health, Human Services (acting as successor to the Department  
15 of Mental Health and Developmental Disabilities,  
16 Rehabilitation Services, or Public Aid), Corrections, Human  
17 Rights, or Children and Family Services, supervisor and  
18 administrator of general assistance under the Illinois Public  
19 Aid Code, probation officer, animal control officer or Illinois  
20 Department of Agriculture Bureau of Animal Health and Welfare  
21 field investigator, or any other foster parent, homemaker or  
22 child care worker having reasonable cause to believe a child  
23 known to them in their professional or official capacity may be  
24 an abused child or a neglected child shall immediately report  
25 or cause a report to be made to the Department.

26 Any member of the clergy having reasonable cause to believe

1 that a child known to that member of the clergy in his or her  
2 professional capacity may be an abused child as defined in item  
3 (c) of the definition of "abused child" in Section 3 of this  
4 Act shall immediately report or cause a report to be made to  
5 the Department.

6 Any physician, physician's assistant, registered nurse,  
7 licensed practical nurse, medical technician, certified  
8 nursing assistant, social worker, or licensed professional  
9 counselor of any office, clinic, or any other physical location  
10 that provides abortions, abortion referrals, or contraceptives  
11 having reasonable cause to believe a child known to him or her  
12 in his or her professional or official capacity may be an  
13 abused child or a neglected child shall immediately report or  
14 cause a report to be made to the Department.

15 If an allegation is raised to a school board member during  
16 the course of an open or closed school board meeting that a  
17 child who is enrolled in the school district of which he or she  
18 is a board member is an abused child as defined in Section 3 of  
19 this Act, the member shall direct or cause the school board to  
20 direct the superintendent of the school district or other  
21 equivalent school administrator to comply with the  
22 requirements of this Act concerning the reporting of child  
23 abuse. For purposes of this paragraph, a school board member is  
24 granted the authority in his or her individual capacity to  
25 direct the superintendent of the school district or other  
26 equivalent school administrator to comply with the

1 requirements of this Act concerning the reporting of child  
2 abuse.

3 Notwithstanding any other provision of this Act, if an  
4 employee of a school district has made a report or caused a  
5 report to be made to the Department under this Act involving  
6 the conduct of a current or former employee of the school  
7 district and a request is made by another school district for  
8 the provision of information concerning the job performance or  
9 qualifications of the current or former employee because he or  
10 she is an applicant for employment with the requesting school  
11 district, the general superintendent of the school district to  
12 which the request is being made must disclose to the requesting  
13 school district the fact that an employee of the school  
14 district has made a report involving the conduct of the  
15 applicant or caused a report to be made to the Department, as  
16 required under this Act. Only the fact that an employee of the  
17 school district has made a report involving the conduct of the  
18 applicant or caused a report to be made to the Department may  
19 be disclosed by the general superintendent of the school  
20 district to which the request for information concerning the  
21 applicant is made, and this fact may be disclosed only in cases  
22 where the employee and the general superintendent have not been  
23 informed by the Department that the allegations were unfounded.  
24 An employee of a school district who is or has been the subject  
25 of a report made pursuant to this Act during his or her  
26 employment with the school district must be informed by that

1 school district that if he or she applies for employment with  
2 another school district, the general superintendent of the  
3 former school district, upon the request of the school district  
4 to which the employee applies, shall notify that requesting  
5 school district that the employee is or was the subject of such  
6 a report.

7 Whenever such person is required to report under this Act  
8 in his capacity as a member of the staff of a medical or other  
9 public or private institution, school, facility or agency, or  
10 as a member of the clergy, he shall make report immediately to  
11 the Department in accordance with the provisions of this Act  
12 and may also notify the person in charge of such institution,  
13 school, facility or agency, or church, synagogue, temple,  
14 mosque, or other religious institution, or his designated agent  
15 that such report has been made. Under no circumstances shall  
16 any person in charge of such institution, school, facility or  
17 agency, or church, synagogue, temple, mosque, or other  
18 religious institution, or his designated agent to whom such  
19 notification has been made, exercise any control, restraint,  
20 modification or other change in the report or the forwarding of  
21 such report to the Department.

22 The privileged quality of communication between any  
23 professional person required to report and his patient or  
24 client shall not apply to situations involving abused or  
25 neglected children and shall not constitute grounds for failure  
26 to report as required by this Act or constitute grounds for

1 failure to share information or documents with the Department  
2 during the course of a child abuse or neglect investigation. If  
3 requested by the professional, the Department shall confirm in  
4 writing that the information or documents disclosed by the  
5 professional were gathered in the course of a child abuse or  
6 neglect investigation.

7 The reporting requirements of this Act shall not apply to  
8 the contents of a privileged communication between an attorney  
9 and his or her client or to confidential information within the  
10 meaning of Rule 1.6 of the Illinois Rules of Professional  
11 Conduct relating to the legal representation of an individual  
12 client.

13 ~~A member of the clergy may claim the privilege under~~  
14 ~~Section 8-803 of the Code of Civil Procedure.~~

15 Any office, clinic, or any other physical location that  
16 provides abortions, abortion referrals, or contraceptives  
17 shall provide to all office personnel copies of written  
18 information and training materials about abuse and neglect and  
19 the requirements of this Act that are provided to employees of  
20 the office, clinic, or physical location who are required to  
21 make reports to the Department under this Act, and instruct  
22 such office personnel to bring to the attention of an employee  
23 of the office, clinic, or physical location who is required to  
24 make reports to the Department under this Act any reasonable  
25 suspicion that a child known to him or her in his or her  
26 professional or official capacity may be an abused child or a

1 neglected child. In addition to the above persons required to  
2 report suspected cases of abused or neglected children, any  
3 other person may make a report if such person has reasonable  
4 cause to believe a child may be an abused child or a neglected  
5 child.

6 Any person who enters into employment on and after July 1,  
7 1986 and is mandated by virtue of that employment to report  
8 under this Act, shall sign a statement on a form prescribed by  
9 the Department, to the effect that the employee has knowledge  
10 and understanding of the reporting requirements of this Act. On  
11 and after January 1, 2019, the statement shall also include  
12 information about available mandated reporter training  
13 provided by the Department. The statement shall be signed prior  
14 to commencement of the employment. The signed statement shall  
15 be retained by the employer. The cost of printing,  
16 distribution, and filing of the statement shall be borne by the  
17 employer.

18 Within one year of initial employment and at least every 5  
19 years thereafter, school personnel required to report child  
20 abuse as provided under this Section must complete mandated  
21 reporter training by a provider or agency with expertise in  
22 recognizing and reporting child abuse.

23 The Department shall provide copies of this Act, upon  
24 request, to all employers employing persons who shall be  
25 required under the provisions of this Section to report under  
26 this Act.



1           Any person who knowingly transmits a false report to the  
2 Department commits the offense of disorderly conduct under  
3 subsection (a) (7) of Section 26-1 of the Criminal Code of 2012.  
4 A violation of this provision is a Class 4 felony.

5           Any person who knowingly and willfully violates any  
6 provision of this Section other than a second or subsequent  
7 violation of transmitting a false report as described in the  
8 preceding paragraph, is guilty of a Class A misdemeanor for a  
9 first violation and a Class 4 felony for a second or subsequent  
10 violation; except that if the person acted as part of a plan or  
11 scheme having as its object the prevention of discovery of an  
12 abused or neglected child by lawful authorities for the purpose  
13 of protecting or insulating any person or entity from arrest or  
14 prosecution, the person is guilty of a Class 4 felony for a  
15 first offense and a Class 3 felony for a second or subsequent  
16 offense (regardless of whether the second or subsequent offense  
17 involves any of the same facts or persons as the first or other  
18 prior offense).

19           A child whose parent, guardian or custodian in good faith  
20 selects and depends upon spiritual means through prayer alone  
21 for the treatment or cure of disease or remedial care may be  
22 considered neglected or abused, but not for the sole reason  
23 that his parent, guardian or custodian accepts and practices  
24 such beliefs.

25           A child shall not be considered neglected or abused solely  
26 because the child is not attending school in accordance with

1 the requirements of Article 26 of the School Code, as amended.

2 Nothing in this Act prohibits a mandated reporter who  
3 reasonably believes that an animal is being abused or neglected  
4 in violation of the Humane Care for Animals Act from reporting  
5 animal abuse or neglect to the Department of Agriculture's  
6 Bureau of Animal Health and Welfare.

7 A home rule unit may not regulate the reporting of child  
8 abuse or neglect in a manner inconsistent with the provisions  
9 of this Section. This Section is a limitation under subsection  
10 (i) of Section 6 of Article VII of the Illinois Constitution on  
11 the concurrent exercise by home rule units of powers and  
12 functions exercised by the State.

13 For purposes of this Section "child abuse or neglect"  
14 includes abuse or neglect of an adult resident as defined in  
15 this Act.

16 (Source: P.A. 100-513, eff. 1-1-18; 100-1071, eff. 1-1-19.)

17 Section 10. The Criminal Code of 2012 is amended by  
18 changing Section 14-3 as follows:

19 (720 ILCS 5/14-3)

20 Sec. 14-3. Exemptions. The following activities shall be  
21 exempt from the provisions of this Article:

22 (a) Listening to radio, wireless electronic  
23 communications, and television communications of any sort  
24 where the same are publicly made;

1           (b) Hearing conversation when heard by employees of any  
2 common carrier by wire incidental to the normal course of their  
3 employment in the operation, maintenance or repair of the  
4 equipment of such common carrier by wire so long as no  
5 information obtained thereby is used or divulged by the hearer;

6           (c) Any broadcast by radio, television or otherwise whether  
7 it be a broadcast or recorded for the purpose of later  
8 broadcasts of any function where the public is in attendance  
9 and the conversations are overheard incidental to the main  
10 purpose for which such broadcasts are then being made;

11           (d) Recording or listening with the aid of any device to  
12 any emergency communication made in the normal course of  
13 operations by any federal, state or local law enforcement  
14 agency or institutions dealing in emergency services,  
15 including, but not limited to, hospitals, clinics, ambulance  
16 services, fire fighting agencies, any public utility,  
17 emergency repair facility, civilian defense establishment or  
18 military installation;

19           (e) Recording the proceedings of any meeting required to be  
20 open by the Open Meetings Act, as amended;

21           (f) Recording or listening with the aid of any device to  
22 incoming telephone calls of phone lines publicly listed or  
23 advertised as consumer "hotlines" by manufacturers or  
24 retailers of food and drug products. Such recordings must be  
25 destroyed, erased or turned over to local law enforcement  
26 authorities within 24 hours from the time of such recording and

1 shall not be otherwise disseminated. Failure on the part of the  
2 individual or business operating any such recording or  
3 listening device to comply with the requirements of this  
4 subsection shall eliminate any civil or criminal immunity  
5 conferred upon that individual or business by the operation of  
6 this Section;

7 (g) With prior notification to the State's Attorney of the  
8 county in which it is to occur, recording or listening with the  
9 aid of any device to any conversation where a law enforcement  
10 officer, or any person acting at the direction of law  
11 enforcement, is a party to the conversation and has consented  
12 to it being intercepted or recorded under circumstances where  
13 the use of the device is necessary for the protection of the  
14 law enforcement officer or any person acting at the direction  
15 of law enforcement, in the course of an investigation of a  
16 forcible felony, a felony offense of involuntary servitude,  
17 involuntary sexual servitude of a minor, or trafficking in  
18 persons under Section 10-9 of this Code, an offense involving  
19 prostitution, solicitation of a sexual act, or pandering, a  
20 felony violation of the Illinois Controlled Substances Act, a  
21 felony violation of the Cannabis Control Act, a felony  
22 violation of the Methamphetamine Control and Community  
23 Protection Act, any "streetgang related" or "gang-related"  
24 felony as those terms are defined in the Illinois Streetgang  
25 Terrorism Omnibus Prevention Act, or any felony offense  
26 involving any weapon listed in paragraphs (1) through (11) of

1 subsection (a) of Section 24-1 of this Code. Any recording or  
2 evidence derived as the result of this exemption shall be  
3 inadmissible in any proceeding, criminal, civil or  
4 administrative, except (i) where a party to the conversation  
5 suffers great bodily injury or is killed during such  
6 conversation, or (ii) when used as direct impeachment of a  
7 witness concerning matters contained in the interception or  
8 recording. The Director of the Department of State Police shall  
9 issue regulations as are necessary concerning the use of  
10 devices, retention of tape recordings, and reports regarding  
11 their use;

12 (g-5) (Blank);

13 (g-6) With approval of the State's Attorney of the county  
14 in which it is to occur, recording or listening with the aid of  
15 any device to any conversation where a law enforcement officer,  
16 or any person acting at the direction of law enforcement, is a  
17 party to the conversation and has consented to it being  
18 intercepted or recorded in the course of an investigation of  
19 child pornography, aggravated child pornography, indecent  
20 solicitation of a child, luring of a minor, sexual exploitation  
21 of a child, aggravated criminal sexual abuse in which the  
22 victim of the offense was at the time of the commission of the  
23 offense under 18 years of age, or criminal sexual abuse by  
24 force or threat of force in which the victim of the offense was  
25 at the time of the commission of the offense under 18 years of  
26 age. In all such cases, an application for an order approving

1 the previous or continuing use of an eavesdropping device must  
2 be made within 48 hours of the commencement of such use. In the  
3 absence of such an order, or upon its denial, any continuing  
4 use shall immediately terminate. The Director of State Police  
5 shall issue rules as are necessary concerning the use of  
6 devices, retention of recordings, and reports regarding their  
7 use. Any recording or evidence obtained or derived in the  
8 course of an investigation of child pornography, aggravated  
9 child pornography, indecent solicitation of a child, luring of  
10 a minor, sexual exploitation of a child, aggravated criminal  
11 sexual abuse in which the victim of the offense was at the time  
12 of the commission of the offense under 18 years of age, or  
13 criminal sexual abuse by force or threat of force in which the  
14 victim of the offense was at the time of the commission of the  
15 offense under 18 years of age shall, upon motion of the State's  
16 Attorney or Attorney General prosecuting any case involving  
17 child pornography, aggravated child pornography, indecent  
18 solicitation of a child, luring of a minor, sexual exploitation  
19 of a child, aggravated criminal sexual abuse in which the  
20 victim of the offense was at the time of the commission of the  
21 offense under 18 years of age, or criminal sexual abuse by  
22 force or threat of force in which the victim of the offense was  
23 at the time of the commission of the offense under 18 years of  
24 age be reviewed in camera with notice to all parties present by  
25 the court presiding over the criminal case, and, if ruled by  
26 the court to be relevant and otherwise admissible, it shall be

1 admissible at the trial of the criminal case. Absent such a  
2 ruling, any such recording or evidence shall not be admissible  
3 at the trial of the criminal case;

4 (h) Recordings made simultaneously with the use of an  
5 in-car video camera recording of an oral conversation between a  
6 uniformed peace officer, who has identified his or her office,  
7 and a person in the presence of the peace officer whenever (i)  
8 an officer assigned a patrol vehicle is conducting an  
9 enforcement stop; or (ii) patrol vehicle emergency lights are  
10 activated or would otherwise be activated if not for the need  
11 to conceal the presence of law enforcement.

12 For the purposes of this subsection (h), "enforcement stop"  
13 means an action by a law enforcement officer in relation to  
14 enforcement and investigation duties, including but not  
15 limited to, traffic stops, pedestrian stops, abandoned vehicle  
16 contacts, motorist assists, commercial motor vehicle stops,  
17 roadside safety checks, requests for identification, or  
18 responses to requests for emergency assistance;

19 (h-5) Recordings of utterances made by a person while in  
20 the presence of a uniformed peace officer and while an occupant  
21 of a police vehicle including, but not limited to, (i)  
22 recordings made simultaneously with the use of an in-car video  
23 camera and (ii) recordings made in the presence of the peace  
24 officer utilizing video or audio systems, or both, authorized  
25 by the law enforcement agency;

26 (h-10) Recordings made simultaneously with a video camera

1 recording during the use of a taser or similar weapon or device  
2 by a peace officer if the weapon or device is equipped with  
3 such camera;

4 (h-15) Recordings made under subsection (h), (h-5), or  
5 (h-10) shall be retained by the law enforcement agency that  
6 employs the peace officer who made the recordings for a storage  
7 period of 90 days, unless the recordings are made as a part of  
8 an arrest or the recordings are deemed evidence in any  
9 criminal, civil, or administrative proceeding and then the  
10 recordings must only be destroyed upon a final disposition and  
11 an order from the court. Under no circumstances shall any  
12 recording be altered or erased prior to the expiration of the  
13 designated storage period. Upon completion of the storage  
14 period, the recording medium may be erased and reissued for  
15 operational use;

16 (i) Recording of a conversation made by or at the request  
17 of a person, not a law enforcement officer or agent of a law  
18 enforcement officer, who is a party to the conversation, under  
19 reasonable suspicion that another party to the conversation is  
20 committing, is about to commit, or has committed a criminal  
21 offense against the person or a member of his or her immediate  
22 household, and there is reason to believe that evidence of the  
23 criminal offense may be obtained by the recording;

24 (i-5) Recordings made of a person under reasonable  
25 suspicion that the person is committing, is about to commit, or  
26 has committed an act of abuse as defined in Section 103 of the



1 Illinois Domestic Violence Act of 1986, and there is reason to  
2 believe that evidence of the act of abuse may be obtained by  
3 the recording;

4 (j) The use of a telephone monitoring device by either (1)  
5 a corporation or other business entity engaged in marketing or  
6 opinion research or (2) a corporation or other business entity  
7 engaged in telephone solicitation, as defined in this  
8 subsection, to record or listen to oral telephone solicitation  
9 conversations or marketing or opinion research conversations  
10 by an employee of the corporation or other business entity  
11 when:

12 (i) the monitoring is used for the purpose of service  
13 quality control of marketing or opinion research or  
14 telephone solicitation, the education or training of  
15 employees or contractors engaged in marketing or opinion  
16 research or telephone solicitation, or internal research  
17 related to marketing or opinion research or telephone  
18 solicitation; and

19 (ii) the monitoring is used with the consent of at  
20 least one person who is an active party to the marketing or  
21 opinion research conversation or telephone solicitation  
22 conversation being monitored.

23 No communication or conversation or any part, portion, or  
24 aspect of the communication or conversation made, acquired, or  
25 obtained, directly or indirectly, under this exemption (j), may  
26 be, directly or indirectly, furnished to any law enforcement

1 officer, agency, or official for any purpose or used in any  
2 inquiry or investigation, or used, directly or indirectly, in  
3 any administrative, judicial, or other proceeding, or divulged  
4 to any third party.

5 When recording or listening authorized by this subsection  
6 (j) on telephone lines used for marketing or opinion research  
7 or telephone solicitation purposes results in recording or  
8 listening to a conversation that does not relate to marketing  
9 or opinion research or telephone solicitation; the person  
10 recording or listening shall, immediately upon determining  
11 that the conversation does not relate to marketing or opinion  
12 research or telephone solicitation, terminate the recording or  
13 listening and destroy any such recording as soon as is  
14 practicable.

15 Business entities that use a telephone monitoring or  
16 telephone recording system pursuant to this exemption (j) shall  
17 provide current and prospective employees with notice that the  
18 monitoring or recordings may occur during the course of their  
19 employment. The notice shall include prominent signage  
20 notification within the workplace.

21 Business entities that use a telephone monitoring or  
22 telephone recording system pursuant to this exemption (j) shall  
23 provide their employees or agents with access to personal-only  
24 telephone lines which may be pay telephones, that are not  
25 subject to telephone monitoring or telephone recording.

26 For the purposes of this subsection (j), "telephone

1 solicitation" means a communication through the use of a  
2 telephone by live operators:

3 (i) soliciting the sale of goods or services;

4 (ii) receiving orders for the sale of goods or  
5 services;

6 (iii) assisting in the use of goods or services; or

7 (iv) engaging in the solicitation, administration, or  
8 collection of bank or retail credit accounts.

9 For the purposes of this subsection (j), "marketing or  
10 opinion research" means a marketing or opinion research  
11 interview conducted by a live telephone interviewer engaged by  
12 a corporation or other business entity whose principal business  
13 is the design, conduct, and analysis of polls and surveys  
14 measuring the opinions, attitudes, and responses of  
15 respondents toward products and services, or social or  
16 political issues, or both;

17 (k) Electronic recordings, including but not limited to, a  
18 motion picture, videotape, digital, or other visual or audio  
19 recording, made of a custodial interrogation of an individual  
20 at a police station or other place of detention by a law  
21 enforcement officer under Section 5-401.5 of the Juvenile Court  
22 Act of 1987 or Section 103-2.1 of the Code of Criminal  
23 Procedure of 1963;

24 (l) Recording the interview or statement of any person when  
25 the person knows that the interview is being conducted by a law  
26 enforcement officer or prosecutor and the interview takes place

1 at a police station that is currently participating in the  
2 Custodial Interview Pilot Program established under the  
3 Illinois Criminal Justice Information Act;

4 (m) An electronic recording, including but not limited to,  
5 a motion picture, videotape, digital, or other visual or audio  
6 recording, made of the interior of a school bus while the  
7 school bus is being used in the transportation of students to  
8 and from school and school-sponsored activities, when the  
9 school board has adopted a policy authorizing such recording,  
10 notice of such recording policy is included in student  
11 handbooks and other documents including the policies of the  
12 school, notice of the policy regarding recording is provided to  
13 parents of students, and notice of such recording is clearly  
14 posted on the door of and inside the school bus.

15 Recordings made pursuant to this subsection (m) shall be  
16 confidential records and may only be used by school officials  
17 (or their designees) and law enforcement personnel for  
18 investigations, school disciplinary actions and hearings,  
19 proceedings under the Juvenile Court Act of 1987, and criminal  
20 prosecutions, related to incidents occurring in or around the  
21 school bus;

22 (n) Recording or listening to an audio transmission from a  
23 microphone placed by a person under the authority of a law  
24 enforcement agency inside a bait car surveillance vehicle while  
25 simultaneously capturing a photographic or video image;

26 (o) The use of an eavesdropping camera or audio device

1 during an ongoing hostage or barricade situation by a law  
2 enforcement officer or individual acting on behalf of a law  
3 enforcement officer when the use of such device is necessary to  
4 protect the safety of the general public, hostages, or law  
5 enforcement officers or anyone acting on their behalf;

6 (p) Recording or listening with the aid of any device to  
7 incoming telephone calls of phone lines publicly listed or  
8 advertised as the "CPS Violence Prevention Hotline", but only  
9 where the notice of recording is given at the beginning of each  
10 call as required by Section 34-21.8 of the School Code. The  
11 recordings may be retained only by the Chicago Police  
12 Department or other law enforcement authorities, and shall not  
13 be otherwise retained or disseminated;

14 (q) (1) With prior request to and written or verbal approval  
15 of the State's Attorney of the county in which the conversation  
16 is anticipated to occur, recording or listening with the aid of  
17 an eavesdropping device to a conversation in which a law  
18 enforcement officer, or any person acting at the direction of a  
19 law enforcement officer, is a party to the conversation and has  
20 consented to the conversation being intercepted or recorded in  
21 the course of an investigation of a qualified offense. The  
22 State's Attorney may grant this approval only after determining  
23 that reasonable cause exists to believe that inculpatory  
24 conversations concerning a qualified offense will occur with a  
25 specified individual or individuals within a designated period  
26 of time.

1           (2) Request for approval. To invoke the exception contained  
2 in this subsection (q), a law enforcement officer shall make a  
3 request for approval to the appropriate State's Attorney. The  
4 request may be written or verbal; however, a written  
5 memorialization of the request must be made by the State's  
6 Attorney. This request for approval shall include whatever  
7 information is deemed necessary by the State's Attorney but  
8 shall include, at a minimum, the following information about  
9 each specified individual whom the law enforcement officer  
10 believes will commit a qualified offense:

11           (A) his or her full or partial name, nickname or alias;

12           (B) a physical description; or

13           (C) failing either (A) or (B) of this paragraph (2),  
14 any other supporting information known to the law  
15 enforcement officer at the time of the request that gives  
16 rise to reasonable cause to believe that the specified  
17 individual will participate in an inculpatory conversation  
18 concerning a qualified offense.

19           (3) Limitations on approval. Each written approval by the  
20 State's Attorney under this subsection (q) shall be limited to:

21           (A) a recording or interception conducted by a  
22 specified law enforcement officer or person acting at the  
23 direction of a law enforcement officer;

24           (B) recording or intercepting conversations with the  
25 individuals specified in the request for approval,  
26 provided that the verbal approval shall be deemed to

1 include the recording or intercepting of conversations  
2 with other individuals, unknown to the law enforcement  
3 officer at the time of the request for approval, who are  
4 acting in conjunction with or as co-conspirators with the  
5 individuals specified in the request for approval in the  
6 commission of a qualified offense;

7 (C) a reasonable period of time but in no event longer  
8 than 24 consecutive hours;

9 (D) the written request for approval, if applicable, or  
10 the written memorialization must be filed, along with the  
11 written approval, with the circuit clerk of the  
12 jurisdiction on the next business day following the  
13 expiration of the authorized period of time, and shall be  
14 subject to review by the Chief Judge or his or her designee  
15 as deemed appropriate by the court.

16 (3.5) The written memorialization of the request for  
17 approval and the written approval by the State's Attorney may  
18 be in any format, including via facsimile, email, or otherwise,  
19 so long as it is capable of being filed with the circuit clerk.

20 (3.10) Beginning March 1, 2015, each State's Attorney shall  
21 annually submit a report to the General Assembly disclosing:

22 (A) the number of requests for each qualified offense  
23 for approval under this subsection; and

24 (B) the number of approvals for each qualified offense  
25 given by the State's Attorney.

26 (4) Admissibility of evidence. No part of the contents of

1 any wire, electronic, or oral communication that has been  
2 recorded or intercepted as a result of this exception may be  
3 received in evidence in any trial, hearing, or other proceeding  
4 in or before any court, grand jury, department, officer,  
5 agency, regulatory body, legislative committee, or other  
6 authority of this State, or a political subdivision of the  
7 State, other than in a prosecution of:

8 (A) the qualified offense for which approval was given  
9 to record or intercept a conversation under this subsection  
10 (q);

11 (B) a forcible felony committed directly in the course  
12 of the investigation of the qualified offense for which  
13 approval was given to record or intercept a conversation  
14 under this subsection (q); or

15 (C) any other forcible felony committed while the  
16 recording or interception was approved in accordance with  
17 this subsection (q), but for this specific category of  
18 prosecutions, only if the law enforcement officer or person  
19 acting at the direction of a law enforcement officer who  
20 has consented to the conversation being intercepted or  
21 recorded suffers great bodily injury or is killed during  
22 the commission of the charged forcible felony.

23 (5) Compliance with the provisions of this subsection is a  
24 prerequisite to the admissibility in evidence of any part of  
25 the contents of any wire, electronic or oral communication that  
26 has been intercepted as a result of this exception, but nothing



1 in this subsection shall be deemed to prevent a court from  
2 otherwise excluding the evidence on any other ground recognized  
3 by State or federal law, nor shall anything in this subsection  
4 be deemed to prevent a court from independently reviewing the  
5 admissibility of the evidence for compliance with the Fourth  
6 Amendment to the U.S. Constitution or with Article I, Section 6  
7 of the Illinois Constitution.

8 (6) Use of recordings or intercepts unrelated to qualified  
9 offenses. Whenever any private conversation or private  
10 electronic communication has been recorded or intercepted as a  
11 result of this exception that is not related to an offense for  
12 which the recording or intercept is admissible under paragraph  
13 (4) of this subsection (q), no part of the contents of the  
14 communication and evidence derived from the communication may  
15 be received in evidence in any trial, hearing, or other  
16 proceeding in or before any court, grand jury, department,  
17 officer, agency, regulatory body, legislative committee, or  
18 other authority of this State, or a political subdivision of  
19 the State, nor may it be publicly disclosed in any way.

20 (6.5) The Department of State Police shall adopt rules as  
21 are necessary concerning the use of devices, retention of  
22 recordings, and reports regarding their use under this  
23 subsection (q).

24 (7) Definitions. For the purposes of this subsection (q)  
25 only:

26 "Forcible felony" includes and is limited to those

1 offenses contained in Section 2-8 of the Criminal Code of  
2 1961 as of the effective date of this amendatory Act of the  
3 97th General Assembly, and only as those offenses have been  
4 defined by law or judicial interpretation as of that date.

5 "Qualified offense" means and is limited to:

6 (A) a felony violation of the Cannabis Control Act,  
7 the Illinois Controlled Substances Act, or the  
8 Methamphetamine Control and Community Protection Act,  
9 except for violations of:

10 (i) Section 4 of the Cannabis Control Act;

11 (ii) Section 402 of the Illinois Controlled  
12 Substances Act; and

13 (iii) Section 60 of the Methamphetamine  
14 Control and Community Protection Act; and

15 (B) first degree murder, solicitation of murder  
16 for hire, predatory criminal sexual assault of a child,  
17 criminal sexual assault, aggravated criminal sexual  
18 assault, aggravated arson, kidnapping, aggravated  
19 kidnapping, child abduction, trafficking in persons,  
20 involuntary servitude, involuntary sexual servitude of  
21 a minor, or gunrunning.

22 "State's Attorney" includes and is limited to the  
23 State's Attorney or an assistant State's Attorney  
24 designated by the State's Attorney to provide verbal  
25 approval to record or intercept conversations under this  
26 subsection (q).

1           (8) Sunset. This subsection (q) is inoperative on and after  
2 January 1, 2020. No conversations intercepted pursuant to this  
3 subsection (q), while operative, shall be inadmissible in a  
4 court of law by virtue of the inoperability of this subsection  
5 (q) on January 1, 2020.

6           (9) Recordings, records, and custody. Any private  
7 conversation or private electronic communication intercepted  
8 by a law enforcement officer or a person acting at the  
9 direction of law enforcement shall, if practicable, be recorded  
10 in such a way as will protect the recording from editing or  
11 other alteration. Any and all original recordings made under  
12 this subsection (q) shall be inventoried without unnecessary  
13 delay pursuant to the law enforcement agency's policies for  
14 inventorying evidence. The original recordings shall not be  
15 destroyed except upon an order of a court of competent  
16 jurisdiction; and

17           (r) Electronic recordings, including but not limited to,  
18 motion picture, videotape, digital, or other visual or audio  
19 recording, made of a lineup under Section 107A-2 of the Code of  
20 Criminal Procedure of 1963.

21           (Source: P.A. 100-572, eff. 12-29-17.)

22           Section 15. The Code of Civil Procedure is amended by  
23 changing Section 8-803 as follows:

24           (735 ILCS 5/8-803) (from Ch. 110, par. 8-803)

1           Sec. 8-803. Clergy. A clergyman or practitioner of any  
2 religious denomination accredited by the religious body to  
3 which he or she belongs, shall not be compelled to disclose in  
4 any court, or to any administrative board or agency, or to any  
5 public officer, a confession or admission made to him or her in  
6 his or her professional character or as a spiritual advisor in  
7 the course of the discipline enjoined by the rules or practices  
8 of such religious body or of the religion which he or she  
9 professes, nor be compelled to divulge any information which  
10 has been obtained by him or her in such professional character  
11 or as such spiritual advisor.

12           This privilege shall not apply (i) when a member of the  
13 clergy is required to report child abuse or neglect pursuant to  
14 Section 4 of the Abused and Neglected Child Reporting Act, (ii)  
15 in a case involving domestic violence pursuant to the Illinois  
16 Domestic Violence Act of 1986, or (iii) in a case involving  
17 violent criminal matters.

18           (Source: P.A. 82-280.)

19           Section 20. The Illinois Domestic Violence Act of 1986 is  
20 amended by changing Sections 102, 103, 214, and 302 and by  
21 adding Sections 212.5, 213.4, and 302.5 as follows:

22           (750 ILCS 60/102) (from Ch. 40, par. 2311-2)

23           Sec. 102. ~~Purposes, rules of construction.~~ This Act shall  
24 be liberally construed and applied to promote its underlying

1 purposes, which are to:

2 (1) Recognize that domestic violence is a serious offense  
3 against individuals, families, and society that has serious  
4 negative short-term and long-term effects on individuals and  
5 families in this State, including post-traumatic stress  
6 disorder, injuries, death, physical ailments, emotional  
7 distress, trauma, divorce, homelessness, poverty, instability,  
8 and emotionally and physically unhealthy children and adults

9 ~~Recognize domestic violence as a serious crime against the~~  
10 ~~individual and society which produces family disharmony in~~  
11 ~~thousands of Illinois families, promotes a pattern of~~  
12 ~~escalating violence which frequently culminates in~~  
13 ~~intra-family homicide, and creates an emotional atmosphere~~  
14 ~~that is not conducive to healthy childhood development;~~

15 (2) Recognize that domestic violence is a widespread  
16 epidemic in our society; ~~Recognize domestic violence against~~  
17 ~~high risk adults with disabilities, who are particularly~~  
18 ~~vulnerable due to impairments in ability to seek or obtain~~  
19 ~~protection, as a serious problem which takes on many forms,~~  
20 ~~including physical abuse, sexual abuse, neglect, and~~  
21 ~~exploitation, and facilitate accessibility of remedies under~~  
22 ~~the Act in order to provide immediate and effective assistance~~  
23 ~~and protection.~~

24 (3) Recognize that domestic violence, including emotional,  
25 verbal, financial, physical, and sexual abuse, as defined by  
26 the Illinois Coalition on Domestic Violence, is one of the main

1 causes of divorce ~~Recognize that the legal system has~~  
2 ~~ineffectively dealt with family violence in the past, allowing~~  
3 ~~abusers to escape effective prosecution or financial~~  
4 ~~liability, and has not adequately acknowledged the criminal~~  
5 ~~nature of domestic violence; that, although many laws have~~  
6 ~~changed, in practice there is still widespread failure to~~  
7 ~~appropriately protect and assist victims;~~

8 (4) Recognize that domestic violence is a pattern of  
9 violent behavior that is repeated throughout the life of the  
10 perpetrator, and that the best indicator of future behavior of  
11 the perpetrator is the past behavior of the perpetrator ~~Support~~  
12 ~~the efforts of victims of domestic violence to avoid further~~  
13 ~~abuse by promptly entering and diligently enforcing court~~  
14 ~~orders which prohibit abuse and, when necessary, reduce the~~  
15 ~~abuser's access to the victim and address any related issues of~~  
16 ~~child custody and economic support, so that victims are not~~  
17 ~~trapped in abusive situations by fear of retaliation, loss of a~~  
18 ~~child, financial dependence, or loss of accessible housing or~~  
19 ~~services;~~

20 (5) Recognize that perpetrators of domestic violence often  
21 travel from state to state to avoid legal consequences and to  
22 avoid detection of past history of criminal records and orders  
23 of protection; ~~Clarify the responsibilities and support the~~  
24 ~~efforts of law enforcement officers to provide immediate,~~  
25 ~~effective assistance and protection for victims of domestic~~  
26 ~~violence, recognizing that law enforcement officers often~~

1 ~~become the secondary victims of domestic violence, as evidenced~~  
2 ~~by the high rates of police injuries and deaths that occur in~~  
3 ~~response to domestic violence calls; and~~

4 (6) Recognize that courts and law enforcement do not have  
5 access to complete criminal records and order of protection  
6 records; ~~Expand the civil and criminal remedies for victims of~~  
7 domestic violence; including, when necessary, the remedies  
8 which effect physical separation of the parties to prevent  
9 further abuse.

10 (7) Recognize that many actual incidents of domestic  
11 violence are not reported to law enforcement or the courts, and  
12 that many actual incidents of domestic violence that are  
13 reported do not lead to criminal convictions or incarceration  
14 due to fear of the victims, pressure on the victims to refrain  
15 from reporting or pressing charges, and lack of zealous  
16 prosecution;

17 (8) Recognize that the court system has not had access to a  
18 perpetrator's complete past criminal records, arrest records,  
19 conviction records, and order of protection records when  
20 determining whether to issue an order of protection;

21 (9) Recognize that the courts having access to and  
22 considering a perpetrator's complete past criminal records,  
23 arrest records, conviction records, and order of protection  
24 records gives a more complete picture of the pattern of  
25 domestic violence that is imperative to determining the threat  
26 of future violent behavior and protecting the victim when

1 determining whether to issue an order of protection;

2 (10) Recognize that domestic violence is silenced and  
3 misunderstood by much of the legal system, which has allowed  
4 widespread failure in protecting victims of domestic violence;

5 (11) Recognize that perpetrators of abuse use the legal  
6 system and court system to further emotional and financial  
7 abuse upon their victims, and to force them to incur further  
8 legal fees;

9 (12) Recognize that victims of domestic abuse find it  
10 extremely difficult to provide sufficient evidence of abuse to  
11 the court due to the current restrictive laws on recording;

12 (13) Recognize that judges who preside over family law or  
13 domestic violence courtrooms, mandated reporters, victim  
14 assistance professionals, family law attorneys, family law  
15 mediators, court-appointed guardians ad litem, court-appointed  
16 child representatives, court-appointed therapists and  
17 counselors, and court-appointed experts who practice in the  
18 area of family law are not currently required to undergo  
19 domestic violence education;

20 (14) Recognize that domestic violence education for judges  
21 who preside over family law or domestic violence courtrooms,  
22 mandated reporters, victim assistance professionals, family  
23 law attorneys, family law mediators, court-appointed guardians  
24 ad litem, court-appointed child representatives,  
25 court-appointed therapists and counselors, and court-appointed  
26 experts who practice in the area of family law would assist



1 these professionals in his or her duties and would assist in  
2 protecting victims of domestic violence.

3 (Source: P.A. 86-542; 87-1186.)

4 (750 ILCS 60/103) (from Ch. 40, par. 2311-3)

5 Sec. 103. Definitions. For the purposes of this Act, the  
6 following terms shall have the following meanings:

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

11 (2) "Adult with disabilities" means an elder adult with  
12 disabilities or a high-risk adult with disabilities. A person  
13 may be an adult with disabilities for purposes of this Act even  
14 though he or she has never been adjudicated an incompetent  
15 adult. However, no court proceeding may be initiated or  
16 continued on behalf of an adult with disabilities over that  
17 adult's objection, unless such proceeding is approved by his or  
18 her legal guardian, if any.

19 (3) "Domestic violence" means abuse as defined in paragraph  
20 (1).

21 (4) "Elder adult with disabilities" means an adult  
22 prevented by advanced age from taking appropriate action to  
23 protect himself or herself from abuse by a family or household  
24 member.

25 (5) "Exploitation" means the illegal, including tortious,

1 use of a high-risk adult with disabilities or of the assets or  
2 resources of a high-risk adult with disabilities. Exploitation  
3 includes, but is not limited to, the misappropriation of assets  
4 or resources of a high-risk adult with disabilities by undue  
5 influence, by breach of a fiduciary relationship, by fraud,  
6 deception, or extortion, or the use of such assets or resources  
7 in a manner contrary to law.

8 (6) "Family or household members" include spouses, former  
9 spouses, parents, children, stepchildren and other persons  
10 related by blood or by present or prior marriage, persons who  
11 share or formerly shared a common dwelling, persons who have or  
12 allegedly have a child in common, persons who share or  
13 allegedly share a blood relationship through a child, persons  
14 who have or have had a dating or engagement relationship,  
15 persons with disabilities and their personal assistants, and  
16 caregivers as defined in Section 12-4.4a of the Criminal Code  
17 of 2012. For purposes of this paragraph, neither a casual  
18 acquaintanceship nor ordinary fraternization between 2  
19 individuals in business or social contexts shall be deemed to  
20 constitute a dating relationship. In the case of a high-risk  
21 adult with disabilities, "family or household members"  
22 includes any person who has the responsibility for a high-risk  
23 adult as a result of a family relationship or who has assumed  
24 responsibility for all or a portion of the care of a high-risk  
25 adult with disabilities voluntarily, or by express or implied  
26 contract, or by court order.

1           (7) "Harassment" means knowing conduct which is not  
2 necessary to accomplish a purpose that is reasonable under the  
3 circumstances; would cause a reasonable person emotional  
4 distress; and does cause emotional distress to the petitioner.  
5 Unless the presumption is rebutted by a preponderance of the  
6 evidence, the following types of conduct shall be presumed to  
7 cause emotional distress:

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

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

12           (iii) repeatedly following petitioner about in a  
13 public place or places;

14           (iv) repeatedly keeping petitioner under surveillance  
15 by remaining present outside his or her home, school, place  
16 of employment, vehicle or other place occupied by  
17 petitioner or by peering in petitioner's windows;

18           (v) improperly concealing a minor child from  
19 petitioner, repeatedly threatening to improperly remove a  
20 minor child of petitioner's from the jurisdiction or from  
21 the physical care of petitioner, repeatedly threatening to  
22 conceal a minor child from petitioner, or making a single  
23 such threat following an actual or attempted improper  
24 removal or concealment, unless respondent was fleeing an  
25 incident or pattern of domestic violence; or

26           (vi) threatening physical force, confinement or

1 restraint on one or more occasions.

2 (8) "High-risk adult with disabilities" means a person aged  
3 18 or over whose physical or mental disability impairs his or  
4 her ability to seek or obtain protection from abuse, neglect,  
5 or exploitation.

6 (8.5) "Household animal" means any animal owned,  
7 possessed, leased, kept, or held by a person or a minor child  
8 residing in the residence or household.

9 (9) "Interference with personal liberty" means committing  
10 or threatening physical abuse, harassment, intimidation or  
11 willful deprivation so as to compel another to engage in  
12 conduct from which she or he has a right to abstain or to  
13 refrain from conduct in which she or he has a right to engage.

14 (10) "Intimidation of a dependent" means subjecting a  
15 person who is dependent because of age, health or disability to  
16 participation in or the witnessing of: physical force against  
17 another or physical confinement or restraint of another which  
18 constitutes physical abuse as defined in this Act, regardless  
19 of whether the abused person is a family or household member.

20 (11) (A) "Neglect" means the failure to exercise that  
21 degree of care toward a high-risk adult with disabilities which  
22 a reasonable person would exercise under the circumstances and  
23 includes but is not limited to:

24 (i) the failure to take reasonable steps to protect a  
25 high-risk adult with disabilities from acts of abuse;

26 (ii) the repeated, careless imposition of unreasonable

1 confinement;

2 (iii) the failure to provide food, shelter, clothing,  
3 and personal hygiene to a high-risk adult with disabilities  
4 who requires such assistance;

5 (iv) the failure to provide medical and rehabilitative  
6 care for the physical and mental health needs of a  
7 high-risk adult with disabilities; or

8 (v) the failure to protect a high-risk adult with  
9 disabilities from health and safety hazards.

10 (B) Nothing in this subsection (10) shall be construed to  
11 impose a requirement that assistance be provided to a high-risk  
12 adult with disabilities over his or her objection in the  
13 absence of a court order, nor to create any new affirmative  
14 duty to provide support to a high-risk adult with disabilities.

15 (12) "Order of protection" means an emergency order,  
16 interim order or plenary order, granted pursuant to this Act,  
17 which includes any or all of the remedies authorized by Section  
18 214 of this Act.

19 (13) "Petitioner" may mean not only any named petitioner  
20 for the order of protection and any named victim of abuse on  
21 whose behalf the petition is brought, but also any other person  
22 protected by this Act.

23 (14) "Physical abuse" includes sexual abuse and means any  
24 of the following:

25 (i) knowing or reckless use of physical force,  
26 confinement or restraint;

1 (ii) knowing, repeated and unnecessary sleep  
2 deprivation; or

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

5 (14.5) "Stay away" means for the respondent to refrain from  
6 both physical presence and nonphysical contact with the  
7 petitioner whether direct, indirect (including, but not  
8 limited to, telephone calls, mail, email, faxes, and written  
9 notes), or through third parties who may or may not know about  
10 the order of protection.

11 (15) "Willful deprivation" means wilfully denying a person  
12 who because of age, health or disability requires medication,  
13 medical care, shelter, accessible shelter or services, food,  
14 therapeutic device, or other physical assistance, and thereby  
15 exposing that person to the risk of physical, mental or  
16 emotional harm, except with regard to medical care or treatment  
17 when the dependent person has expressed an intent to forgo such  
18 medical care or treatment. This paragraph does not create any  
19 new affirmative duty to provide support to dependent persons.

20 (Source: P.A. 96-1551, eff. 7-1-11; 97-1150, eff. 1-25-13.)

21 (750 ILCS 60/212.5 new)

22 Sec. 212.5. Domestic violence education and information.

23 (a) All judges who preside over family law or domestic  
24 violence courtrooms, mandated reporters pursuant to Section 4  
25 of the Abused and Neglected Child Reporting Act, victim

1 assistance professionals, family law attorneys, family law  
2 mediators, court-appointed guardians ad litem, court-appointed  
3 child representatives, court-appointed therapists and  
4 counselors, and court-appointed experts who practice in the  
5 area of family law shall complete the Domestic Violence  
6 Foundation Training Course offered by the Illinois Coalition  
7 Against Domestic Violence. The Domestic Violence Foundation  
8 Training Course shall include topics regarding physical,  
9 emotional, and financial abuse, and a specific focus on how  
10 emotional abuse affects children.

11 (b) For current judges and all other professionals  
12 practicing on the effective date of this amendatory Act of the  
13 101st General Assembly, the Domestic Violence Foundation  
14 Training Course shall be completed within 24 months of the  
15 effective date of this amendatory Act of the 101st General  
16 Assembly and every 5 years thereafter.

17 (c) For judges who are appointed or elected after the  
18 effective date of this amendatory Act of the 101st General  
19 Assembly, the Domestic Violence Foundation Training Course  
20 shall be completed within 24 months of such appointment or  
21 election and every 5 years thereafter. For professionals who  
22 start after the effective date of this amendatory Act of the  
23 101st General Assembly, the Domestic Violence Foundation  
24 Training Course shall be completed within 24 months of starting  
25 practice in the area of family law or domestic violence and  
26 every 5 years thereafter.

1       (d) The Illinois Coalition Against Domestic Violence shall  
2 be deemed to be accredited by the State regulatory boards and  
3 the Domestic Violence Foundation Training Course shall be  
4 deemed to provide continuing education units by the appropriate  
5 State regulatory boards in the various professional fields of  
6 the professionals required to complete the course.

7       (e) All respondents against whom an order of protection is  
8 issued shall be required to complete a 26-week intervention  
9 program for domestic abuse and violence accredited by the  
10 Illinois Coalition Against Domestic Violence or one of its  
11 local members.

12       (f) The clerk of the court shall provide to all petitioners  
13 seeking an order of protection, regardless of whether an order  
14 of protection is issued, resources and information on domestic  
15 violence and how to obtain assistance as a victim of domestic  
16 violence, including, but not limited to: (i) contact  
17 information for the nearest domestic violence victim support  
18 organization, the Illinois Coalition Against Domestic  
19 Violence, the National Domestic Violence Hotline, the local  
20 police and State's Attorney, and local legal services clinic;  
21 and (ii) information concerning the various forms of domestic  
22 abuse, including emotional, verbal, financial, physical,  
23 sexual, and spiritual abuse.

24       (750 ILCS 60/213.4 new)

25       Sec. 213.4. Admissibility of images and recordings. A



1 photograph or electronic recording made of a respondent under  
2 reasonable suspicion that the respondent is committing, is  
3 about to commit, or has committed an act of abuse, and there is  
4 reason to believe that evidence of the act of abuse may be  
5 obtained by the photograph or electronic recording, shall be  
6 permitted as evidence in a court hearing regarding an order of  
7 protection, and is exempt from Article 14 of the Criminal Code  
8 of 2012.

9 (750 ILCS 60/214) (from Ch. 40, par. 2312-14)

10 Sec. 214. Order of protection; remedies.

11 (a) Issuance of order. If the court finds that petitioner  
12 has been abused by a family or household member or that  
13 petitioner is a high-risk adult who has been abused, neglected,  
14 or exploited, as defined in this Act, an order of protection  
15 prohibiting the abuse, neglect, or exploitation shall issue;  
16 provided that petitioner must also satisfy the requirements of  
17 one of the following Sections, as appropriate: Section 217 on  
18 emergency orders, Section 218 on interim orders, or Section 219  
19 on plenary orders. Petitioner shall not be denied an order of  
20 protection because petitioner or respondent is a minor. The  
21 court, when determining whether or not to issue an order of  
22 protection, shall not require physical manifestations of abuse  
23 on the person of the victim. Modification and extension of  
24 prior orders of protection shall be in accordance with this  
25 Act.

1           (1) The court, when determining whether to issue an  
2           order of protection, shall consider the pattern of domestic  
3           violence of the respondent, including, but not limited to,  
4           the complete criminal record and the complete record of  
5           orders of protection, including arrests, charges,  
6           convictions, and orders of protection, in this State and  
7           throughout the United States, for a period of at least 10  
8           years. At a minimum, the court shall consider the records  
9           contained in the National Crime Information Center and the  
10           Law Enforcement Agencies Data System in this State and all  
11           other states for a period of at least 10 years. A prior  
12           indication of abuse or violence, whether against the  
13           petitioner or against another victim, shall be a  
14           significant factor in favor of issuing an order of  
15           protection. There is a rebuttable presumption, which may be  
16           overcome by clear and convincing evidence, that there is a  
17           significant likelihood that the perpetrator shall continue  
18           his or her pattern of domestic violence and abuse in the  
19           absence of an issued order of protection.

20           (2) The court, when determining whether to issue an  
21           order of protection, shall liberally grant orders of  
22           protection in line with the purposes of this Act to protect  
23           the physical, financial, mental, and emotional health of  
24           the victim.

25           (3) If an order of protection is issued, the petitioner  
26           is entitled to attorney's fees incurred in bringing the

1           petition.

2           (b) Remedies and standards. The remedies to be included in  
3 an order of protection shall be determined in accordance with  
4 this Section and one of the following Sections, as appropriate:  
5 Section 217 on emergency orders, Section 218 on interim orders,  
6 and Section 219 on plenary orders. The remedies listed in this  
7 subsection shall be in addition to other civil or criminal  
8 remedies available to petitioner.

9           (1) Prohibition of abuse, neglect, or exploitation.  
10          Prohibit respondent's harassment, interference with  
11 personal liberty, intimidation of a dependent, physical  
12 abuse, or willful deprivation, neglect or exploitation, as  
13 defined in this Act, or stalking of the petitioner, as  
14 defined in Section 12-7.3 of the Criminal Code of 2012, if  
15 such abuse, neglect, exploitation, or stalking has  
16 occurred or otherwise appears likely to occur if not  
17 prohibited.

18          (2) Grant of exclusive possession of residence.  
19          Prohibit respondent from entering or remaining in any  
20 residence, household, or premises of the petitioner,  
21 including one owned or leased by respondent, if petitioner  
22 has a right to occupancy thereof. The grant of exclusive  
23 possession of the residence, household, or premises shall  
24 not affect title to real property, nor shall the court be  
25 limited by the standard set forth in subsection (c-2) of  
26 Section 501 of the Illinois Marriage and Dissolution of

1 Marriage Act.

2 (A) Right to occupancy. A party has a right to  
3 occupancy of a residence or household if it is solely  
4 or jointly owned or leased by that party, that party's  
5 spouse, a person with a legal duty to support that  
6 party or a minor child in that party's care, or by any  
7 person or entity other than the opposing party that  
8 authorizes that party's occupancy (e.g., a domestic  
9 violence shelter). Standards set forth in subparagraph  
10 (B) shall not preclude equitable relief.

11 (B) Presumption of hardships. If petitioner and  
12 respondent each has the right to occupancy of a  
13 residence or household, the court shall balance (i) the  
14 hardships to respondent and any minor child or  
15 dependent adult in respondent's care resulting from  
16 entry of this remedy with (ii) the hardships to  
17 petitioner and any minor child or dependent adult in  
18 petitioner's care resulting from continued exposure to  
19 the risk of abuse (should petitioner remain at the  
20 residence or household) or from loss of possession of  
21 the residence or household (should petitioner leave to  
22 avoid the risk of abuse). When determining the balance  
23 of hardships, the court shall also take into account  
24 the accessibility of the residence or household.  
25 Hardships need not be balanced if respondent does not  
26 have a right to occupancy.

1           The balance of hardships is presumed to favor  
2 possession by petitioner unless the presumption is  
3 rebutted by a preponderance of the evidence, showing  
4 that the hardships to respondent substantially  
5 outweigh the hardships to petitioner and any minor  
6 child or dependent adult in petitioner's care. The  
7 court, on the request of petitioner or on its own  
8 motion, may order respondent to provide suitable,  
9 accessible, alternate housing for petitioner instead  
10 of excluding respondent from a mutual residence or  
11 household.

12           (3) Stay away order and additional prohibitions. Order  
13 respondent to stay away from petitioner or any other person  
14 protected by the order of protection, or prohibit  
15 respondent from entering or remaining present at  
16 petitioner's school, place of employment, or other  
17 specified places at times when petitioner is present, or  
18 both, if reasonable, given the balance of hardships.  
19 Hardships need not be balanced for the court to enter a  
20 stay away order or prohibit entry if respondent has no  
21 right to enter the premises.

22           (A) If an order of protection grants petitioner  
23 exclusive possession of the residence, or prohibits  
24 respondent from entering the residence, or orders  
25 respondent to stay away from petitioner or other  
26 protected persons, then the court may allow respondent

1 access to the residence to remove items of clothing and  
2 personal adornment used exclusively by respondent,  
3 medications, and other items as the court directs. The  
4 right to access shall be exercised on only one occasion  
5 as the court directs and in the presence of an  
6 agreed-upon adult third party or law enforcement  
7 officer.

8 (B) When the petitioner and the respondent attend  
9 the same public, private, or non-public elementary,  
10 middle, or high school, the court when issuing an order  
11 of protection and providing relief shall consider the  
12 severity of the act, any continuing physical danger or  
13 emotional distress to the petitioner, the educational  
14 rights guaranteed to the petitioner and respondent  
15 under federal and State law, the availability of a  
16 transfer of the respondent to another school, a change  
17 of placement or a change of program of the respondent,  
18 the expense, difficulty, and educational disruption  
19 that would be caused by a transfer of the respondent to  
20 another school, and any other relevant facts of the  
21 case. The court may order that the respondent not  
22 attend the public, private, or non-public elementary,  
23 middle, or high school attended by the petitioner,  
24 order that the respondent accept a change of placement  
25 or change of program, as determined by the school  
26 district or private or non-public school, or place

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

1 minor respondent to another attendance center, a  
2 change in the respondent's placement, or a change of  
3 the respondent's program, the parents, guardian, or  
4 legal custodian of the respondent is responsible for  
5 transportation and other costs associated with the  
6 transfer or change.

7 (C) The court may order the parents, guardian, or  
8 legal custodian of a minor respondent to take certain  
9 actions or to refrain from taking certain actions to  
10 ensure that the respondent complies with the order. In  
11 the event the court orders a transfer of the respondent  
12 to another school, the parents, guardian, or legal  
13 custodian of the respondent is responsible for  
14 transportation and other costs associated with the  
15 change of school by the respondent.

16 (4) Counseling. Require or recommend the respondent to  
17 undergo counseling for a specified duration with a social  
18 worker, psychologist, clinical psychologist, psychiatrist,  
19 family service agency, alcohol or substance abuse program,  
20 mental health center guidance counselor, agency providing  
21 services to elders, program designed for domestic violence  
22 abusers or any other guidance service the court deems  
23 appropriate. The Court may order the respondent in any  
24 intimate partner relationship to report to an Illinois  
25 Department of Human Services protocol approved partner  
26 abuse intervention program for an assessment and to follow



1 all recommended treatment.

2 (5) Physical care and possession of the minor child. In  
3 order to protect the minor child from abuse, neglect, or  
4 unwarranted separation from the person who has been the  
5 minor child's primary caretaker, or to otherwise protect  
6 the well-being of the minor child, the court may do either  
7 or both of the following: (i) grant petitioner physical  
8 care or possession of the minor child, or both, or (ii)  
9 order respondent to return a minor child to, or not remove  
10 a minor child from, the physical care of a parent or person  
11 in loco parentis.

12 If a court finds, after a hearing, that respondent has  
13 committed abuse (as defined in Section 103) of a minor  
14 child, there shall be a rebuttable presumption that  
15 awarding physical care to respondent would not be in the  
16 minor child's best interest.

17 (6) Temporary allocation of parental responsibilities:  
18 significant decision-making. Award temporary  
19 decision-making responsibility to petitioner in accordance  
20 with this Section, the Illinois Marriage and Dissolution of  
21 Marriage Act, the Illinois Parentage Act of 2015, and this  
22 State's Uniform Child-Custody Jurisdiction and Enforcement  
23 Act.

24 If a court finds, after a hearing, that respondent has  
25 committed abuse (as defined in Section 103) of a minor  
26 child, there shall be a rebuttable presumption that

1           awarding       temporary       significant       decision-making  
2           responsibility to respondent would not be in the child's  
3           best interest.

4           (7) Parenting time. Determine the parenting time, if  
5           any, of respondent in any case in which the court awards  
6           physical care or allocates temporary significant  
7           decision-making responsibility of a minor child to  
8           petitioner. The court shall restrict or deny respondent's  
9           parenting time with a minor child if the court finds that  
10          respondent has done or is likely to do any of the  
11          following: (i) abuse or endanger the minor child during  
12          parenting time; (ii) use the parenting time as an  
13          opportunity to abuse or harass petitioner or petitioner's  
14          family or household members; (iii) improperly conceal or  
15          detain the minor child; or (iv) otherwise act in a manner  
16          that is not in the best interests of the minor child. The  
17          court shall not be limited by the standards set forth in  
18          Section 603.10 of the Illinois Marriage and Dissolution of  
19          Marriage Act. If the court grants parenting time, the order  
20          shall specify dates and times for the parenting time to  
21          take place or other specific parameters or conditions that  
22          are appropriate. No order for parenting time shall refer  
23          merely to the term "reasonable parenting time".

24          Petitioner may deny respondent access to the minor  
25          child if, when respondent arrives for parenting time,  
26          respondent is under the influence of drugs or alcohol and

1 constitutes a threat to the safety and well-being of  
2 petitioner or petitioner's minor children or is behaving in  
3 a violent or abusive manner.

4 If necessary to protect any member of petitioner's  
5 family or household from future abuse, respondent shall be  
6 prohibited from coming to petitioner's residence to meet  
7 the minor child for parenting time, and the parties shall  
8 submit to the court their recommendations for reasonable  
9 alternative arrangements for parenting time. A person may  
10 be approved to supervise parenting time only after filing  
11 an affidavit accepting that responsibility and  
12 acknowledging accountability to the court.

13 (8) Removal or concealment of minor child. Prohibit  
14 respondent from removing a minor child from the State or  
15 concealing the child within the State.

16 (9) Order to appear. Order the respondent to appear in  
17 court, alone or with a minor child, to prevent abuse,  
18 neglect, removal or concealment of the child, to return the  
19 child to the custody or care of the petitioner or to permit  
20 any court-ordered interview or examination of the child or  
21 the respondent.

22 (10) Possession of personal property. Grant petitioner  
23 exclusive possession of personal property and, if  
24 respondent has possession or control, direct respondent to  
25 promptly make it available to petitioner, if:

26 (i) petitioner, but not respondent, owns the

1 property; or

2 (ii) the parties own the property jointly; sharing  
3 it would risk abuse of petitioner by respondent or is  
4 impracticable; and the balance of hardships favors  
5 temporary possession by petitioner.

6 If petitioner's sole claim to ownership of the property  
7 is that it is marital property, the court may award  
8 petitioner temporary possession thereof under the  
9 standards of subparagraph (ii) of this paragraph only if a  
10 proper proceeding has been filed under the Illinois  
11 Marriage and Dissolution of Marriage Act, as now or  
12 hereafter amended.

13 No order under this provision shall affect title to  
14 property.

15 (11) Protection of property. Forbid the respondent  
16 from taking, transferring, encumbering, concealing,  
17 damaging or otherwise disposing of any real or personal  
18 property, except as explicitly authorized by the court, if:

19 (i) petitioner, but not respondent, owns the  
20 property; or

21 (ii) the parties own the property jointly, and the  
22 balance of hardships favors granting this remedy.

23 If petitioner's sole claim to ownership of the property  
24 is that it is marital property, the court may grant  
25 petitioner relief under subparagraph (ii) of this  
26 paragraph only if a proper proceeding has been filed under

1 the Illinois Marriage and Dissolution of Marriage Act, as  
2 now or hereafter amended.

3 The court may further prohibit respondent from  
4 improperly using the financial or other resources of an  
5 aged member of the family or household for the profit or  
6 advantage of respondent or of any other person.

7 (11.5) Protection of animals. Grant the petitioner the  
8 exclusive care, custody, or control of any animal owned,  
9 possessed, leased, kept, or held by either the petitioner  
10 or the respondent or a minor child residing in the  
11 residence or household of either the petitioner or the  
12 respondent and order the respondent to stay away from the  
13 animal and forbid the respondent from taking,  
14 transferring, encumbering, concealing, harming, or  
15 otherwise disposing of the animal.

16 (12) Order for payment of support. Order respondent to  
17 pay temporary support for the petitioner or any child in  
18 the petitioner's care or over whom the petitioner has been  
19 allocated parental responsibility, when the respondent has  
20 a legal obligation to support that person, in accordance  
21 with the Illinois Marriage and Dissolution of Marriage Act,  
22 which shall govern, among other matters, the amount of  
23 support, payment through the clerk and withholding of  
24 income to secure payment. An order for child support may be  
25 granted to a petitioner with lawful physical care of a  
26 child, or an order or agreement for physical care of a

1 child, prior to entry of an order allocating significant  
2 decision-making responsibility. Such a support order shall  
3 expire upon entry of a valid order allocating parental  
4 responsibility differently and vacating the petitioner's  
5 significant decision-making authority, unless otherwise  
6 provided in the order.

7 (13) Order for payment of losses. Order respondent to  
8 pay petitioner for losses suffered as a direct result of  
9 the abuse, neglect, or exploitation. Such losses shall  
10 include, but not be limited to, medical expenses, lost  
11 earnings or other support, repair or replacement of  
12 property damaged or taken, reasonable attorney's fees,  
13 court costs and moving or other travel expenses, including  
14 additional reasonable expenses for temporary shelter and  
15 restaurant meals.

16 (i) Losses affecting family needs. If a party is  
17 entitled to seek maintenance, child support or  
18 property distribution from the other party under the  
19 Illinois Marriage and Dissolution of Marriage Act, as  
20 now or hereafter amended, the court may order  
21 respondent to reimburse petitioner's actual losses, to  
22 the extent that such reimbursement would be  
23 "appropriate temporary relief", as authorized by  
24 subsection (a) (3) of Section 501 of that Act.

25 (ii) Recovery of expenses. In the case of an  
26 improper concealment or removal of a minor child, the

1 court may order respondent to pay the reasonable  
2 expenses incurred or to be incurred in the search for  
3 and recovery of the minor child, including but not  
4 limited to legal fees, court costs, private  
5 investigator fees, and travel costs.

6 (14) Prohibition of entry. Prohibit the respondent  
7 from entering or remaining in the residence or household  
8 while the respondent is under the influence of alcohol or  
9 drugs and constitutes a threat to the safety and well-being  
10 of the petitioner or the petitioner's children.

11 (14.5) Prohibition of firearm possession.

12 (a) Prohibit a respondent against whom an order of  
13 protection was issued from possessing any firearms  
14 during the duration of the order if the order:

15 (1) was issued after a hearing of which such  
16 person received actual notice, and at which such  
17 person had an opportunity to participate;

18 (2) restrains such person from harassing,  
19 stalking, or threatening an intimate partner of  
20 such person or child of such intimate partner or  
21 person, or engaging in other conduct that would  
22 place an intimate partner in reasonable fear of  
23 bodily injury to the partner or child; and

24 (3) (i) includes a finding that such person  
25 represents a credible threat to the physical  
26 safety of such intimate partner or child; or (ii)

1           by its terms explicitly prohibits the use,  
2           attempted use, or threatened use of physical force  
3           against such intimate partner or child that would  
4           reasonably be expected to cause bodily injury.

5           Any Firearm Owner's Identification Card in the  
6           possession of the respondent, except as provided in  
7           subsection (b), shall be ordered by the court to be  
8           turned over to the local law enforcement agency. The  
9           local law enforcement agency shall immediately mail  
10          the card to the Department of State Police Firearm  
11          Owner's Identification Card Office for safekeeping.  
12          The court shall issue a warrant for seizure of any  
13          firearm in the possession of the respondent, to be kept  
14          by the local law enforcement agency for safekeeping,  
15          except as provided in subsection (b). The period of  
16          safekeeping shall be for the duration of the order of  
17          protection. The firearm or firearms and Firearm  
18          Owner's Identification Card, if unexpired, shall at  
19          the respondent's request, be returned to the  
20          respondent at the end of the order of protection. It is  
21          the respondent's responsibility to notify the  
22          Department of State Police Firearm Owner's  
23          Identification Card Office.

24                 (b) If the respondent is a peace officer as defined  
25                 in Section 2-13 of the Criminal Code of 2012, the court  
26                 shall order that any firearms used by the respondent in



1           the performance of his or her duties as a peace officer  
2           be surrendered to the chief law enforcement executive  
3           of the agency in which the respondent is employed, who  
4           shall retain the firearms for safekeeping for the  
5           duration of the order of protection.

6           (c) Upon expiration of the period of safekeeping,  
7           if the firearms or Firearm Owner's Identification Card  
8           cannot be returned to respondent because respondent  
9           cannot be located, fails to respond to requests to  
10          retrieve the firearms, or is not lawfully eligible to  
11          possess a firearm, upon petition from the local law  
12          enforcement agency, the court may order the local law  
13          enforcement agency to destroy the firearms, use the  
14          firearms for training purposes, or for any other  
15          application as deemed appropriate by the local law  
16          enforcement agency; or that the firearms be turned over  
17          to a third party who is lawfully eligible to possess  
18          firearms, and who does not reside with respondent.

19          (15) Prohibition of access to records. If an order of  
20          protection prohibits respondent from having contact with  
21          the minor child, or if petitioner's address is omitted  
22          under subsection (b) of Section 203, or if necessary to  
23          prevent abuse or wrongful removal or concealment of a minor  
24          child, the order shall deny respondent access to, and  
25          prohibit respondent from inspecting, obtaining, or  
26          attempting to inspect or obtain, school or any other

1 records of the minor child who is in the care of  
2 petitioner.

3 (16) Order for payment of shelter services. Order  
4 respondent to reimburse a shelter providing temporary  
5 housing and counseling services to the petitioner for the  
6 cost of the services, as certified by the shelter and  
7 deemed reasonable by the court.

8 (17) Order for injunctive relief. Enter injunctive  
9 relief necessary or appropriate to prevent further abuse of  
10 a family or household member or further abuse, neglect, or  
11 exploitation of a high-risk adult with disabilities or to  
12 effectuate one of the granted remedies, if supported by the  
13 balance of hardships. If the harm to be prevented by the  
14 injunction is abuse or any other harm that one of the  
15 remedies listed in paragraphs (1) through (16) of this  
16 subsection is designed to prevent, no further evidence is  
17 necessary that the harm is an irreparable injury.

18 (18) Telephone services.

19 (A) Unless a condition described in subparagraph  
20 (B) of this paragraph exists, the court may, upon  
21 request by the petitioner, order a wireless telephone  
22 service provider to transfer to the petitioner the  
23 right to continue to use a telephone number or numbers  
24 indicated by the petitioner and the financial  
25 responsibility associated with the number or numbers,  
26 as set forth in subparagraph (C) of this paragraph. For

1 purposes of this paragraph (18), the term "wireless  
2 telephone service provider" means a provider of  
3 commercial mobile service as defined in 47 U.S.C. 332.  
4 The petitioner may request the transfer of each  
5 telephone number that the petitioner, or a minor child  
6 in his or her custody, uses. The clerk of the court  
7 shall serve the order on the wireless telephone service  
8 provider's agent for service of process provided to the  
9 Illinois Commerce Commission. The order shall contain  
10 all of the following:

11 (i) The name and billing telephone number of  
12 the account holder including the name of the  
13 wireless telephone service provider that serves  
14 the account.

15 (ii) Each telephone number that will be  
16 transferred.

17 (iii) A statement that the provider transfers  
18 to the petitioner all financial responsibility for  
19 and right to the use of any telephone number  
20 transferred under this paragraph.

21 (B) A wireless telephone service provider shall  
22 terminate the respondent's use of, and shall transfer  
23 to the petitioner use of, the telephone number or  
24 numbers indicated in subparagraph (A) of this  
25 paragraph unless it notifies the petitioner, within 72  
26 hours after it receives the order, that one of the

1 following applies:

2 (i) The account holder named in the order has  
3 terminated the account.

4 (ii) A difference in network technology would  
5 prevent or impair the functionality of a device on  
6 a network if the transfer occurs.

7 (iii) The transfer would cause a geographic or  
8 other limitation on network or service provision  
9 to the petitioner.

10 (iv) Another technological or operational  
11 issue would prevent or impair the use of the  
12 telephone number if the transfer occurs.

13 (C) The petitioner assumes all financial  
14 responsibility for and right to the use of any  
15 telephone number transferred under this paragraph. In  
16 this paragraph, "financial responsibility" includes  
17 monthly service costs and costs associated with any  
18 mobile device associated with the number.

19 (D) A wireless telephone service provider may  
20 apply to the petitioner its routine and customary  
21 requirements for establishing an account or  
22 transferring a number, including requiring the  
23 petitioner to provide proof of identification,  
24 financial information, and customer preferences.

25 (E) Except for willful or wanton misconduct, a  
26 wireless telephone service provider is immune from

1 civil liability for its actions taken in compliance  
2 with a court order issued under this paragraph.

3 (F) All wireless service providers that provide  
4 services to residential customers shall provide to the  
5 Illinois Commerce Commission the name and address of an  
6 agent for service of orders entered under this  
7 paragraph (18). Any change in status of the registered  
8 agent must be reported to the Illinois Commerce  
9 Commission within 30 days of such change.

10 (G) The Illinois Commerce Commission shall  
11 maintain the list of registered agents for service for  
12 each wireless telephone service provider on the  
13 Commission's website. The Commission may consult with  
14 wireless telephone service providers and the Circuit  
15 Court Clerks on the manner in which this information is  
16 provided and displayed.

17 (c) Relevant factors; findings.

18 (1) In determining whether to grant a specific remedy,  
19 other than payment of support, the court shall consider  
20 relevant factors, including but not limited to the  
21 following:

22 (i) the nature, frequency, severity, pattern and  
23 consequences of the respondent's past abuse, neglect  
24 or exploitation within the last 10 years of the  
25 petitioner or any family or household member or  
26 household animal, including the concealment of his or

1 her location in order to evade service of process or  
2 notice, and the likelihood of danger of future abuse,  
3 neglect, or exploitation to petitioner or any member of  
4 petitioner's or respondent's family or household or  
5 household animal; and

6 (ii) the danger that any minor child will be abused  
7 or neglected or improperly relocated from the  
8 jurisdiction, improperly concealed within the State or  
9 improperly separated from the child's primary  
10 caretaker; and -

11 (iii) the nature, frequency, severity, pattern,  
12 and consequences of the respondent's past abuse,  
13 neglect, exploitation of, or criminal actions against,  
14 any other person within the past 10 years, including,  
15 but not limited to, another witness or another  
16 petitioner or any of his or her family or household  
17 members or household animals in another order of  
18 protection that was issued against respondent in this  
19 State or another state, and any criminal actions  
20 involving the respondent, regardless of whether the  
21 respondent's actions were directed against the  
22 petitioner.

23 A prior indication of abuse or violence, whether  
24 against the petitioner or against another victim, shall be  
25 a significant factor in granting a specific remedy. There  
26 is a rebuttable presumption, which may be overcome by clear

1       and convincing evidence, that there is a significant  
2       likelihood that the perpetrator shall continue his or her  
3       pattern of domestic violence and abuse in the absence of  
4       the grant of a specific remedy.

5       The court, when determining whether to grant a specific  
6       remedy, shall liberally grant remedies in line with the  
7       purposes of this Act to protect the physical, financial,  
8       mental, and emotional health of the victims.

9       (2) In comparing relative hardships resulting to the  
10      parties from loss of possession of the family home, the  
11      court shall consider relevant factors, including but not  
12      limited to the following:

13           (i) availability, accessibility, cost, safety,  
14           adequacy, location and other characteristics of  
15           alternate housing for each party and any minor child or  
16           dependent adult in the party's care;

17           (ii) the effect on the party's employment; and

18           (iii) the effect on the relationship of the party,  
19           and any minor child or dependent adult in the party's  
20           care, to family, school, church and community.

21      (3) Subject to the exceptions set forth in paragraph  
22      (4) of this subsection, the court shall make its findings  
23      in an official record or in writing, and shall at a minimum  
24      set forth the following:

25           (i) That the court has considered the applicable  
26           relevant factors described in paragraphs (1) and (2) of

1           this subsection.

2           (ii) Whether the conduct or actions of respondent,  
3           unless prohibited, will likely cause irreparable harm  
4           or continued abuse.

5           (iii) Whether it is necessary to grant the  
6           requested relief in order to protect petitioner or  
7           other alleged abused persons.

8           (4) For purposes of issuing an ex parte emergency order  
9           of protection, the court, as an alternative to or as a  
10          supplement to making the findings described in paragraphs  
11          (c) (3) (i) through (c) (3) (iii) of this subsection, may use  
12          the following procedure:

13          When a verified petition for an emergency order of  
14          protection in accordance with the requirements of Sections  
15          203 and 217 is presented to the court, the court shall  
16          examine petitioner on oath or affirmation. An emergency  
17          order of protection shall be issued by the court if it  
18          appears from the contents of the petition and the  
19          examination of petitioner that the averments are  
20          sufficient to indicate abuse by respondent and to support  
21          the granting of relief under the issuance of the emergency  
22          order of protection.

23          (5) Never married parties. No rights or  
24          responsibilities for a minor child born outside of marriage  
25          attach to a putative father until a father and child  
26          relationship has been established under the Illinois



1 Parentage Act of 1984, the Illinois Parentage Act of 2015,  
2 the Illinois Public Aid Code, Section 12 of the Vital  
3 Records Act, the Juvenile Court Act of 1987, the Probate  
4 Act of 1975, the Revised Uniform Reciprocal Enforcement of  
5 Support Act, the Uniform Interstate Family Support Act, the  
6 Expedited Child Support Act of 1990, any judicial,  
7 administrative, or other act of another state or territory,  
8 any other Illinois statute, or by any foreign nation  
9 establishing the father and child relationship, any other  
10 proceeding substantially in conformity with the Personal  
11 Responsibility and Work Opportunity Reconciliation Act of  
12 1996 (Pub. L. 104-193), or where both parties appeared in  
13 open court or at an administrative hearing acknowledging  
14 under oath or admitting by affirmation the existence of a  
15 father and child relationship. Absent such an  
16 adjudication, finding, or acknowledgment, no putative  
17 father shall be granted temporary allocation of parental  
18 responsibilities, including parenting time with the minor  
19 child, or physical care and possession of the minor child,  
20 nor shall an order of payment for support of the minor  
21 child be entered.

22 (d) Balance of hardships; findings. If the court finds that  
23 the balance of hardships does not support the granting of a  
24 remedy governed by paragraph (2), (3), (10), (11), or (16) of  
25 subsection (b) of this Section, which may require such  
26 balancing, the court's findings shall so indicate and shall

1 include a finding as to whether granting the remedy will result  
2 in hardship to respondent that would substantially outweigh the  
3 hardship to petitioner from denial of the remedy. The findings  
4 shall be an official record or in writing.

5 (e) Denial of remedies. Denial of any remedy shall not be  
6 based, in whole or in part, on evidence that:

7 (1) Respondent has cause for any use of force, unless  
8 that cause satisfies the standards for justifiable use of  
9 force provided by Article 7 of the Criminal Code of 2012;

10 (2) Respondent was voluntarily intoxicated;

11 (3) Petitioner acted in self-defense or defense of  
12 another, provided that, if petitioner utilized force, such  
13 force was justifiable under Article 7 of the Criminal Code  
14 of 2012;

15 (4) Petitioner did not act in self-defense or defense  
16 of another;

17 (5) Petitioner left the residence or household to avoid  
18 further abuse, neglect, or exploitation by respondent;

19 (6) Petitioner did not leave the residence or household  
20 to avoid further abuse, neglect, or exploitation by  
21 respondent;

22 (7) Conduct by any family or household member excused  
23 the abuse, neglect, or exploitation by respondent, unless  
24 that same conduct would have excused such abuse, neglect,  
25 or exploitation if the parties had not been family or  
26 household members.

1 (Source: P.A. 99-85, eff. 1-1-16; 99-90, eff. 1-1-16; 99-642,  
2 eff. 7-28-16; 100-388, eff. 1-1-18; 100-863, eff. 8-14-18;  
3 100-923, eff. 1-1-19.)

4 (750 ILCS 60/302) (from Ch. 40, par. 2313-2)

5 Sec. 302. Data maintenance by law enforcement agencies.

6 (a) All sheriffs shall furnish to the Department of State  
7 Police, on the same day as received, in the form and detail the  
8 Department requires, copies of any recorded emergency,  
9 interim, or plenary orders of protection issued by the court,  
10 and any foreign orders of protection filed by the clerk of the  
11 court, and transmitted to the sheriff by the clerk of the court  
12 pursuant to subsection (b) of Section 222 of this Act. Each  
13 order of protection shall be entered in the Law Enforcement  
14 Agencies Data System on the same day it is issued by the court.  
15 If an emergency order of protection was issued in accordance  
16 with subsection (c) of Section 217, the order shall be entered  
17 in the Law Enforcement Agencies Data System as soon as possible  
18 after receipt from the clerk.

19 (b) The Department of State Police shall maintain a  
20 complete and systematic record and index of all valid or  
21 expired and recorded orders of protection issued pursuant to  
22 this Act for a period of at least 20 years. The data shall be  
23 used to inform all dispatchers and law enforcement officers at  
24 the scene of an alleged incident of abuse, neglect, or  
25 exploitation or violation of an order of protection of: (i) any

1 recorded prior incident of abuse, neglect, or exploitation  
2 involving the abused, neglected, or exploited party and the  
3 effective dates and terms of any recorded order of protection,  
4 and (ii) any recorded prior incident of abuse, neglect, or  
5 exploitation involving the respondent of abuse, neglect, or  
6 exploitation against other parties and the effective dates and  
7 terms of any recorded order of protection. The data shall also  
8 be used pursuant to paragraph (1) of subsection (a) of Section  
9 214 to inform the court in proceedings when determining whether  
10 to issue an order of protection, and shall be used when  
11 considering a pattern of abuse of (1) any recorded prior  
12 incident of abuse, neglect, or exploitation involving the  
13 abused, neglected, or exploited party and the effective dates  
14 and terms of any recorded order of protection, and (2) any  
15 recorded prior incident of abuse, neglect, or exploitation  
16 involving the respondent engaging in abuse, neglect, or  
17 exploitation against other parties and the effective dates and  
18 terms of any recorded order of protection.

19 (c) The data, records and transmittals required under this  
20 Section shall pertain to any valid emergency, interim or  
21 plenary order of protection, whether issued in a civil or  
22 criminal proceeding or authorized under the laws of another  
23 state, tribe, or United States territory.

24 (Source: P.A. 95-331, eff. 8-21-07.)

1       Sec. 302.5. National Crime Information Center.

2       (a) The data contained in the National Crime Information  
3 Center database shall be used to inform all dispatchers and law  
4 enforcement officers at the scene of an alleged incident of  
5 abuse, neglect, or exploitation or violation of an order of  
6 protection of (i) any prior criminal incident involving the  
7 abused, neglected, or exploited party, and (ii) any prior  
8 criminal incident involving the respondent. The data shall also  
9 be used pursuant to paragraph (1) of subsection (a) of Section  
10 214 to inform the court in proceedings when determining whether  
11 to issue an order of protection, and shall be used when  
12 considering a pattern of abuse of (1) any prior criminal  
13 incident involving the abused, neglected, or exploited party,  
14 and (2) any prior criminal incident involving the respondent.

15       (b) All criminal information meeting the criteria of the  
16 information gathered by the National Crime Information Center  
17 shall be provided to the National Crime Information Center for  
18 the database by the courts, State and local law enforcement  
19 agencies, and other State and local criminal justice agencies  
20 within 24 hours of receipt of the information.

21       Section 99. Effective date. This Act takes effect upon  
22 becoming law.

1		INDEX
2		Statutes amended in order of appearance
3	325 ILCS 5/4	
4	720 ILCS 5/14-3	
5	735 ILCS 5/8-803	from Ch. 110, par. 8-803
6	750 ILCS 60/102	from Ch. 40, par. 2311-2
7	750 ILCS 60/103	from Ch. 40, par. 2311-3
8	750 ILCS 60/212.5 new	
9	750 ILCS 60/213.4 new	
10	750 ILCS 60/214	from Ch. 40, par. 2312-14
11	750 ILCS 60/302	from Ch. 40, par. 2313-2
12	750 ILCS 60/302.5 new	