

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 Sections 112A-20 and 112A-23 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; ~~or-~~

12 (6) permanent for a civil no contact order at the
13 victim's request if a judgment of conviction for criminal
14 sexual assault, aggravated criminal sexual assault,
15 criminal sexual abuse, excluding a conviction under
16 subsection (c) of Section 11-1.50 of the Criminal Code of
17 2012, or aggravated criminal sexual abuse is entered.

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

21 (d) Law enforcement records. When a protective order
22 expires upon the occurrence of a specified event, rather than
23 upon a specified date as provided in subsection (b), no
24 expiration date shall be entered in Department of State Police
25 records. To remove the protective order from those records,
26 either the petitioner or the respondent shall request the

1 clerk of the court to file a certified copy of an order stating
2 that the specified event has occurred or that the protective
3 order has been vacated or modified with the sheriff, and the
4 sheriff shall direct that law enforcement records shall be
5 promptly corrected in accordance with the filed order.

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

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

24 (g) Statement of purpose. The practice of dismissing or
25 suspending a criminal prosecution in exchange for issuing a
26 protective order undermines the purposes of this Article. This

1 Section shall not be construed as encouraging that practice.

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

3 (725 ILCS 5/112A-23) (from Ch. 38, par. 112A-23)

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

5 (a) When violation is crime. A violation of any protective
6 order, whether issued in a civil, quasi-criminal proceeding,
7 shall be enforced by a criminal court when:

8 (1) The respondent commits the crime of violation of a
9 domestic violence order of protection pursuant to Section
10 12-3.4 or 12-30 of the Criminal Code of 1961 or the
11 Criminal Code of 2012, by having knowingly violated:

12 (i) remedies described in paragraphs (1), (2),
13 (3), (14), or (14.5) of subsection (b) of Section
14 112A-14 of this Code,

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

22 (iii) ~~or~~ any other remedy when the act constitutes
23 a crime against the protected parties as defined by
24 the Criminal Code of 1961 or the Criminal Code of 2012.
25 Prosecution for a violation of a domestic violence

1 order of protection shall not bar concurrent prosecution
2 for any other crime, including any crime that may have
3 been committed at the time of the violation of the
4 domestic violence order of protection; or

5 (2) The respondent commits the crime of child
6 abduction pursuant to Section 10-5 of the Criminal Code of
7 1961 or the Criminal Code of 2012, by having knowingly
8 violated:

9 (i) remedies described in paragraphs (5), (6), or
10 (8) of subsection (b) of Section 112A-14 of this Code,
11 or

12 (ii) a remedy, which is substantially similar to
13 the remedies authorized under paragraphs (1), (5),
14 (6), or (8) of subsection (b) of Section 214 of the
15 Illinois Domestic Violence Act of 1986, in a valid
16 domestic violence order of protection, which is
17 authorized under the laws of another state, tribe or
18 United States territory.

19 (3) The respondent commits the crime of violation of a
20 civil no contact order when the respondent violates
21 Section 12-3.8 of the Criminal Code of 2012. Prosecution
22 for a violation of a civil no contact order shall not bar
23 concurrent prosecution for any other crime, including any
24 crime that may have been committed at the time of the
25 violation of the civil no contact order.

26 (4) The respondent commits the crime of violation of a

1 stalking no contact order when the respondent violates
2 Section 12-3.9 of the Criminal Code of 2012. Prosecution
3 for a violation of a stalking no contact order shall not
4 bar concurrent prosecution for any other crime, including
5 any crime that may have been committed at the time of the
6 violation of the stalking no contact order.

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

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

1 show cause or the petition for a rule to show cause. Bond
2 shall be set unless specifically denied in writing.

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

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

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

20 (1) (Blank).

21 (2) (Blank).

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

24 (4) By other means demonstrating actual knowledge of
25 the contents of the order.

26 (e) The enforcement of a protective order in civil or

1 criminal court shall not be affected by either of the
2 following:

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

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

7 (e-5) If a civil no contact order entered under subsection
8 (6) of Section 112A-20 of the Code of Criminal Procedure of
9 1963 conflicts with an order issued pursuant to the Juvenile
10 Court Act of 1987 or the Illinois Marriage and Dissolution of
11 Marriage Act, the conflicting order issued under subsection
12 (6) of Section 112A-20 of the Code of Criminal Procedure of
13 1963 shall be void.

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

18 (g) Penalties.

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

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

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

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

12 (ii) impose a minimum penalty of 24 hours
13 imprisonment for respondent's first violation of any
14 protective order; and

15 (iii) impose a minimum penalty of 48 hours
16 imprisonment for respondent's second or subsequent
17 violation of a protective order

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

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

24 (i) to increase, revoke, or modify the bail bond
25 on an underlying criminal charge pursuant to Section
26 110-6 of this Code;

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

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

7 (Source: P.A. 99-90, eff. 1-1-16; 100-199, eff. 1-1-18;
8 100-597, eff. 6-29-18; revised 7-12-19.)