

HB0734



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB0734

Introduced 2/8/2021, by Rep. Dave Vella

SYNOPSIS AS INTRODUCED:

725 ILCS 5/112A-20

from Ch. 38, par. 112A-20

Amends the Code of Criminal Procedure of 1963. Provides that the duration of a civil no contact order is permanent if a judgment of conviction for criminal sexual assault, aggravated criminal sexual assault, criminal sexual abuse, or aggravated criminal sexual abuse is entered.

LRB102 11400 KMF 16733 b

A BILL FOR

1 AN ACT concerning criminal law.

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

4 Section 5. The Code of Criminal Procedure of 1963 is
5 amended by changing Section 112A-20 as follows:

6 (725 ILCS 5/112A-20) (from Ch. 38, par. 112A-20)

7 Sec. 112A-20. Duration and extension of final protective
8 orders.

9 (a) (Blank).

10 (b) A final protective order shall remain in effect as
11 follows:

12 (1) if entered during pre-trial release, until
13 disposition, withdrawal, or dismissal of the underlying
14 charge; if, however, the case is continued as an
15 independent cause of action, the order's duration may be
16 for a fixed period of time not to exceed 2 years;

17 (2) if in effect in conjunction with a bond forfeiture
18 warrant, until final disposition or an additional period
19 of time not exceeding 2 years; no domestic violence order
20 of protection, however, shall be terminated by a dismissal
21 that is accompanied by the issuance of a bond forfeiture
22 warrant;

23 (3) until 2 years after the expiration of any

1 supervision, conditional discharge, probation, periodic
2 imprisonment, parole, aftercare release, or mandatory
3 supervised release for domestic violence orders of
4 protection and civil no contact orders; or

5 (4) until 2 years after the date set by the court for
6 expiration of any sentence of imprisonment and subsequent
7 parole, aftercare release, or mandatory supervised release
8 for domestic violence orders of protection and civil no
9 contact orders; ~~and~~

10 (5) permanent for a stalking no contact order if a
11 judgment of conviction for stalking is entered; ~~and~~

12 (6) permanent for a civil no contact order if a
13 judgment of conviction for criminal sexual assault,
14 aggravated criminal sexual assault, criminal sexual abuse,
15 or aggravated criminal sexual abuse is entered.

16 (c) Computation of time. The duration of a domestic
17 violence order of protection shall not be reduced by the
18 duration of any prior domestic violence order of protection.

19 (d) Law enforcement records. When a protective order
20 expires upon the occurrence of a specified event, rather than
21 upon a specified date as provided in subsection (b), no
22 expiration date shall be entered in Department of State Police
23 records. To remove the protective order from those records,
24 either the petitioner or the respondent shall request the
25 clerk of the court to file a certified copy of an order stating
26 that the specified event has occurred or that the protective

1 order has been vacated or modified with the sheriff, and the
2 sheriff shall direct that law enforcement records shall be
3 promptly corrected in accordance with the filed order.

4 (e) Extension of Orders. Any domestic violence order of
5 protection or civil no contact order that expires 2 years
6 after the expiration of the defendant's sentence under
7 paragraph (2), (3), or (4) of subsection (b) of Section
8 112A-20 of this Article may be extended one or more times, as
9 required. The petitioner, petitioner's counsel, or the State's
10 Attorney on the petitioner's behalf shall file the motion for
11 an extension of the final protective order in the criminal
12 case and serve the motion in accordance with Supreme Court
13 Rules 11 and 12. The court shall transfer the motion to the
14 appropriate court or division for consideration under
15 subsection (e) of Section 220 of the Illinois Domestic
16 Violence Act of 1986, subsection (c) of Section 216 of the
17 Civil No Contact Order Act, or subsection (c) of Section 105 of
18 the Stalking No Contact Order as appropriate.

19 (f) Termination date. Any final protective order which
20 would expire on a court holiday shall instead expire at the
21 close of the next court business day.

22 (g) Statement of purpose. The practice of dismissing or
23 suspending a criminal prosecution in exchange for issuing a
24 protective order undermines the purposes of this Article. This
25 Section shall not be construed as encouraging that practice.

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