



## 102ND GENERAL ASSEMBLY

### State of Illinois

2021 and 2022

HB1808

Introduced 2/17/2021, by Rep. Dagmara Avelar and Stephanie A. Kifowit

#### SYNOPSIS AS INTRODUCED:

750 ILCS 60/103

from Ch. 40, par. 2311-3

Amends the Illinois Domestic Violence Act of 1986. Includes coercive control behavior in the definition of "abuse". Defines "coercive control behavior" as a pattern of behavior that unreasonably interferes with a person's free will and personal liberty.

LRB102 12744 LNS 18083 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 Illinois Domestic Violence Act of 1986 is  
5 amended by changing Section 103 as follows:

6 (750 ILCS 60/103) (from Ch. 40, par. 2311-3)

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

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

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

22 (2.5) "Coercive control behavior" means a pattern of  
23 behavior that unreasonably interferes with a person's free

1 will and personal liberty, including, but not limited to:

2 (1) isolating the other person from friends,  
3 relatives, or other sources of support;

4 (2) depriving the other person of basic necessities;

5 (3) controlling, regulating, or monitoring the other  
6 person's movements, communications, daily behavior,  
7 finances, economic resources, or access to services; and

8 (4) compelling the other person by force, threat of  
9 force, or intimidation to engage in conduct from which the  
10 other person has a right to abstain, or abstain from  
11 conduct in which the other person has a right to engage.

12 (3) "Domestic violence" means abuse as defined in  
13 paragraph (1).

14 (4) "Elder adult with disabilities" means an adult  
15 prevented by advanced age from taking appropriate action to  
16 protect himself or herself from abuse by a family or household  
17 member.

18 (5) "Exploitation" means the illegal, including tortious,  
19 use of a high-risk adult with disabilities or of the assets or  
20 resources of a high-risk adult with disabilities. Exploitation  
21 includes, but is not limited to, the misappropriation of  
22 assets or resources of a high-risk adult with disabilities by  
23 undue influence, by breach of a fiduciary relationship, by  
24 fraud, deception, or extortion, or the use of such assets or  
25 resources in a manner contrary to law.

26 (6) "Family or household members" include spouses, former

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

19 (7) "Harassment" means knowing conduct which is not  
20 necessary to accomplish a purpose that is reasonable under the  
21 circumstances; would cause a reasonable person emotional  
22 distress; and does cause emotional distress to the petitioner.  
23 Unless the presumption is rebutted by a preponderance of the  
24 evidence, the following types of conduct shall be presumed to  
25 cause emotional distress:

26 (i) creating a disturbance at petitioner's place of

1 employment or school;

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

4 (iii) repeatedly following petitioner about in a  
5 public place or places;

6 (iv) repeatedly keeping petitioner under surveillance  
7 by remaining present outside his or her home, school,  
8 place of employment, vehicle or other place occupied by  
9 petitioner or by peering in petitioner's windows;

10 (v) improperly concealing a minor child from  
11 petitioner, repeatedly threatening to improperly remove a  
12 minor child of petitioner's from the jurisdiction or from  
13 the physical care of petitioner, repeatedly threatening to  
14 conceal a minor child from petitioner, or making a single  
15 such threat following an actual or attempted improper  
16 removal or concealment, unless respondent was fleeing an  
17 incident or pattern of domestic violence; or

18 (vi) threatening physical force, confinement or  
19 restraint on one or more occasions.

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

24 (9) "Interference with personal liberty" means committing  
25 or threatening physical abuse, harassment, intimidation, or  
26 willful deprivation so as to compel another to engage in

1 conduct from which she or he has a right to abstain or to  
2 refrain from conduct in which she or he has a right to engage.

3 (10) "Intimidation of a dependent" means subjecting a  
4 person who is dependent because of age, health or disability  
5 to participation in or the witnessing of: physical force  
6 against another or physical confinement or restraint of  
7 another which constitutes physical abuse as defined in this  
8 Act, regardless of whether the abused person is a family or  
9 household member.

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

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

16 (ii) the repeated, careless imposition of unreasonable  
17 confinement;

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

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

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

26 (B) Nothing in this subsection (10) shall be construed to

1 impose a requirement that assistance be provided to a  
2 high-risk adult with disabilities over his or her objection in  
3 the absence of a court order, nor to create any new affirmative  
4 duty to provide support to a high-risk adult with  
5 disabilities.

6 (12) "Order of protection" means an emergency order,  
7 interim order or plenary order, granted pursuant to this Act,  
8 which includes any or all of the remedies authorized by  
9 Section 214 of this Act.

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

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

16 (i) knowing or reckless use of physical force,  
17 confinement or restraint;

18 (ii) knowing, repeated and unnecessary sleep  
19 deprivation; or

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

22 (14.5) "Stay away" means for the respondent to refrain  
23 from both physical presence and nonphysical contact with the  
24 petitioner whether direct, indirect (including, but not  
25 limited to, telephone calls, mail, email, faxes, and written  
26 notes), or through third parties who may or may not know about

1 the order of protection.

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

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