



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB5581

by Rep. Marcus C. Evans, Jr.

SYNOPSIS AS INTRODUCED:

725 ILCS 5/112A-3	from Ch. 38, par. 112A-3
725 ILCS 5/112A-4	from Ch. 38, par. 112A-4
725 ILCS 5/112A-4.5	
725 ILCS 5/112A-5	from Ch. 38, par. 112A-5
725 ILCS 5/115-7.4	
725 ILCS 5/115-20	
750 ILCS 60/103	from Ch. 40, par. 2311-3
750 ILCS 60/201	from Ch. 40, par. 2312-1

Amends the Code of Criminal Procedure of 1963 and the Illinois Domestic Violence Act of 1986. Provides that "domestic violence" includes abuse by a family or household member or by a present or prior dating or sexual partner. Includes in the protections against domestic violence, a present or prior dating or sexual partner, or a present or prior dating or sexual partner of a person related by blood or by a present or prior marriage or civil union. Provides that evidence of a prior conviction of a defendant for aggravated battery committed against a present or prior dating or sexual partner is admissible in a later criminal prosecution for various similar types of offenses when the victim is the same person who was the victim of the previous offense that resulted in conviction of the defendant. Defines "dating or sexual partner".

LRB101 19217 RLC 68681 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 Code of Criminal Procedure of 1963 is
5 amended by changing Sections 112A-3, 112A-4, 112A-4.5, 112A-5,
6 115-7.4, and 115-20 as follows:

7 (725 ILCS 5/112A-3) (from Ch. 38, par. 112A-3)

8 Sec. 112A-3. Definitions.

9 (a) In this Article:

10 "Advocate" means a person whose communications with the
11 victim are privileged under Section 8-802.1 or 8-802.2 of the
12 Code of Civil Procedure or Section 227 of the Illinois Domestic
13 Violence Act of 1986.

14 "Named victim" means the person named as the victim in the
15 delinquency petition or criminal prosecution.

16 "Protective order" means a domestic violence order of
17 protection, a civil no contact order, or a stalking no contact
18 order.

19 (b) For the purposes of domestic violence cases, the
20 following terms shall have the following meanings in this
21 Article:

22 (1) "Abuse" means physical abuse, harassment,
23 intimidation of a dependent, interference with personal

1 liberty or willful deprivation but does not include
2 reasonable direction of a minor child by a parent or person
3 in loco parentis.

4 (2) "Domestic violence" means abuse as described in
5 paragraph (1) of this subsection (b) by a family or
6 household member or by a present or prior dating or sexual
7 partner.

8 (2.1) "Dating or sexual partner" means a present or
9 prior partner in a dating, sexual, or engagement
10 relationship, irrespective of the duration, seriousness,
11 intimacy, or romantic focus of the courtship or
12 relationship.

13 (3) "Family or household members" include spouses,
14 former spouses, present or prior parties to a civil union,
15 parents, children, stepchildren, and other persons related
16 by blood or by present or prior marriage, persons who share
17 or formerly shared a common dwelling, persons who have or
18 allegedly have a child in common, persons who share or
19 allegedly share a blood relationship through a child,
20 ~~persons who have or have had a dating or engagement~~
21 ~~relationship,~~ persons with disabilities and their personal
22 assistants, and caregivers as defined in subsection (e) of
23 Section 12-4.4a of the Criminal Code of 2012. ~~For purposes~~
24 ~~of this paragraph (3), neither a casual acquaintanceship~~
25 ~~nor ordinary fraternization between 2 individuals in~~
26 ~~business or social contexts shall be deemed to constitute a~~

1 ~~dating relationship.~~

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

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

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

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

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

20 (v) improperly concealing a minor child from
21 petitioner, repeatedly threatening to improperly
22 remove a minor child of petitioner's from the
23 jurisdiction or from the physical care of petitioner,
24 repeatedly threatening to conceal a minor child from
25 petitioner, or making a single such threat following an
26 actual or attempted improper removal or concealment,

1 unless respondent was fleeing from an incident or
2 pattern of domestic violence; or

3 (vi) threatening physical force, confinement or
4 restraint on one or more occasions.

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

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

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

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

26 (9) "Physical abuse" includes sexual abuse and means

1 any of the following:

2 (i) knowing or reckless use of physical force,
3 confinement or restraint;

4 (ii) knowing, repeated and unnecessary sleep
5 deprivation; or

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

8 (9.3) "Respondent" in a petition for a domestic
9 violence order of protection means the defendant.

10 (9.5) "Stay away" means for the respondent to refrain
11 from both physical presence and nonphysical contact with
12 the petitioner whether direct, indirect (including, but
13 not limited to, telephone calls, mail, email, faxes, and
14 written notes), or through third parties who may or may not
15 know about the domestic violence order of protection.

16 (10) "Willful deprivation" means wilfully denying a
17 person who because of age, health or disability requires
18 medication, medical care, shelter, accessible shelter or
19 services, food, therapeutic device, or other physical
20 assistance, and thereby exposing that person to the risk of
21 physical, mental or emotional harm, except with regard to
22 medical care and treatment when such dependent person has
23 expressed the intent to forgo such medical care or
24 treatment. This paragraph (10) does not create any new
25 affirmative duty to provide support to dependent persons.

26 (c) For the purposes of cases involving sexual offenses,

1 the following terms shall have the following meanings in this
2 Article:

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

6 (2) "Family or household members" include spouses,
7 parents, children, stepchildren, and persons who share a
8 common dwelling.

9 (3) "Non-consensual" means a lack of freely given
10 agreement.

11 (4) "Petitioner" means not only any named petitioner
12 for the civil no contact order and any named victim of
13 non-consensual sexual conduct or non-consensual sexual
14 penetration on whose behalf the petition is brought, but
15 includes any other person sought to be protected under this
16 Article.

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

19 (6) "Sexual conduct" means any intentional or knowing
20 touching or fondling by the petitioner or the respondent,
21 either directly or through clothing, of the sex organs,
22 anus, or breast of the petitioner or the respondent, or any
23 part of the body of a child under 13 years of age, or any
24 transfer or transmission of semen by the respondent upon
25 any part of the clothed or unclothed body of the
26 petitioner, for the purpose of sexual gratification or

1 arousal of the petitioner or the respondent.

2 (7) "Sexual penetration" means any contact, however
3 slight, between the sex organ or anus of one person by an
4 object, the sex organ, mouth or anus of another person, or
5 any intrusion, however slight, of any part of the body of
6 one person or of any animal or object into the sex organ or
7 anus of another person, including, but not limited to,
8 cunnilingus, fellatio, or anal penetration. Evidence of
9 emission of semen is not required to prove sexual
10 penetration.

11 (8) "Stay away" means to refrain from both physical
12 presence and nonphysical contact with the petitioner
13 directly, indirectly, or through third parties who may or
14 may not know of the order. "Nonphysical contact" includes,
15 but is not limited to, telephone calls, mail, e-mail, fax,
16 and written notes.

17 (d) For the purposes of cases involving stalking offenses,
18 the following terms shall have the following meanings in this
19 Article:

20 (1) "Course of conduct" means 2 or more acts,
21 including, but not limited to, acts in which a respondent
22 directly, indirectly, or through third parties, by any
23 action, method, device, or means follows, monitors,
24 observes, surveils, threatens, or communicates to or
25 about, a person, engages in other contact, or interferes
26 with or damages a person's property or pet. A course of

1 conduct may include contact via electronic communications.
2 The incarceration of a person in a penal institution who
3 commits the course of conduct is not a bar to prosecution.

4 (2) "Emotional distress" means significant mental
5 suffering, anxiety, or alarm.

6 (3) "Contact" includes any contact with the victim,
7 that is initiated or continued without the victim's
8 consent, or that is in disregard of the victim's expressed
9 desire that the contact be avoided or discontinued,
10 including, but not limited to, being in the physical
11 presence of the victim; appearing within the sight of the
12 victim; approaching or confronting the victim in a public
13 place or on private property; appearing at the workplace or
14 residence of the victim; entering onto or remaining on
15 property owned, leased, or occupied by the victim; or
16 placing an object on, or delivering an object to, property
17 owned, leased, or occupied by the victim.

18 (4) "Petitioner" means any named petitioner for the
19 stalking no contact order or any named victim of stalking
20 on whose behalf the petition is brought.

21 (5) "Reasonable person" means a person in the
22 petitioner's circumstances with the petitioner's knowledge
23 of the respondent and the respondent's prior acts.

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

26 (7) "Stalking" means engaging in a course of conduct

1 directed at a specific person, and he or she knows or
2 should know that this course of conduct would cause a
3 reasonable person to fear for his or her safety or the
4 safety of a third person or suffer emotional distress.
5 "Stalking" does not include an exercise of the right to
6 free speech or assembly that is otherwise lawful or
7 picketing occurring at the workplace that is otherwise
8 lawful and arises out of a bona fide labor dispute,
9 including any controversy concerning wages, salaries,
10 hours, working conditions or benefits, including health
11 and welfare, sick leave, insurance, and pension or
12 retirement provisions, the making or maintaining of
13 collective bargaining agreements, and the terms to be
14 included in those agreements.

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

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

19 (725 ILCS 5/112A-4) (from Ch. 38, par. 112A-4)

20 Sec. 112A-4. Persons protected by this Article.

21 (a) The following persons are protected by this Article in
22 cases involving domestic violence:

23 (1) any person abused by a family or household member
24 or by a present or prior dating or sexual partner, or by a
25 present or prior dating or sexual partner of a person

1 related by blood or by a present or prior marriage or civil
2 union;

3 (2) any minor child or dependent adult in the care of
4 such person;

5 (3) any person residing or employed at a private home
6 or public shelter which is housing a person ~~an~~ abused by a
7 family or household member or by a present or prior dating
8 or sexual partner; and

9 (4) any of the following persons if the person is
10 abused by a family or household member or by a present or
11 prior dating or sexual partner of a child:

12 (i) a foster parent of that child if the child has
13 been placed in the foster parent's home by the
14 Department of Children and Family Services or by
15 another state's public child welfare agency;

16 (ii) a legally appointed guardian or legally
17 appointed custodian of that child;

18 (iii) an adoptive parent of that child; or

19 (iv) a prospective adoptive parent of that child if
20 the child has been placed in the prospective adoptive
21 parent's home pursuant to the Adoption Act or pursuant
22 to another state's law.

23 For purposes of this paragraph (a) (4), individuals who
24 would have been considered "family or household members" of
25 the child under paragraph (3) of subsection (b) of Section
26 112A-3 before a termination of the parental rights with

1 respect to the child continue to meet the definition of
2 "family or household members" of the child.

3 (a-5) The following persons are protected by this Article
4 in cases involving sexual offenses:

5 (1) any victim of non-consensual sexual conduct or
6 non-consensual sexual penetration on whose behalf the
7 petition is brought;

8 (2) any family or household member of the named victim;
9 and

10 (3) any employee of or volunteer at a rape crisis
11 center.

12 (a-10) The following persons are protected by this Article
13 in cases involving stalking offenses:

14 (1) any victim of stalking; and

15 (2) any family or household member of the named victim.

16 (b) (Blank).

17 (Source: P.A. 100-199, eff. 1-1-18; 100-639, eff. 1-1-19.)

18 (725 ILCS 5/112A-4.5)

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

20 (a) A petition for a domestic violence order of protection
21 may be filed:

22 (1) by a named victim who has been abused by a family
23 or household member or by a present or prior dating or
24 sexual partner;

25 (2) by any person or by the State's Attorney on behalf

1 of a named victim who is a minor child or an adult who has
2 been abused by a family or household member or by a present
3 or prior dating or sexual partner and who, because of age,
4 health, disability, or inaccessibility, cannot file the
5 petition;

6 (3) by a State's Attorney on behalf of any minor child
7 or dependent adult in the care of the named victim, if the
8 named victim does not file a petition or request the
9 State's Attorney file the petition; or

10 (4) any of the following persons if the person is
11 abused by a family or household member or by a present or
12 prior dating or sexual partner of a child:

13 (i) a foster parent of that child if the child has
14 been placed in the foster parent's home by the
15 Department of Children and Family Services or by
16 another state's public child welfare agency;

17 (ii) a legally appointed guardian or legally
18 appointed custodian of that child;

19 (iii) an adoptive parent of that child;

20 (iv) a prospective adoptive parent of that child if
21 the child has been placed in the prospective adoptive
22 parent's home pursuant to the Adoption Act or pursuant
23 to another state's law.

24 For purposes of this paragraph (a)(4), individuals who
25 would have been considered "family or household members" of the
26 child under paragraph (3) of subsection (b) of Section 112A-3

1 before a termination of the parental rights with respect to the
2 child continue to meet the definition of "family or household
3 members" of the child.

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

5 (1) by any person who is a named victim of
6 non-consensual sexual conduct or non-consensual sexual
7 penetration, including a single incident of non-consensual
8 sexual conduct or non-consensual sexual penetration;

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

14 (3) by a State's Attorney on behalf of any minor child
15 who is a family or household member of the named victim, if
16 the named victim does not file a petition or request the
17 State's Attorney file the petition.

18 (c) A petition for a stalking no contact order may be
19 filed:

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

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

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

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

3 (d) The State's Attorney shall file a petition on behalf of
4 any person who may file a petition under subsections (a), (b),
5 or (c) of this Section if the person requests the State's
6 Attorney to file a petition on the person's behalf, unless the
7 State's Attorney has a good faith basis to delay filing the
8 petition. The State's Attorney shall inform the person that the
9 State's Attorney will not be filing the petition at that time
10 and that the person may file a petition or may retain an
11 attorney to file the petition. The State's Attorney may file
12 the petition at a later date.

13 (d-5) (1) A person eligible to file a petition under
14 subsection (a), (b), or (c) of this Section may retain an
15 attorney to represent the petitioner on the petitioner's
16 request for a protective order. The attorney's representation
17 is limited to matters related to the petition and relief
18 authorized under this Article.

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

23 (e) Any petition properly filed under this Article may seek
24 protection for any additional persons protected by this
25 Article.

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

1 100-639, eff. 1-1-19; 101-81, eff. 7-12-19.)

2 (725 ILCS 5/112A-5) (from Ch. 38, par. 112A-5)

3 Sec. 112A-5. Pleading; non-disclosure of address.

4 (a) A petition for a protective order shall be filed in
5 conjunction with a delinquency petition or criminal
6 prosecution, or in conjunction with imprisonment or a bond
7 forfeiture warrant, provided the petition names a victim of the
8 alleged crime. The petition may include a request for an ex
9 parte protective order, a final protective order, or both. The
10 petition shall be in writing and verified or accompanied by
11 affidavit and shall allege that:

12 (1) petitioner has been abused by respondent, who is a
13 family or household member or by a present or prior dating
14 or sexual partner;

15 (2) respondent has engaged in non-consensual sexual
16 conduct or non-consensual sexual penetration, including a
17 single incident of non-consensual sexual conduct or
18 non-consensual sexual penetration with petitioner; or

19 (3) petitioner has been stalked by respondent.

20 The petition shall further set forth whether there is any
21 other action between the petitioner and respondent. During the
22 pendency of this proceeding, the petitioner and respondent have
23 a continuing duty to inform the court of any subsequent
24 proceeding for a protective order in this State or any other
25 state.

1 (a-5) The petition shall indicate whether an ex parte
2 protective order, a protective order, or both are requested. If
3 the respondent receives notice of a petition for a final
4 protective order and the respondent requests a continuance to
5 respond to the petition, the petitioner may, either orally or
6 in writing, request an ex parte order.

7 (b) The petitioner shall not be required to disclose the
8 petitioner's address. If the petition states that disclosure of
9 petitioner's address would risk abuse to or endanger the safety
10 of petitioner or any member of petitioner's family or household
11 or reveal the confidential address of a shelter for domestic
12 violence victims, that address may be omitted from all
13 documents filed with the court.

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

15 (725 ILCS 5/115-7.4)

16 Sec. 115-7.4. Evidence in domestic violence cases.

17 (a) In a criminal prosecution in which the defendant is
18 accused of an offense of domestic violence as defined in
19 Section 112A-3 of this Act or paragraphs (1) and (3) of Section
20 103 of the Illinois Domestic Violence Act of 1986, or first
21 degree murder or second degree murder when the commission of
22 the offense involves domestic violence, evidence of the
23 defendant's commission of another offense or offenses of
24 domestic violence is admissible, and may be considered for its
25 bearing on any matter to which it is relevant.

1 (b) In weighing the probative value of the evidence against
2 undue prejudice to the defendant, the court may consider:

3 (1) the proximity in time to the charged or predicate
4 offense;

5 (2) the degree of factual similarity to the charged or
6 predicate offense; or

7 (3) other relevant facts and circumstances.

8 (c) In a criminal case in which the prosecution intends to
9 offer evidence under this Section, it must disclose the
10 evidence, including statements of witnesses or a summary of the
11 substance of any testimony, at a reasonable time in advance of
12 trial, or during trial if the court excuses pretrial notice on
13 good cause shown.

14 (d) In a criminal case in which evidence is offered under
15 this Section, proof may be made by specific instances of
16 conduct, testimony as to reputation, or testimony in the form
17 of an expert opinion, except that the prosecution may offer
18 reputation testimony only after the opposing party has offered
19 that testimony.

20 (Source: P.A. 97-1036, eff. 8-20-12.)

21 (725 ILCS 5/115-20)

22 Sec. 115-20. Evidence of prior conviction.

23 (a) Evidence of a prior conviction of a defendant for
24 domestic battery, aggravated battery committed against a
25 family or household member or a present or prior dating or

1 sexual partner as defined in Section 112A-3, stalking,
2 aggravated stalking, or violation of an order of protection is
3 admissible in a later criminal prosecution for any of these
4 types of offenses when the victim is the same person who was
5 the victim of the previous offense that resulted in conviction
6 of the defendant.

7 (b) If the defendant is accused of an offense set forth in
8 subsection (a) or the defendant is tried or retried for any of
9 the offenses set forth in subsection (a), evidence of the
10 defendant's conviction for another offense or offenses set
11 forth in subsection (a) may be admissible (if that evidence is
12 otherwise admissible under the rules of evidence) and may be
13 considered for its bearing on any matter to which it is
14 relevant if the victim is the same person who was the victim of
15 the previous offense that resulted in conviction of the
16 defendant.

17 (c) In weighing the probative value of the evidence against
18 undue prejudice to the defendant, the court may consider:

19 (1) the proximity in time to the charged or predicate
20 offense;

21 (2) the degree of factual similarity to the charged or
22 predicate offense; or

23 (3) other relevant facts and circumstances.

24 (d) In a criminal case in which the prosecution intends to
25 offer evidence under this Section, it must disclose the
26 evidence, including statements of witnesses or a summary of the

1 substance of any testimony, at a reasonable time in advance of
2 trial, or during trial if the court excuses pretrial notice on
3 good cause shown.

4 (e) In a criminal case in which evidence is offered under
5 this Section, proof may be made by specific instances of
6 conduct as evidenced by proof of conviction, testimony as to
7 reputation, or testimony in the form of an expert opinion,
8 except that the prosecution may offer reputation testimony only
9 after the opposing party has offered that testimony.

10 (Source: P.A. 90-387, eff. 1-1-98.)

11 Section 10. The Illinois Domestic Violence Act of 1986 is
12 amended by changing Sections 103 and 201 as follows:

13 (750 ILCS 60/103) (from Ch. 40, par. 2311-3)

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

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

20 (2) "Adult with disabilities" means an elder adult with
21 disabilities or a high-risk adult with disabilities. A person
22 may be an adult with disabilities for purposes of this Act even
23 though he or she has never been adjudicated an incompetent
24 adult. However, no court proceeding may be initiated or

1 continued on behalf of an adult with disabilities over that
2 adult's objection, unless such proceeding is approved by his or
3 her legal guardian, if any.

4 (3) "Domestic violence" means abuse as defined in paragraph
5 (1) by a family or household member or by a present or prior
6 dating or sexual partner.

7 (4) "Elder adult with disabilities" means an adult
8 prevented by advanced age from taking appropriate action to
9 protect himself or herself from abuse by a family or household
10 member or by a present or prior dating or sexual partner.

11 (5) "Exploitation" means the illegal, including tortious,
12 use of a high-risk adult with disabilities or of the assets or
13 resources of a high-risk adult with disabilities. Exploitation
14 includes, but is not limited to, the misappropriation of assets
15 or resources of a high-risk adult with disabilities by undue
16 influence, by breach of a fiduciary relationship, by fraud,
17 deception, or extortion, or the use of such assets or resources
18 in a manner contrary to law.

19 (6) "Family or household members" include spouses, former
20 spouses, present or prior parties to a civil union, parents,
21 children, stepchildren and other persons related by blood or by
22 present or prior marriage or civil union, persons who share or
23 formerly shared a common dwelling, persons who have or
24 allegedly have a child in common, persons who share or
25 allegedly share a blood relationship through a child, ~~persons~~
26 ~~who have or have had a dating or engagement relationship,~~

1 persons with disabilities and their personal assistants, and
2 caregivers as defined in Section 12-4.4a of the Criminal Code
3 of 2012. ~~For purposes of this paragraph, neither a casual~~
4 ~~acquaintanceship nor ordinary fraternization between 2~~
5 ~~individuals in business or social contexts shall be deemed to~~
6 ~~constitute a dating relationship.~~ In the case of a high-risk
7 adult with disabilities, "family or household members"
8 includes any person who has the responsibility for a high-risk
9 adult as a result of a family relationship or who has assumed
10 responsibility for all or a portion of the care of a high-risk
11 adult with disabilities voluntarily, or by express or implied
12 contract, or by court order.

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

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

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

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

26 (iv) repeatedly keeping petitioner under surveillance

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

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

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

14 (8) "High-risk adult with disabilities" means a person aged
15 18 or over whose physical or mental disability impairs his or
16 her ability to seek or obtain protection from abuse, neglect,
17 or exploitation.

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

23 (10) "Intimidation of a dependent" means subjecting a
24 person who is dependent because of age, health or disability to
25 participation in or the witnessing of: physical force against
26 another or physical confinement or restraint of another which

1 constitutes physical abuse as defined in this Act, regardless
2 of whether the abused person is a family or household member.

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

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

9 (ii) the repeated, careless imposition of unreasonable
10 confinement;

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

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

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

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

24 (12) "Order of protection" means an emergency order,
25 interim order or plenary order, granted pursuant to this Act,
26 which includes any or all of the remedies authorized by Section

1 214 of this Act.

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

6 (14) "Physical abuse" includes sexual abuse and means any
7 of the following:

8 (i) knowing or reckless use of physical force,
9 confinement or restraint;

10 (ii) knowing, repeated and unnecessary sleep
11 deprivation; or

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

14 (14.5) "Stay away" means for the respondent to refrain from
15 both physical presence and nonphysical contact with the
16 petitioner whether direct, indirect (including, but not
17 limited to, telephone calls, mail, email, faxes, and written
18 notes), or through third parties who may or may not know about
19 the order of protection.

20 (15) "Willful deprivation" means wilfully denying a person
21 who because of age, health or disability requires medication,
22 medical care, shelter, accessible shelter or services, food,
23 therapeutic device, or other physical assistance, and thereby
24 exposing that person to the risk of physical, mental or
25 emotional harm, except with regard to medical care or treatment
26 when the dependent person has expressed an intent to forgo such

1 medical care or treatment. This paragraph does not create any
2 new affirmative duty to provide support to dependent persons.

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

4 (750 ILCS 60/201) (from Ch. 40, par. 2312-1)

5 Sec. 201. Persons protected by this Act.

6 (a) The following persons are protected by this Act:

7 (i) any person abused by a family or household member
8 or by a present or prior dating or sexual partner, or by a
9 present or prior dating or sexual partner of a person
10 related by blood or by a present or prior marriage or civil
11 union;

12 (ii) any high-risk adult with disabilities who is
13 abused, neglected, or exploited by a family or household
14 member or by a present or prior dating or sexual partner;

15 (iii) any minor child or dependent adult in the care of
16 such person;

17 (iv) any person residing or employed at a private home
18 or public shelter which is housing a person ~~an~~ abused by a
19 family or household member or by a present or prior dating
20 or sexual partner; and

21 (v) any of the following persons if the person is
22 abused by a family or household member or a present or
23 prior dating or sexual partner of a child:

24 (A) a foster parent of that child if the child has
25 been placed in the foster parent's home by the

1 Department of Children and Family Services or by
2 another state's public child welfare agency;

3 (B) a legally appointed guardian or legally
4 appointed custodian of that child;

5 (C) an adoptive parent of that child; or

6 (D) a prospective adoptive parent of that child if
7 the child has been placed in the prospective adoptive
8 parent's home pursuant to the Adoption Act or pursuant
9 to another state's law.

10 For purposes of this paragraph (a) (v), individuals who
11 would have been considered "family or household members" of
12 the child under subsection (6) of Section 103 of this Act
13 before a termination of the parental rights with respect to
14 the child continue to meet the definition of "family or
15 household members" of the child.

16 (b) A petition for an order of protection may be filed
17 only:

18 (i) by a person who has been abused by a family or
19 household member or by a present or prior dating or sexual
20 partner, or by any person on behalf of a minor child or an
21 adult who has been abused by a family or household member
22 or by a present or prior dating or sexual partner and who,
23 because of age, health, disability, or inaccessibility,
24 cannot file the petition;

25 (ii) by any person on behalf of a high-risk adult with
26 disabilities who has been abused, neglected, or exploited

1 by a family or household member or by a present or prior
2 dating or sexual partner; or

3 (iii) any of the following persons if the person is
4 abused by a family or household member or by a present or
5 prior dating or sexual partner of a child:

6 (A) a foster parent of that child if the child has
7 been placed in the foster parent's home by the
8 Department of Children and Family Services or by
9 another state's public child welfare agency;

10 (B) a legally appointed guardian or legally
11 appointed custodian of that child;

12 (C) an adoptive parent of that child;

13 (D) a prospective adoptive parent of that child if
14 the child has been placed in the prospective adoptive
15 parent's home pursuant to the Adoption Act or pursuant
16 to another state's law.

17 For purposes of this paragraph (b)(iii), individuals
18 who would have been considered "family or household
19 members" of the child under subsection (6) of Section 103
20 of this Act before a termination of the parental rights
21 with respect to the child continue to meet the definition
22 of "family or household members" of the child.

23 (c) Any petition properly filed under this Act may seek
24 protection for any additional persons protected by this Act.

25 (d) For purposes of this Act, "dating or sexual partner"
26 means a present or prior partner in a dating, sexual, or

1 engagement relationship, irrespective of the duration,
2 seriousness, intimacy, or romantic focus of the courtship or
3 relationship.

4 (Source: P.A. 100-639, eff. 1-1-19.)