

Sen. Don Harmon

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determines

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LRB103 04272 JDS 74240 a

such information would

1 AMENDMENT TO HOUSE BILL 681 2 AMENDMENT NO. . Amend House Bill 681 by replacing everything after the enacting clause with the following: 3 "Section 5. The Rights of Crime Victims and Witnesses Act 4 5 is amended by changing Section 4.5 as follows: 6 (725 ILCS 120/4.5) 7 Sec. 4.5. Procedures to implement the rights of crime 8 victims. To afford crime victims their rights, enforcement, prosecutors, judges, and corrections will provide 9 10 information, as appropriate, of the following procedures: (a) At the request of the crime victim, law enforcement 11 12 authorities investigating the case shall provide notice of the 13 status of the investigation, except where the State's Attorney

that disclosure of

unreasonably interfere with the investigation, until such time

as the alleged assailant is apprehended or the investigation

1 is closed.

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- 2 (a-5) When law enforcement authorities reopen a closed 3 case to resume investigating, they shall provide notice of the 4 reopening of the case, except where the State's Attorney 5 determines that disclosure of such information would 6 unreasonably interfere with the investigation.
- 7 (a-6) The Prisoner Review Board shall publish on its official public website and provide to registered victims 8 9 information regarding how to submit a victim impact statement. 10 The Prisoner Review Board shall consider victim impact 11 statements from any registered victims. Any registered victim, including a person who has had a final, plenary, or 12 13 non-emergency protective order granted under Article 112A of 14 the Code of Criminal Procedure of 1963, the Illinois Domestic 15 Violence Act of 1986, the Stalking No Contact Order Act, or the 16 Civil No Contact Order Act may present victim statements that the Prisoner Review Board shall consider in its deliberations. 17
 - (b) The office of the State's Attorney:
 - (1) shall provide notice of the filing of an information, the return of an indictment, or the filing of a petition to adjudicate a minor as a delinquent for a violent crime;
 - (2) shall provide timely notice of the date, time, and place of court proceedings; of any change in the date, time, and place of court proceedings; and of any cancellation of court proceedings. Notice shall be

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provided in sufficient time, wherever possible, for the victim to make arrangements to attend or to prevent an unnecessary appearance at court proceedings;

- (3) or victim advocate personnel shall provide information of social services and financial assistance available for victims of crime, including information of how to apply for these services and assistance;
- (3.5) or victim advocate personnel shall provide information about available victim services, including referrals to programs, counselors, and agencies that assist a victim to deal with trauma, loss, and grief;
- (4) shall assist in having any stolen or other personal property held by law enforcement authorities for evidentiary or other purposes returned as expeditiously as possible, pursuant to the procedures set out in Section 115-9 of the Code of Criminal Procedure of 1963;
- (5) or victim advocate personnel shall provide appropriate employer intercession services to ensure that employers of victims will cooperate with the criminal justice system in order to minimize an employee's loss of pay and other benefits resulting from court appearances;
- (6) shall provide, whenever possible, a secure waiting area during court proceedings that does not require victims to be in close proximity to defendants or juveniles accused of a violent crime, and their families and friends;

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- (7) shall provide notice to the crime victim of the right to have a translator present at all court proceedings and, in compliance with the federal Americans with Disabilities Act of 1990, the right to communications access through a sign language interpreter or by other means;
 - (8) (blank);
- (8.5) shall inform the victim of the right to be present at all court proceedings, unless the victim is to testify and the court determines that the victim's testimony would be materially affected if the victim hears other testimony at trial;
- (9) shall inform the victim of the right to have present at all court proceedings, subject to the rules of evidence and confidentiality, an advocate and other support person of the victim's choice;
- (9.3) shall inform the victim of the right to retain an attorney, at the victim's own expense, who, upon written notice filed with the clerk of the court and State's Attorney, is to receive copies of all notices, motions, and court orders filed thereafter in the case, in the same manner as if the victim were a named party in the case;
- (9.5) shall inform the victim of (A) the victim's right under Section 6 of this Act to make a statement at the sentencing hearing; (B) the right of the victim's

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spouse, guardian, parent, grandparent, and other immediate family and household members under Section 6 of this Act to present a statement at sentencing; and (C) if a presentence report is to be prepared, the right of the victim's spouse, guardian, parent, grandparent, and other immediate family and household members to submit information to the preparer of the presentence report about the effect the offense has had on the victim and the person;

- (10) at the sentencing shall make a good faith attempt to explain the minimum amount of time during which the defendant may actually be physically imprisoned. The Office of the State's Attorney shall further notify the crime victim of the right to request from the Prisoner Review Board or Department of Juvenile Justice information concerning the release of the defendant;
- (11) shall request restitution at sentencing and as part of a plea agreement if the victim requests restitution;
- (12) shall, upon the court entering a verdict of not guilty by reason of insanity, inform the victim of the notification services available from the Department of Human Services, including the statewide telephone number, under subparagraph (d) (2) of this Section;
- (13) shall provide notice within a reasonable time after receipt of notice from the custodian, of the release

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- of the defendant on pretrial release or personal recognizance or the release from detention of a minor who has been detained;
 - (14) shall explain in nontechnical language the details of any plea or verdict of a defendant, or any adjudication of a juvenile as a delinquent;
 - (15) shall make all reasonable efforts to consult with the crime victim before the Office of the State's Attorney makes an offer of a plea bargain to the defendant or enters into negotiations with the defendant concerning a possible plea agreement, and shall consider the written statement, if prepared prior to entering into a plea agreement. The right to consult with the prosecutor does not include the right to veto a plea agreement or to insist the case go to trial. If the State's Attorney has not consulted with the victim prior to making an offer or entering into plea negotiations with the defendant, the Office of the State's Attorney shall notify the victim of the offer or the negotiations within 2 business days and confer with the victim;
 - (16) shall provide notice of the ultimate disposition of the cases arising from an indictment or an information, or a petition to have a juvenile adjudicated as a delinquent for a violent crime;
 - (17) shall provide notice of any appeal taken by the defendant and information on how to contact the

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appropriate agency handling the appeal, and how to request notice of any hearing, oral argument, or decision of an appellate court;

- (18) shall provide timely notice of any request for post-conviction review filed by the defendant under Article 122 of the Code of Criminal Procedure of 1963, and of the date, time and place of any hearing concerning the petition. Whenever possible, notice of the hearing shall be given within 48 hours of the court's scheduling of the hearing;
- (19) shall forward a copy of any statement presented under Section 6 to the Prisoner Review Board or Department of Juvenile Justice to be considered in making a determination under Section 3-2.5-85 or subsection (b) of Section 3-3-8 of the Unified Code of Corrections;
- (20) shall, within a reasonable time, offer to meet with the crime victim regarding the decision of the State's Attorney not to charge an offense, and shall meet with the victim, if the victim agrees. The victim has a right to have an attorney, advocate, and other support person of the victim's choice attend this meeting with the victim; and
- (21) shall give the crime victim timely notice of any decision not to pursue charges and consider the safety of the victim when deciding how to give such notice.
- (c) The court shall ensure that the rights of the victim

1 are afforded.

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- 2 (c-5) The following procedures shall be followed to afford 3 victims the rights guaranteed by Article I, Section 8.1 of the 4 Illinois Constitution:
 - (1) Written notice. A victim may complete a written notice of intent to assert rights on a form prepared by the Office of the Attorney General and provided to the victim by the State's Attorney. The victim may at any time provide a revised written notice to the State's Attorney. The State's Attorney shall file the written notice with the court. At the beginning of any court proceeding in which the right of a victim may be at issue, the court and prosecutor shall review the written notice to determine whether the victim has asserted the right that may be at issue.
 - (2) Victim's retained attorney. A victim's attorney shall file an entry of appearance limited to assertion of the victim's rights. Upon the filing of the entry of appearance and service on the State's Attorney and the defendant, the attorney is to receive copies of all notices, motions and court orders filed thereafter in the case.
 - (3) Standing. The victim has standing to assert the rights enumerated in subsection (a) of Article I, Section 8.1 of the Illinois Constitution and the statutory rights under Section 4 of this Act in any court exercising

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jurisdiction over the criminal case. The prosecuting attorney, a victim, or the victim's retained attorney may assert the victim's rights. The defendant in the criminal case has no standing to assert a right of the victim in any court proceeding, including on appeal.

- (4) Assertion of and enforcement of rights.
- The prosecuting attorney shall assert a victim's right or request enforcement of a right by filing a motion or by orally asserting the right or requesting enforcement in open court in the criminal case outside the presence of the jury. The prosecuting attorney shall consult with the victim and victim's attorney regarding the assertion enforcement of a right. If the prosecuting attorney decides not to assert or enforce a victim's right, the prosecuting attorney shall notify the victim or the victim's attorney in sufficient time to allow the victim or the victim's attorney to assert the right or to seek enforcement of a right.
- (B) If the prosecuting attorney elects not to assert a victim's right or to seek enforcement of a right, the victim or the victim's attorney may assert the victim's right or request enforcement of a right by filing a motion or by orally asserting the right or requesting enforcement in open court in the criminal case outside the presence of the jury.

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- (C) If the prosecuting attorney asserts a victim's right or seeks enforcement of a right, unless the prosecuting attorney objects or the trial court does not allow it, the victim or the victim's attorney may be heard regarding the prosecuting attorney's motion or may file a simultaneous motion to assert or request enforcement of the victim's right. If the victim or the victim's attorney was not allowed to be heard at hearing regarding the prosecuting attorney's motion, and the court denies the prosecuting attorney's assertion of the right or denies the request for enforcement of a right, the victim or victim's attorney may file a motion to assert the victim's right or to request enforcement of the right within 10 days of the court's ruling. The motion need demonstrate the grounds for a motion for reconsideration. The court shall rule on the merits of the motion.
- (D) The court shall take up and decide any motion or request asserting or seeking enforcement of a victim's right without delay, unless a specific time period is specified by law or court rule. The reasons for any decision denying the motion or request shall be clearly stated on the record.
- (E) No later than January 1, 2023, the Office of the Attorney General shall:

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- (i) designate an administrative authority within the Office of the Attorney General to receive and investigate complaints relating to the provision or violation of the rights of a crime victim as described in Article I, Section 8.1 of the Illinois Constitution and in this Act;
- (ii) create and administer a course of training for employees and offices of the State of Illinois that fail to comply with provisions of Illinois law pertaining to the treatment of crime victims as described in Article I, Section 8.1 of the Illinois Constitution and in this Act as required by the court under Section 5 of this Act; and
- (iii) have the authority to recommendations to employees and offices of the State of Illinois to respond more effectively to the needs of crime victims, including regarding the violation of the rights of a crime victim.
- (F) Crime victims' rights may also be asserted by filing a complaint for mandamus, injunctive, or declaratory relief in the jurisdiction in which the victim's right is being violated or where the crime is being prosecuted. For complaints or motions filed by or on behalf of the victim, the clerk of court shall waive filing fees that would otherwise be owed by the

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victim for any court filing with the purpose of enforcing crime victims' rights. If the court denies the relief sought by the victim, the reasons for the denial shall be clearly stated on the record in the transcript of the proceedings, in a written opinion, or in the docket entry, and the victim may appeal the circuit court's decision to the appellate court. The court shall issue prompt rulings regarding victims' rights. Proceedings seeking to enforce victims' rights shall not be stayed or subject to unreasonable delay via continuances.

- (5) Violation of rights and remedies.
- (A) If the court determines that a victim's right has been violated, the court shall determine the appropriate remedy for the violation of the victim's right by hearing from the victim and the parties, considering all factors relevant to the issue, and then awarding appropriate relief to the victim.
- (A-5) Consideration of an issue of a substantive nature or an issue that implicates the constitutional or statutory right of a victim at a court proceeding labeled as a status hearing shall constitute a per se violation of a victim's right.
- (B) The appropriate remedy shall include only actions necessary to provide the victim the right to which the victim was entitled. Remedies may include,

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but are not limited to: injunctive relief requiring victim's right to be afforded; declaratory judgment recognizing or clarifying the victim's rights; a writ of mandamus; and may include reopening previously held proceedings; however, in no event shall the court vacate a conviction. Any remedy shall be tailored to provide the victim an appropriate remedy without violating any constitutional right of the defendant. In no event shall the appropriate remedy to the victim be a new trial or damages.

The court shall impose a mandatory training course provided by the Attorney General for the employee under item (ii) of subparagraph (E) of paragraph (4), which must be successfully completed within 6 months of the entry of the court order.

This paragraph (5) takes effect January 2, 2023.

- (6) Right to be heard. Whenever a victim has the right to be heard, the court shall allow the victim to exercise the right in any reasonable manner the victim chooses.
- (7) Right to attend trial. A party must file a written motion to exclude a victim from trial at least 60 days prior to the date set for trial. The motion must state with specificity the reason exclusion is necessary to protect a constitutional right of the party, and must contain an offer of proof. The court shall rule on the motion within 30 days. If the motion is granted, the court shall set

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forth on the record the facts that support its finding that the victim's testimony will be materially affected if the victim hears other testimony at trial.

- (8) Right to have advocate and support person present at court proceedings.
 - (A) A party who intends to call an advocate as a witness at trial must seek permission of the court before the subpoena is issued. The party must file a written motion at least 90 days before trial that sets forth specifically the issues on which the advocate's testimony is sought and an offer of proof regarding (i) the content of the anticipated testimony of the advocate; and (ii) the relevance, admissibility, and materiality of the anticipated testimony. The court shall consider the motion and make findings within 30 days of the filing of the motion. If the court finds by (i) a preponderance of the evidence that: anticipated testimony is not protected by an absolute privilege; and (ii) the anticipated testimony contains relevant, admissible, and material evidence that is not available through other witnesses or evidence, the court shall issue a subpoena requiring the advocate to appear to testify at an in camera hearing. prosecuting attorney and the victim shall have 15 days to seek appellate review before the advocate is required to testify at an ex parte in

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proceeding.

The prosecuting attorney, the victim, and the advocate's attorney shall be allowed to be present at the ex parte in camera proceeding. If, conducting the ex parte in camera hearing, the court determines that due process requires any testimony regarding confidential or privileged information or communications, the court shall provide prosecuting attorney, the victim, and the advocate's attorney a written memorandum on the substance of the advocate's testimony. The prosecuting attorney, the victim, and the advocate's attorney shall have 15 days to seek appellate review before a subpoena may be issued for the advocate to testify at trial. The presence of the prosecuting attorney at the ex parte in camera proceeding does not make the substance of the advocate's testimony that the court has ruled inadmissible subject to discovery.

(B) If a victim has asserted the right to have a support person present at the court proceedings, the victim shall provide the name of the person the victim has chosen to be the victim's support person to the prosecuting attorney, within 60 days of trial. prosecuting attorney shall provide the name to the defendant. If the defendant intends to call support person as a witness at trial, the defendant

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must seek permission of the court before a subpoena is issued. The defendant must file a written motion at least 45 days prior to trial that sets forth specifically the issues on which the support person will testify and an offer of proof regarding: (i) the content of the anticipated testimony of the support person; and (ii) the relevance, admissibility, and materiality of the anticipated testimony.

If the prosecuting attorney intends to call the support person as a witness during the State's case-in-chief, the prosecuting attorney shall inform the court of this intent in the response to the defendant's written motion. The victim may choose a different person to be the victim's support person. The court may allow the defendant to inquire about matters outside the scope of the direct examination during cross-examination. If the court allows the defendant to do so, the support person shall be allowed to remain in the courtroom after the support person has testified. A defendant who fails to question the support person about matters outside the scope of direct examination during the State's case-in-chief waives the right to challenge the presence of the support person on appeal. The court shall allow the support person to testify if called as a witness in the defendant's case-in-chief or the

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State's rebuttal.

If the court does not allow the defendant to inquire about matters outside the scope of the direct examination, the support person shall be allowed to remain in the courtroom after the support person has been called by the defendant or the defendant has rested. The court shall allow the support person to testify in the State's rebuttal.

If the prosecuting attorney does not intend to call the support person in the State's case-in-chief, the court shall verify with the support person whether the support person, if called as a witness, would testify as set forth in the offer of proof. If the court finds that the support person would testify as set forth in the offer of proof, the court shall rule on the relevance, materiality, and admissibility of the anticipated testimony. If the court rules the anticipated testimony is admissible, the court shall issue the subpoena. The support person may remain in the courtroom after the support person testifies and shall be allowed to testify in rebuttal.

If the court excludes the victim's support person during the State's case-in-chief, the victim shall be allowed to choose another support person to be present in court.

If the victim fails to designate a support person

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- within 60 days of trial and the defendant has subpoenaed the support person to testify at trial, the court may exclude the support person from the trial until the support person testifies. If the court excludes the support person the victim may choose another person as a support person.
- (9) Right to notice and hearing before disclosure of confidential or privileged information or records.
 - (A) A defendant who seeks to subpoena testimony or records of or concerning the victim that are confidential or privileged by law must seek permission of the court before the subpoena is issued. The defendant must file a written motion and an offer of proof regarding the relevance, admissibility and materiality of the testimony or records. If the court finds by a preponderance of the evidence that:
 - (i) the testimony or records are not protected by an absolute privilege and
 - (ii) the testimony or records contain relevant, admissible, and material evidence that is not available through other witnesses or evidence, the court shall issue а subpoena requiring the witness to appear in camera or a sealed copy of the records be delivered to the court to be reviewed in camera. If, after conducting an in camera review of the witness

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statement or records, the court determines that due process requires disclosure of any potential testimony or any portion of the records, the court shall provide copies of the records that it intends to disclose to the prosecuting attorney and the victim. The prosecuting attorney and the victim shall have 30 days to seek appellate review before the records are disclosed to the defendant, used in any court proceeding, or disclosed to anyone or in any way that would subject the testimony or records to public review. The disclosure of copies of any portion of testimony or records to the prosecuting attorney under this Section does not make the records subject to discovery or required to be provided to the defendant.

(B) A prosecuting attorney who seeks to subpoena information or records concerning the victim that are confidential or privileged by law must first request the written consent of the crime victim. If the victim does not provide such written consent, including where necessary the appropriate signed document required for waiving privilege, the prosecuting attorney must serve the subpoena at least 21 days prior to the date a response or appearance is required to allow the subject of the subpoena time to file a motion to quash

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or request a hearing. The prosecuting attorney must also send a written notice to the victim at least 21 days prior to the response date to allow the victim to file a motion or request a hearing. The notice to the victim shall inform the victim (i) that a subpoena has been issued for confidential information or records concerning the victim, (ii) that the victim has the right to request a hearing prior to the response date of the subpoena, and (iii) how to request the hearing. The notice to the victim shall also include a copy of the subpoena. If requested, a hearing regarding the subpoena shall occur before information or records are provided to the prosecuting attorney.

(10) Right to notice of court proceedings. If the victim is not present at a court proceeding in which a right of the victim is at issue, the court shall ask the prosecuting attorney whether the victim was notified of the time, place, and purpose of the court proceeding and that the victim had a right to be heard at the court proceeding. If the court determines that timely notice was not given or that the victim was not adequately informed of the nature of the court proceeding, the court shall not rule on any substantive issues, accept a plea, or impose a sentence and shall continue the hearing for the time necessary to notify the victim of the time, place and nature of the court proceeding. The time between court

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proceedings shall not be attributable to the State under Section 103-5 of the Code of Criminal Procedure of 1963.

(11) Right to timely disposition of the case. A victim has the right to timely disposition of the case so as to minimize the stress, cost, and inconvenience resulting from the victim's involvement in the case. Before ruling on a motion to continue trial or other court proceeding, the court shall inquire into the circumstances for the request for the delay and, if the victim has provided written notice of the assertion of the right to a timely disposition, and whether the victim objects to the delay. If the victim objects, the prosecutor shall inform the court of the victim's objections. If the prosecutor has not conferred with the victim about the continuance, the prosecutor shall inform the court of the attempts to confer. If the court finds the attempts of the prosecutor to confer with the victim were inadequate to protect the victim's right to be heard, the court shall give the prosecutor at least 3 but not more than 5 business days to confer with the victim. In ruling on a motion to continue, the court shall consider the reasons for the requested continuance, the number and length of continuances that have been granted, the victim's objections and procedures to avoid further delays. If a continuance is granted over the victim's objection, the court shall specify on the record the reasons for the continuance and the procedures

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that have been or will be taken to avoid further delays. 1

(12) Right to Restitution.

- (A) If the victim has asserted the right to restitution and the amount of restitution is known at the time of sentencing, the court shall enter the judgment of restitution at the time of sentencing.
- If the victim has asserted the right to restitution and the amount of restitution is not known at the time of sentencing, the prosecutor shall, within 5 days after sentencing, notify the victim what information and documentation related to restitution is needed and that the information and documentation must be provided to the prosecutor within 45 days after sentencing. Failure to timely provide information and documentation related to restitution shall be deemed a waiver of the right to restitution. The prosecutor shall file and serve within 60 days after sentencing a proposed judgment for restitution and a notice that includes information concerning the identity of any victims or other persons seeking restitution, whether any victim or other person expressly declines restitution, the nature and amount of any damages together with any supporting documentation, a restitution amount recommendation, and the names of any co-defendants and their case numbers. Within 30 days after receipt of the proposed

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judgment for restitution, the defendant shall file any
objection to the proposed judgment, a statement of
grounds for the objection, and a financial statement.
If the defendant does not file an objection, the court
may enter the judgment for restitution without further
proceedings. If the defendant files an objection and
either party requests a hearing, the court shall
schedule a hearing.

- (13) Access to presentence reports.
- (A) The victim may request a copy of the presentence report prepared under the Unified Code of Corrections from the State's Attorney. The State's Attorney shall redact the following information before providing a copy of the report:
 - (i) the defendant's mental history and condition:
 - (ii) any evaluation prepared under subsection (b) or (b-5) of Section 5-3-2; and
 - (iii) the name, address, phone number, and other personal information about any other victim.
- (B) The State's Attorney or the defendant may request the court redact other information in the report that may endanger the safety of any person.
- (C) The State's Attorney may orally disclose to the victim any of the information that has been redacted if there is a reasonable likelihood that the

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information will be stated in court at the sentencing.

- (D) The State's Attorney must advise the victim that the victim must maintain the confidentiality of the report and other information. Any dissemination of the report or information that was not stated at a proceeding constitutes indirect criminal contempt of court.
- (14) Appellate relief. If the trial court denies the relief requested, the victim, the victim's attorney, or the prosecuting attorney may file an appeal within 30 days of the trial court's ruling. The trial or appellate court may stay the court proceedings if the court finds that a stay would not violate a constitutional right of the defendant. If the appellate court denies the relief sought, the reasons for the denial shall be clearly stated in a written opinion. In any appeal in a criminal case, the State may assert as error the court's denial of any crime victim's right in the proceeding to which the appeal relates.
- (15) Limitation on appellate relief. In no case shall an appellate court provide a new trial to remedy the violation of a victim's right.
- (16) The right to be reasonably protected from the accused throughout the criminal justice process and the right to have the safety of the victim and the victim's family considered in determining whether to release the

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defendant, and setting conditions of release after arrest and conviction. A victim of domestic violence, a sexual offense, or stalking may request the entry of a protective order under Article 112A of the Code of Criminal Procedure of 1963.

(d) Procedures after the imposition of sentence.

(1) The Prisoner Review Board shall inform a victim or any other concerned citizen, upon written request, of the prisoner's release on parole, mandatory supervised release, electronic detention, work release, international transfer or exchange, or by the custodian, other than the Department of Juvenile Justice, of the discharge of any individual who was adjudicated a delinquent for a crime from State custody and by the sheriff of the appropriate county of any such person's final discharge from county custody. The Prisoner Review Board, upon written request, shall provide to a victim or any other concerned citizen a recent photograph of any person convicted of a felony, upon his or her release from custody. The Prisoner Review Board, upon written request, shall inform a victim or any other concerned citizen when feasible at least 7 days prior to the prisoner's release on furlough of the times and dates of such furlough. Upon written request by the victim or any other concerned citizen, the State's Attorney shall notify the person once of the times and dates of release of a prisoner sentenced to periodic

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imprisonment. Notification shall be based on the most recent information as to the victim's or other concerned citizen's residence or other location available to the notifying authority.

(1.5) Within 24 hours, the Prisoner Review Board shall inform a victim of the early release of the prisoner from State custody or of the prisoner's pardon, commutation, furlough, or granting of sentence credit if the victim has previously requested notification of that information. The notification shall be sent to the most recent information as to the victim's residence or other location address available to the Board. When no such information is available, the Board shall make all reasonable efforts to obtain the information and make the notification. This notification requirement is in addition to notification requirements pursuant to any other statewide victim notification systems. The Board must document notification efforts if that victim alleges lack of notification under this paragraph (1.5).

(2) When the defendant has been committed to the Department of Human Services pursuant to Section 5-2-4 or any other provision of the Unified Code of Corrections, the victim may request to be notified by the releasing authority of the approval by the court of an on-grounds pass, a supervised off-grounds pass, an unsupervised off-grounds pass, or conditional release; the release on

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an off-grounds pass; the return from an off-grounds pass; transfer to another facility; conditional release; escape; death; or final discharge from State custody. Department of Human Services shall establish and maintain a statewide telephone number to be used by victims to make notification requests under these provisions and shall publicize this telephone number on its website and to the State's Attorney of each county.

- (3) In the event of an escape from State custody, the Department of Corrections or the Department of Juvenile Justice immediately shall notify the Prisoner Review Board of the escape and the Prisoner Review Board shall notify the victim. The notification shall be based upon the most recent information as to the victim's residence or other location available to the Board. When no such information is available, the Board shall make all reasonable efforts to obtain the information and make the notification. When the escapee is apprehended, the Department of Corrections or the Department of Juvenile Justice immediately shall notify the Prisoner Review Board and the Board shall notify the victim.
- (4) The victim of the crime for which the prisoner has been sentenced has the right to register with the Prisoner Review Board's victim registry. Victims registered with the Board shall receive reasonable written notice not less than 30 days prior to the parole hearing or target

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aftercare release date. The victim has the right to submit a victim statement for consideration by the Prisoner Review Board or the Department of Juvenile Justice in writing, on film, videotape, or other electronic means, or in the form of a recording prior to the parole hearing or target aftercare release date, or in person at the parole hearing or aftercare release protest hearing, or by calling the toll-free number established in subsection (f) of this Section. The victim shall be notified within 7 days after the prisoner has been granted parole or aftercare release and shall be informed of the right to inspect the registry of parole decisions, established under subsection (g) of Section 3-3-5 of the Unified Code of Corrections. The provisions of this paragraph (4) are subject to the Open Parole Hearings Act. Victim statements provided to the Board shall be confidential privileged, including any statements received prior to January 1, 2020 (the effective date of Public Act 101-288), except if the statement was an oral statement made by the victim at a hearing open to the public.

(4-1) The crime victim has the right to submit a victim statement for consideration by the Prisoner Review Board or the Department of Juvenile Justice prior to or at a hearing to determine the conditions of mandatorv supervised release of a person sentenced to a determinate sentence or at a hearing on revocation of mandatory

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supervised release of a person sentenced to a determinate sentence. A victim statement may be submitted in writing, on film, videotape, or other electronic means, or in the form of a recording, or orally at a hearing, or by calling the toll-free number established in subsection (f) of this Section. Victim statements provided to the Board shall be confidential and privileged, including any statements received prior to January 1, 2020 (the effective date of Public Act 101-288), except if the statement was an oral statement made by the victim at a hearing open to the public.

(4-2) The crime victim has the right to submit a victim statement to the Prisoner Review Board for consideration at an executive clemency hearing as provided in Section 3-3-13 of the Unified Code of Corrections. A victim statement may be submitted in writing, on film, videotape, or other electronic means, or in the form of a recording prior to a hearing, or orally at a hearing, or by calling the toll-free number established in subsection (f) of this Section. Victim statements provided to the Board shall be confidential and privileged, including any statements received prior to January 1, effective date of Public Act 101-288), except if the statement was an oral statement made by the victim at a hearing open to the public.

(5) If a statement is presented under Section 6, the

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Prisoner Review Board or Department of Juvenile Justice shall inform the victim of any order of discharge pursuant to Section 3-2.5-85 or 3-3-8 of the Unified Code of Corrections.

- (6) At the written or oral request of the victim of the crime for which the prisoner was sentenced or the State's Attorney of the county where the person seeking parole or aftercare release was prosecuted, the Prisoner Review Board or Department of Juvenile Justice shall notify the victim and the State's Attorney of the county where the person seeking parole or aftercare release was prosecuted of the death of the prisoner if the prisoner died while on parole or aftercare release or mandatory supervised release.
- (7) When a defendant who has been committed to the Department of Corrections, the Department of Juvenile Justice, or the Department of Human Services is released or discharged and subsequently committed to the Department of Human Services as a sexually violent person and the victim had requested to be notified by the releasing authority of the defendant's discharge, conditional release, death, or escape from State custody, the releasing authority shall provide to the Department of Human Services such information that would allow the Department of Human Services to contact the victim.
 - (8) When a defendant has been convicted of a sex

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offense as defined in Section 2 of the Sex Offender Registration Act and has been sentenced to the Department of Corrections or the Department of Juvenile Justice, the Prisoner Review Board or the Department of Juvenile Justice shall notify the victim of the sex offense of the prisoner's eligibility for release on parole, aftercare mandatory supervised release, release, electronic detention, work release, international transfer exchange, or by the custodian of the discharge of any individual who was adjudicated a delinquent for a sex offense from State custody and by the sheriff of the appropriate county of any such person's final discharge from county custody. The notification shall be made to the victim at least 30 days, whenever possible, before release of the sex offender.

- (e) The officials named in this Section may satisfy some or all of their obligations to provide notices and other information through participation in a statewide victim and witness notification system established by the Attorney General under Section 8.5 of this Act.
- (f) The Prisoner Review Board shall establish a toll-free 2.1 22 number that may be accessed by the crime victim to present a 23 victim statement to the Board in accordance with paragraphs 24 (4), (4-1), and (4-2) of subsection (d).
- 25 (Source: P.A. 101-81, eff. 7-12-19; 101-288, eff. 1-1-20;
- 101-652, eff. 1-1-23; 102-22, eff. 6-25-21; 102-558, eff. 26

- 8-20-21; 102-813, eff. 5-13-22.) 1
- Section 10. The Unified Code of Corrections is amended by 2
- 3 changing Sections 3-3-1, 3-3-8, and 3-3-9 and by adding
- Sections 3-3-1.1, 3-3-16, and 3-14-1.1 as follows: 4
- (730 ILCS 5/3-3-1) (from Ch. 38, par. 1003-3-1) 5
- 6 Sec. 3-3-1. Establishment and appointment of Prisoner
- 7 Review Board.
- 8 (a) There shall be a Prisoner Review Board independent of
- the Department which shall be: 9
- (1) the paroling authority for persons sentenced under 10
- 11 the law in effect prior to the effective date of this
- 12 amendatory Act of 1977;
- 13 (1.2) the paroling authority for persons eligible for
- parole review under Section 5-4.5-115; 14
- 15 (1.5) (blank);
- (2) the board of review for cases involving the 16
- 17 revocation of sentence credits or a suspension or
- 18 reduction in the rate of accumulating the credit;
- (3) the board of review and recommendation for the 19
- 20 exercise of executive clemency by the Governor;
- 21 (4) the authority for establishing release dates for
- 22 certain prisoners sentenced under the law in existence
- 23 prior to the effective date of this amendatory Act of
- 24 1977, in accordance with Section 3-3-2.1 of this Code;

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- (5) the authority for setting conditions for parole and mandatory supervised release under Section 5-8-1(a) of this Code, and determining whether a violation of those conditions warrant revocation of parole or mandatory supervised release or the imposition of other sanctions;
- (6) the authority for determining whether a violation of aftercare release conditions warrant revocation of aftercare release; and
- (7) the authority to release medically infirm or disabled prisoners under Section 3-3-14.
- (b) The Board shall consist of 15 persons appointed by the Governor by and with the advice and consent of the Senate. One member of the Board shall be designated by the Governor to be Chairman and shall serve as Chairman at the pleasure of the Governor. The members of the Board shall have had at least 5 years of actual experience in the fields of penology, corrections work, law enforcement, sociology, law, education, social work, medicine, psychology, other behavioral sciences, or a combination thereof. At least 6 members so appointed must have at least 3 years experience in the field of juvenile matters. No more than 8 Board members may be members of the same political party.

Each member of the Board shall serve on a full-time basis and shall not hold any other salaried public office, whether elective or appointive, nor any other office or position of profit, nor engage in any other business, employment, or

Τ.	vocacion. The chairman of the board shall receive \$55,000 a
2	year, or an amount set by the Compensation Review Board,
3	whichever is greater, and each other member \$30,000, or an
4	amount set by the Compensation Review Board, whichever is
5	greater.
6	(b-5) Prior to participating in his or her first vote as a
7	member of the Board, a member of the Board shall complete a
8	training developed and administered by the entity
9	administering the Illinois Domestic Violence Hotline, in
10	consultation with the Department of Corrections. This training
11	shall be tailored specifically to the members of the Board and
12	shall cover topics including, but not limited to:
13	(1) the nature, extent, and causes of domestic
14	violence and gender-based violence;
15	(2) the lethality of domestic violence and
16	<pre>gender-based violence;</pre>
17	(3) implicit and explicit biases toward parties
18	involved in domestic violence and gender-based violence;
19	(4) criminalization of survivors of domestic violence
20	and gender-based violence;
21	(5) behavioral patterns and relationship dynamics
22	within the cycle of violence;
23	(6) safety planning and procedures designed to promote
24	the safety of victims of domestic violence and
25	gender-based violence and their household members;
26	(7) resources available to victims of domestic

1	violence and gender-based violence and their household
2	members;
3	(8) the Illinois Domestic Violence Act of 1986, the
4	Stalking No Contact Order Act, the Civil No Contact Order
5	Act, and the legal process regarding protective orders;
6	(9) the prison system, including a tour of a
7	correctional institution or facility and a meeting with
8	the facility administration;
9	(10) the nature of rehabilitative corrections; and
10	(11) rehabilitative programming provided by the
11	Department of Corrections and available to incarcerated
12	individuals.
13	The training shall be completed annually. Documentation
14	showing completion of the annual training shall be submitted
15	to and recorded by the Department of Corrections and shall be
16	<pre>made available to the public upon request.</pre>
17	(c) Notwithstanding any other provision of this Section,
18	the term of each member of the Board who was appointed by the
19	Governor and is in office on June 30, 2003 shall terminate at
20	the close of business on that date or when all of the successor
21	members to be appointed pursuant to this amendatory Act of the
22	93rd General Assembly have been appointed by the Governor,
23	whichever occurs later. As soon as possible, the Governor
24	shall appoint persons to fill the vacancies created by this
25	amendatory Act.
26	Of the initial members appointed under this amendatory Act

- 1 of the 93rd General Assembly, the Governor shall appoint 5 members whose terms shall expire on the third Monday in 2 January 2005, 5 members whose terms shall expire on the third 3 4 Monday in January 2007, and 5 members whose terms shall expire 5 on the third Monday in January 2009. Their respective successors shall be appointed for terms of 6 years from the 6 third Monday in January of the year of appointment. Each 7 8 member shall serve until his or her successor is appointed and 9 qualified.
- 10 may be removed by the Governor Any member 11 incompetence, neglect of duty, malfeasance or inability to serve. 12
- 13 (d) The Chairman of the Board shall be its chief executive 14 and administrative officer. The Board may have an Executive 15 Director; if so, the Executive Director shall be appointed by 16 the Governor with the advice and consent of the Senate. The salary and duties of the Executive Director shall be fixed by 17 18 the Board.
- (Source: P.A. 101-288, eff. 1-1-20; 102-494, eff. 1-1-22.) 19
- 2.0 (730 ILCS 5/3-3-1.1 new)
- 21 Sec. 3-3-1.1. Mission of the Prisoner Review Board. The 22 mission of the Prisoner Review Board is to promote public 23 safety and strive for justice and fairness in the exercise of 24 its authority. As set forth in this Article, the Board has the authority to impose release conditions for incarcerated 25

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- 1 individuals who are exiting penal facilities and conduct hearings to determine whether parolees or releasees have 2 violated conditions of parole or mandatory supervised release. 3 4 The Board also has the authority to make recommendations to 5 the Governor relative to clemency petitions for those convicted of violating Illinois laws. In exercising this 6 authority, the Board seeks to render just, fair, objective, 7 impartial, and informed decisions and recommendations. In 8 9 reaching those decisions and recommendations, the Prisoner 10 Review Board strives to consider public safety, the rights of 11 victims of crimes, and the goal of successful rehabilitation and reintegration for all individuals who have been convicted 12 13 of crimes.
- 14 (730 ILCS 5/3-3-8) (from Ch. 38, par. 1003-3-8)
- 15 Sec. 3-3-8. Length of parole and mandatory supervised 16 release; discharge.
 - (a) The length of parole for a person sentenced under the law in effect prior to the effective date of this amendatory Act of 1977 and the length of mandatory supervised release for those sentenced under the law in effect on and after such effective date shall be as set out in Section 5-8-1 unless sooner terminated under paragraph (b) of this Section.
- 23 (b) The Prisoner Review Board may enter an order releasing 24 and discharging one from parole or mandatory supervised 25 release, and his or her commitment to the Department, when it

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1 determines that he or she is likely to remain at liberty without committing another offense. Prior to entering such an 2 3 order, the Prisoner Review Board shall provide notice and a 4 30-day opportunity to comment to any registered victim.

(b-1) Provided that the subject is in compliance with the terms and conditions of his or her parole or mandatory supervised release, the Prisoner Review Board shall reduce the period of a parolee or releasee's parole or mandatory supervised release by 90 days upon the parolee or releasee receiving a high school diploma, associate's degree, bachelor's degree, career certificate, or vocational technical certification or upon passage of high school equivalency testing during the period of his or her parole or mandatory supervised release. A parolee or releasee shall provide documentation from the educational institution or the source of the qualifying educational or vocational credential to their supervising officer for verification. Each reduction in the period of a subject's term of parole or mandatory supervised release shall be available only to subjects who have not previously earned the relevant credential for which they are receiving the reduction. As used in this Section, "career certificate" means a certificate awarded by an institution for satisfactory completion of a prescribed curriculum that is intended to prepare an individual for employment in a specific field.

(b-2) The Prisoner Review Board may release a low-risk and

- need subject person from mandatory supervised release as 1
- determined by an appropriate evidence-based risk and need 2
- 3 assessment.
- 4 (c) The order of discharge shall become effective upon
- 5 entry of the order of the Board. The Board shall notify the
- clerk of the committing court of the order. Upon receipt of 6
- such copy, the clerk shall make an entry on the record judgment 7
- 8 that the sentence or commitment has been satisfied pursuant to
- 9 the order.
- 10 (d) Rights of the person discharged under this Section
- 11 shall be restored under Section 5-5-5.
- (e) Upon a denial of early discharge under this Section, 12
- the Prisoner Review Board shall provide the person on parole 13
- 14 mandatory supervised release a list of steps
- 15 requirements that the person must complete or meet to be
- 16 granted an early discharge at a subsequent review and share
- the process for seeking a subsequent early discharge review 17
- 18 under this subsection. Upon the completion of such steps or
- requirements, the person on parole or mandatory supervised 19
- 20 release may petition the Prisoner Review Board to grant them
- an early discharge review. Within no more than 30 days of a 2.1
- 22 petition under this subsection, the Prisoner Review Board
- 23 shall review the petition and make a determination.
- (Source: P.A. 103-271, eff. 1-1-24.) 24
- 25 (730 ILCS 5/3-3-9) (from Ch. 38, par. 1003-3-9)

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1	Sec.	3-3-9.	Violati	ions;	changes	of	condi	tions;	prel	iminar	`У
2	hearing;	revoca	tion of	parole	e or ma	ndat	ory s	upervis	sed r	release	;
3	revocatio	on hear:	ing.								

- (a) If prior to expiration or termination of the term of parole or mandatory supervised release, a person violates a condition set by the Prisoner Review Board or a condition of parole or mandatory supervised release under Section 3-3-7 of this Code to govern that term, the Board may:
 - (1) continue the existing term, with or without modifying or enlarging the conditions; or
 - (1.5) for those released as a result of youthful offender parole as set forth in Section 5-4.5-115 of this Code, order that the inmate be subsequently rereleased to serve a specified mandatory supervised release term not to exceed the full term permitted under the provisions of Section 5-4.5-115 and subsection (d) of Section 5-8-1 of this Code and may modify or enlarge the conditions of the release as the Board deems proper; or
 - (2) parole or release the person to a half-way house; or
 - (3) revoke the parole or mandatory supervised release and reconfine the person for a term computed in the following manner:
 - (i) (A) For those sentenced under the law in effect prior to this amendatory Act of 1977, the recommitment shall be for any portion of the imposed

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maximum term of imprisonment or confinement which had not been served at the time of parole and the parole term, less the time elapsed between the parole of the person and the commission of the violation for which parole was revoked;

- (B) Except as set forth in paragraphs (C) and (D), for those subject to mandatory supervised release under paragraph (d) of Section 5-8-1 of this Code, the recommitment shall be for the total mandatory supervised release term, less the time elapsed between the release of the person and the commission of the violation for which mandatory supervised release is revoked. The Board may also order that a prisoner serve up to one year of the sentence imposed by the court which was not served due to the accumulation of sentence credit;
- (C) For those subject to sex offender supervision under clause (d)(4) of Section 5-8-1 of this Code, the reconfinement period for violations of clauses (a) (3) through (b-1)(15) of Section 3-3-7 shall not exceed 2 years from the date of reconfinement;
- (D) For those released as a result of youthful offender parole as set forth in Section 5-4.5-115 of this Code, the reconfinement period shall be for the total mandatory supervised release term, less the time elapsed between the release of the person and the

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commission of the violation for which mandatory supervised release is revoked. The Board may also order that a prisoner serve up to one year of the mandatory supervised release term previously earned. Board may also order that the inmate subsequently rereleased to serve a specified mandatory supervised release term not to exceed the full term permitted under the provisions of Section 5-4.5-115 and subsection (d) of Section 5-8-1 of this Code and may modify or enlarge the conditions of the release as the Board deems proper;

(ii) the person shall be given credit against the term of reimprisonment or reconfinement for time spent in custody since he or she was paroled or released which has not been credited against another sentence or period of confinement;

(iii) (blank);

- (iv) this Section is subject to the release under supervision and the reparole and rerelease provisions of Section 3-3-10.
- (b) The Board may revoke parole or mandatory supervised release for violation of a condition for the duration of the term and for any further period which is reasonably necessary for the adjudication of matters arising before its expiration. The issuance of a warrant of arrest for an alleged violation of the conditions of parole or mandatory supervised release shall

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toll the running of the term until the final determination of the charge. When parole or mandatory supervised release is not revoked that period shall be credited to the term, unless a community-based sanction is imposed as an alternative to and reincarceration, including a revocation diversion established by the Illinois Department of Corrections Parole Services Unit prior to the holding of a preliminary parole revocation hearing. Parolees who are diverted community-based sanction shall serve the entire term of parole or mandatory supervised release, if otherwise appropriate.

- (b-5) The Board shall revoke parole or mandatory supervised release for violation of the conditions prescribed in paragraph (7.6) of subsection (a) of Section 3-3-7.
- (c) A person charged with violating a condition of parole or mandatory supervised release shall have a preliminary hearing before a hearing officer designated by the Board to determine if there is cause to hold the person for a revocation hearing. However, no preliminary hearing need be held when revocation is based upon new criminal charges and a court finds probable cause on the new criminal charges or when the revocation is based upon a new criminal conviction and a certified copy of that conviction is available. The Board shall provide a victim with notice of a preliminary hearing at least 72 hours prior to such hearing if the victim has previously requested notification of that information.
 - (d) Parole or mandatory supervised release shall not be

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revoked without written notice to the offender setting forth the violation of parole or mandatory supervised release charged against him or her. Before the Board makes a decision on whether to revoke an offender's parole or mandatory supervised release, the Prisoner Review Board must run a LEADS report. The Board shall publish on the Board's publicly accessible website the name and identification number of offenders alleged to have violated terms of parole or mandatory supervised release, the Board's decision whether to revoke parole or mandatory supervised release, and the names of the voting Board members. This information shall only be accessible while the offender is in State custody.

- (e) A hearing on revocation shall be conducted before at least one member of the Prisoner Review Board. The Board may meet and order its actions in panels of 3 or more members. The action of a majority of the panel shall be the action of the Board. A record of the hearing shall be made. At the hearing the offender shall be permitted to:
 - (1) appear and answer the charge; and
- 20 (2) bring witnesses on his or her behalf.

2.1 The Board shall provide a victim with notice of a hearing 22 on revocation at least 72 hours prior to the hearing if the victim had previously requested notification of that 23 24 information.

(f) The Board shall either revoke parole or mandatory supervised release or order the person's term continued with

- Board shall immediately notify the victim of its decision if 2
- 3 the victim has previously requested that information.
- 4 (g) Parole or mandatory supervised release shall not be
- 5 revoked for failure to make payments under the conditions of
- parole or release unless the Board determines that such 6
- 7 failure is due to the offender's willful refusal to pay.
- (Source: P.A. 100-1182, eff. 6-1-19; 101-288, eff. 1-1-20.) 8
- 9 (730 ILCS 5/3-3-16 new)
- 10 Sec. 3-3-16. Prisoner Review Board Task Force.
- (a) Creation. The Prisoner Review Board Task Force is 11
- created under the Illinois Sentencing Policy Advisory Council 12
- 13 and hereinafter shall be referred to as the Task Force.
- 14 (b) Purposes and goals. The purpose of the Task Force is to
- study the following subject areas: 15
- (1) the notification process for when a committed 16
- 17 person is released or pending release;
- 18 (2) the process for a victim or other individual to
- 19 request notice of a committed person's status at all
- 20 points of incarceration;
- 21 (3) the possibility for victim involvement in parole
- or mandatory supervised release revocation hearings, 22
- 23 including a notice to potential victims and the
- 24 opportunity for written comment;
- 25 (4) methods for committed persons who are survivors of

1	gender-based violence to have their experiences fully
2	considered during Prisoner Review Board hearings;
3	(5) safety planning for survivors of gender-based
4	violence who may be impacted by an offender's release;
5	(6) safety planning for survivors of gender-based
6	violence who are being released from State custody;
7	(7) the creation and administration of a special fund
8	to support safety planning;
9	(8) specific areas of training for Board members,
10	including, but not limited to, juvenile justice, implicit
11	bias, and rehabilitation practices;
12	(9) qualifications for Board members, including, but
13	not limited to, professional experience, experience with
14	incarceration, experience as a victim advocate, or
15	experience as a social worker;
16	(10) judicial education regarding orders of protection
17	when a respondent is incarcerated;
18	(11) judicial education regarding orders of protection
19	when a petitioner is incarcerated;
20	(12) examining the current electronic monitoring
21	process for those on mandatory supervised release;
22	(13) expediting action by the Board on requests for
23	early discharge from mandatory supervised release;
24	(14) reviewing the contents of this amendatory Act of
25	the 103rd and other relevant materials and, by no later
26	than June 1, 2025, presenting recommendations on actions

1	that should be taken to improve the medical release
2	program; and
3	(15) any other subject areas related to the
4	responsibilities and duties of the Prisoner Review Board.
5	(c) Task Force composition. The Task Force shall consist
6	of the following members:
7	(1) the Director of Corrections, or his or her
8	<pre>designee;</pre>
9	(2) the Department of Corrections chief in charge of
10	earned discretionary sentence credit decisions, or his or
11	her designee;
12	(3) a Department of Corrections Parole representative;
13	(4) the Chair of the Prisoner Review Board, or his or
14	her designee;
15	(5) the Executive Director of the Prisoner Review
16	Board, or his or her designee;
17	(6) a member of the Illinois Department of Corrections
18	Reentry Team;
19	(7) a member from the Administrative Office of the
20	<pre>Illinois Courts;</pre>
21	(8) the Presiding Judge of Domestic Violence Division
22	of the Cook County Circuit Court, or his or her designee;
23	(9) a representative of a statewide sexual assault
24	<pre>coalition;</pre>
25	(10) a representative of a statewide domestic violence
26	coalition;

1	(11) a representative of the agency administering the
2	State-designated domestic violence hotline;
3	(12) a representative of an organization that focuses
4	on women impacted by incarceration;
5	(13) a representative of an organization that provides
6	legal services for individuals seeking orders of
7	protection located within the courthouse hearing domestic
8	violence cases;
9	(14) two representatives from gender-based violence
10	organizations based outside of Cook County;
11	(15) a formerly incarcerated individual who was a
12	victim of gender-based violence;
13	(16) a member of the House of Representatives,
14	appointed by the Speaker of the House;
15	(17) a member of the House of Representatives,
16	appointed by the Minority Leader of the House;
17	(18) a member of the Senate, appointed by the
18	President of the Senate;
19	(19) a member of the Senate, appointed by the Minority
20	Leader of the Senate;
21	(20) a representative from the Illinois Criminal
22	Justice Information Authority;
23	(21) the Cook County State's Attorney, or his or her
24	designee;
25	(22) a representative from the Illinois State's
26	Attorneys' Association;

1	(23) a representative from the Office of the Cook
2	County Public Defender;
3	(24) a representative from the Illinois Public
4	Defender Association;
5	(25) a member from a legal aid organization which
6	currently or formerly represented individuals in parole
7	revocation hearings;
8	(26) a member from an organization that examines
9	mandatory supervised release conditions; and
10	(27) a representative from an organization providing
11	services for survivors of human trafficking.
12	The members of the Task Force, other than the ex officio
13	members and members of the General Assembly, and the Chair of
14	the Task Force shall be appointed by the Executive Director of
15	the Illinois Sentencing Policy Advisory Council.
16	(d) Duties. The Task Force shall conduct studies of the
17	topics included in paragraph (b) and make a report
18	recommending legislative actions to address any issues found.
19	(e) Report. The Task Force shall provide an interim report
20	describing its work-to-date to the General Assembly and
21	Governor by no later than July 1, 2025. The Task Force shall
22	provide a full report, outlining issues and recommendations,
23	to the General Assembly and Governor by no later than July 1,
24	2026. Upon issuance of the final report, the Task Force shall
25	thereafter be dissolved.

1 (730 ILCS 5/3-14-1.1 new)

Sec. 3-14-1.1. Notification of release. Prior to the 2 release of a person from its custody onto parole, mandatory 3 4 supervised release, or final discharge, the Department shall 5 run a LEADS report on the person to be released. The Department 6 shall provide notice of the person's release to any person who has been granted a protective order under Article 112A of the 7 Code of Criminal Procedure of 1963, the Illinois Domestic 8 9 Violence Act of 1986, the Stalking No Contact Order Act, or the 10 Civil No Contact Order Act against the person to be released 11 that (1) is in effect at the time of the person's release and (2) appears on LEADS. The Department shall provide the Office 12 13 of the Attorney General with the name of the person to be 14 released. Upon receipt of the name of the person to be 15 released, the Office of the Attorney General shall provide notice of the person's release to all persons who are 16 registered with the VINE notification system regarding the 17 18 person to be released from Department custody.

- 19 Section 15. The Open Parole Hearings Act is amended by changing Section 15 and by adding Section 15.1 as follows: 20
- 21 (730 ILCS 105/15) (from Ch. 38, par. 1665)
- 22 Sec. 15. Open hearings.
- 23 (a) The Board may restrict the number of individuals 24 allowed to attend parole, or parole or aftercare release

- 1 revocation hearings in accordance with physical limitations,
- 2 security requirements of the hearing facilities or those
- 3 giving repetitive or cumulative testimony. The Board may also
- 4 restrict attendance at an aftercare release or aftercare
- 5 release revocation hearing in order to protect the
- 6 confidentiality of the youth.
- 7 (b) The Board may deny admission or continued attendance
- 8 at parole hearings, or parole or aftercare release revocation
- 9 hearings to individuals who:
- 10 (1) threaten or present danger to the security of the
- institution in which the hearing is being held;
- 12 (2) threaten or present a danger to other attendees or
- 13 participants; or
- 14 (3) disrupt the hearing.
- 15 (c) Upon formal action of a majority of the Board members
- 16 present, the Board may close parole hearings and parole or
- 17 aftercare release revocation hearings in order to:
- 18 (1) deliberate upon the oral testimony and any other
- 19 relevant information received from applicants, parolees,
- 20 releasees, victims, or others; or
- 21 (2) provide applicants, releasees, and parolees the
- opportunity to challenge information other than that which
- if the person's identity were to be exposed would possibly
- subject them to bodily harm or death, which they believe
- detrimental to their parole determination hearing or
- revocation proceedings.

1	(d) The Board shall make all en banc open meetings and all
2	parole, aftercare release, and mandatory supervised release
3	revocation hearings available to the public for live broadcast
4	on the Board's website. The broadcast recording of those
5	meetings and hearings shall remain available for public
6	viewing on the Board's website for a minimum of 18 months. For
7	all other public hearings of the Board, the Board may make
8	meetings available to the public for live broadcast on the
9	Board's website. By July 1, 2025, the Prisoner Review Board
10	Task Force shall report to the Governor and the General
11	Assembly on whether additional open meetings of the Board
12	shall be available to the public for live broadcast along with
13	an implementation plan to accomplish this.
14	(Source: P.A. 98-558, eff. 1-1-14; 99-628, eff. 1-1-17.)
15	(730 ILCS 105/15.1 new)
16	Sec. 15.1. Minutes.
17	(a) The Board shall keep written minutes of all its
18	meetings, whether open or closed, and a verbatim record of all
19	its closed meetings in the form of an audio or video recording.
20	Minutes shall include, but need not be limited to:
21	(1) the date, time, and place of the meeting;
22	(2) the members of the Board recorded as either
23	present or absent and whether the members were physically
24	present or present by means of video or audio conference;

(3) a summary of discussion on all matters proposed,

Board's website.

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deliberated, or decided; and 1

- 2 (4) a record of any votes taken.
- 3 (b) The Board shall approve the minutes of its meetings, 4 whether open or closed, within 5 days after that meeting or at 5 the Board's second subsequent regular meeting, whichever is sooner. Upon approval, the minutes of all open meetings shall 6 be made available for public inspection within 24 hours on the 7
- 9 (b-5) Every 6 months the Board shall meet to review the 10 approved minutes of closed meetings. The Board shall determine 11 in an open session whether (1) the need for confidentiality still exists as to all or part of those minutes or (2) the 12 13 minutes or portions thereof no longer require confidential 14 treatment and are available for public inspection. If the 15 Board determines that all or portions of the minutes of a 16 closed meeting no longer require confidential treatment, the minutes shall be made available for public inspection within 17 24 hours of such determination on the Board's website. 18
- 19 Section 20. The Illinois Domestic Violence Act of 1986 is 20 amended by changing Section 214 as follows:
- 21 (750 ILCS 60/214) (from Ch. 40, par. 2312-14)
- 22 Sec. 214. Order of protection; remedies.
- 23 (a) Issuance of order. If the court finds that petitioner 24 has been abused by a family or household member or that

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petitioner is a high-risk adult who has been abused, neglected, or exploited, as defined in this Act, an order of protection prohibiting the abuse, neglect, or exploitation shall issue; provided that petitioner must also satisfy the requirements of one of the following Sections, as appropriate: Section 217 on emergency orders, Section 218 on interim orders, or Section 219 on plenary orders. Petitioner shall not be denied an order of protection because petitioner or respondent is a minor. The court, when determining whether or not to issue an order of protection, shall not require physical manifestations of abuse on the person of the victim. Modification and extension of prior orders of protection shall be in accordance with this Act.

- (b) Remedies and standards. The remedies to be included in an order of protection shall be determined in accordance with this Section and one of the following Sections, as appropriate: Section 217 on emergency orders, Section 218 on interim orders, and Section 219 on plenary orders. The remedies listed in this subsection shall be in addition to other civil or criminal remedies available to petitioner.
 - (1) Prohibition of abuse, neglect, or exploitation. Prohibit respondent's harassment, interference with personal liberty, intimidation of a dependent, physical abuse, or willful deprivation, neglect or exploitation, as defined in this Act, or stalking of the petitioner, as defined in Section 12-7.3 of the Criminal Code of 2012, if

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such abuse, neglect, exploitation, or stalking occurred or otherwise appears likely to occur if not prohibited.

- Grant of exclusive possession of residence. Prohibit respondent from entering or remaining in any residence, household, or premises of the petitioner, including one owned or leased by respondent, if petitioner has a right to occupancy thereof. The grant of exclusive possession of the residence, household, or premises shall not affect title to real property, nor shall the court be limited by the standard set forth in subsection (c-2) of Section 501 of the Illinois Marriage and Dissolution of Marriage Act.
 - (A) Right to occupancy. A party has a right to occupancy of a residence or household if it is solely or jointly owned or leased by that party, that party's spouse, a person with a legal duty to support that party or a minor child in that party's care, or by any person or entity other than the opposing party that authorizes that party's occupancy (e.g., a domestic violence shelter). Standards set forth in subparagraph (B) shall not preclude equitable relief.
 - (B) Presumption of hardships. If petitioner and respondent each has the right to occupancy of a residence or household, the court shall balance (i) the hardships to respondent and any minor child or

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dependent adult in respondent's care resulting from entry of this remedy with (ii) the hardships to petitioner and any minor child or dependent adult in petitioner's care resulting from continued exposure to the risk of abuse (should petitioner remain at the residence or household) or from loss of possession of the residence or household (should petitioner leave to avoid the risk of abuse). When determining the balance of hardships, the court shall also take into account the accessibility of the residence or household. Hardships need not be balanced if respondent does not have a right to occupancy.

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

(3) Stay away order and additional prohibitions. Order respondent to stay away from petitioner or any other person protected by the order of protection, or prohibit

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respondent from entering or remaining present at petitioner's school, place of employment, or other specified places at times when petitioner is present, or both, if reasonable, given the balance of hardships. Hardships need not be balanced for the court to enter a stay away order or prohibit entry if respondent has no right to enter the premises.

- (A) If an order of protection grants petitioner exclusive possession of the residence, or prohibits respondent from entering the residence, or orders respondent to stay away from petitioner or other protected persons, then the court may allow respondent access to the residence to remove items of clothing and personal adornment used exclusively by respondent, medications, and other items as the court directs. The right to access shall be exercised on only one occasion as the court directs and in the presence of an agreed-upon adult third party or law enforcement officer.
- (B) When the petitioner and the respondent attend the same public, private, or non-public elementary, middle, or high school, the court when issuing an order of protection and providing relief shall consider the severity of the act, any continuing physical danger or emotional distress to the petitioner, the educational rights guaranteed to the

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petitioner and respondent under federal and State law, the availability of a transfer of the respondent to another school, a change of placement or a change of program of the respondent, the expense, difficulty, and educational disruption that would be caused by a transfer of the respondent to another school, and any other relevant facts of the case. The court may order that the respondent not attend the public, private, or non-public elementary, middle, or high school attended by the petitioner, order that the respondent accept a change of placement or change of program, determined by the school district or private or non-public school, or place restrictions on the respondent's movements within the school attended by the petitioner. The respondent bears the burden of proving by a preponderance of the evidence that a transfer, change of placement, or change of program of the respondent is not available. The respondent also bears the burden of production with respect to the expense, difficulty, and educational disruption that would be caused by a transfer of the respondent to another school. A transfer, change of placement, or change of program is not unavailable to the respondent solely on the ground that the respondent does not agree with the school district's or private or non-public school's transfer, change of placement, or

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change of program or solely on the ground that the respondent fails or refuses to consent or otherwise does not take an action required to effectuate a transfer, change of placement, or change of program. When a court orders a respondent to stay away from the public, private, or non-public school attended by the petitioner and the respondent requests a transfer to another attendance center within the respondent's school district or private or non-public school, the school district or private or non-public school shall have sole discretion to determine the attendance center to which the respondent is transferred. In the event the court order results in a transfer of the minor respondent to another attendance center, a change in the respondent's placement, or a change of the respondent's program, the parents, guardian, or legal custodian of the respondent is responsible for transportation and other costs associated with the transfer or change.

(C) The court may order the parents, guardian, or legal custodian of a minor respondent to take certain actions or to refrain from taking certain actions to ensure that the respondent complies with the order. In the court orders a transfer of the event respondent to another school, the parents, quardian, or legal custodian of the respondent is responsible

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for transportation and other costs associated with the change of school by the respondent.

- (4) Counseling. Require or recommend the respondent to undergo counseling for a specified duration with a social worker, psychologist, clinical psychologist, psychiatrist, family service agency, alcohol or substance abuse program, mental health center guidance counselor, agency providing services to elders, program designed for domestic violence abusers or any other guidance service the court deems appropriate. The Court may order the respondent in any intimate partner relationship to report to an Illinois Department of Human Services protocol approved partner abuse intervention program for an assessment and to follow all recommended treatment.
- (5) Physical care and possession of the minor child. In order to protect the minor child from abuse, neglect, or unwarranted separation from the person who has been the minor child's primary caretaker, or to otherwise protect the well-being of the minor child, the court may do either or both of the following: (i) grant petitioner physical care or possession of the minor child, or both, or (ii) order respondent to return a minor child to, or not remove a minor child from, the physical care of a parent or person in loco parentis.

If a court finds, after a hearing, that respondent has committed abuse (as defined in Section 103) of a minor

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child, there shall be a rebuttable presumption that awarding physical care to respondent would not be in the minor child's best interest.

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

If a court finds, after a hearing, that respondent has committed abuse (as defined in Section 103) of a minor child, there shall be a rebuttable presumption that temporary significant decision-making responsibility to respondent would not be in the child's best interest.

(7) Parenting time. Determine the parenting time, if any, of respondent in any case in which the court awards physical care or allocates temporary significant decision-making responsibility of a minor child to petitioner. The court shall restrict or deny respondent's parenting time with a minor child if the court finds that respondent has done or is likely to do any of the following: (i) abuse or endanger the minor child during parenting time; (ii) use the parenting time as opportunity to abuse or harass petitioner or petitioner's

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family or household members; (iii) improperly conceal or detain the minor child; or (iv) otherwise act in a manner that is not in the best interests of the minor child. The court shall not be limited by the standards set forth in Section 603.10 of the Illinois Marriage and Dissolution of Marriage Act. If the court grants parenting time, the order shall specify dates and times for the parenting time to take place or other specific parameters or conditions that are appropriate. No order for parenting time shall refer merely to the term "reasonable parenting time".

Petitioner may deny respondent access to the minor child if, when respondent arrives for parenting time, respondent is under the influence of drugs or alcohol and constitutes a threat to the safety and well-being of petitioner or petitioner's minor children or is behaving in a violent or abusive manner.

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

(8) Removal or concealment of minor child. Prohibit

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respondent from removing a minor child from the State or concealing the child within the State.

- (9) Order to appear. Order the respondent to appear in court, alone or with a minor child, to prevent abuse, neglect, removal or concealment of the child, to return the child to the custody or care of the petitioner or to permit any court-ordered interview or examination of the child or the respondent.
- (10) Possession of personal property. Grant petitioner exclusive possession of personal property and, if respondent has possession or control, direct respondent to promptly make it available to petitioner, if:
 - (i) petitioner, but not respondent, owns the property; or
 - (ii) the parties own the property jointly; sharing it would risk abuse of petitioner by respondent or is impracticable; and the balance of hardships favors temporary possession by petitioner.

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

No order under this provision shall affect title to

1	property.
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- (11) Protection of property. Forbid the respondent from taking, transferring, encumbering, concealing, damaging or otherwise disposing of any real or personal property, except as explicitly authorized by the court, if:
 - (i) petitioner, but not respondent, owns the property; or
 - (ii) the parties own the property jointly, and the balance of hardships favors granting this remedy.

If petitioner's sole claim to ownership of the property is that it is marital property, the court may grant petitioner relief under subparagraph (ii) of this paragraph only if a proper proceeding has been filed under the Illinois Marriage and Dissolution of Marriage Act, as now or hereafter amended.

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

(11.5) Protection of animals. Grant the petitioner the exclusive care, custody, or control of any animal owned, possessed, leased, kept, or held by either the petitioner or the respondent or a minor child residing in the residence or household of either the petitioner or the respondent and order the respondent to stay away from the

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animal and forbid the respondent from taking, transferring, encumbering, concealing, harming, or otherwise disposing of the animal.

- (12) Order for payment of support. Order respondent to pay temporary support for the petitioner or any child in the petitioner's care or over whom the petitioner has been allocated parental responsibility, when the respondent has a legal obligation to support that person, in accordance with the Illinois Marriage and Dissolution of Marriage Act, which shall govern, among other matters, the amount of support, payment through the clerk and withholding of income to secure payment. An order for child support may be granted to a petitioner with lawful physical care of a child, or an order or agreement for physical care of a child, prior to entry of an order allocating significant decision-making responsibility. Such a support order shall expire upon entry of a valid order allocating parental responsibility differently and vacating the petitioner's significant decision-making authority, unless otherwise provided in the order.
- (13) Order for payment of losses. Order respondent to pay petitioner for losses suffered as a direct result of the abuse, neglect, or exploitation. Such losses shall include, but not be limited to, medical expenses, lost earnings or other support, repair or replacement of property damaged or taken, reasonable attorney's fees,

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court costs and moving or other travel expenses, including additional reasonable expenses for temporary shelter and restaurant meals.

- (i) Losses affecting family needs. If a party is entitled to seek maintenance, child support or property distribution from the other party under the Illinois Marriage and Dissolution of Marriage Act, as or hereafter amended, the court respondent to reimburse petitioner's actual losses, to the extent that such reimbursement would "appropriate temporary relief", as authorized by subsection (a) (3) of Section 501 of that Act.
- (ii) Recovery of expenses. In the case of an improper concealment or removal of a minor child, the court may order respondent to pay the reasonable expenses incurred or to be incurred in the search for and recovery of the minor child, including but not limited to legal fees, court costs, private investigator fees, and travel costs.
- (14) Prohibition of entry. Prohibit the respondent from entering or remaining in the residence or household while the respondent is under the influence of alcohol or drugs and constitutes a threat to the safety and well-being of the petitioner or the petitioner's children.
 - (14.5) Prohibition of firearm possession.
 - (a) Prohibit a respondent against whom an order of

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Τ	protection was issued from possessing any firearms
2	during the duration of the order if the order:
3	(1) was issued after a hearing of which such
4	person received actual notice, and at which such
5	person had an opportunity to participate;
6	(2) restrains such person from harassing,
7	stalking, or threatening an intimate partner of
8	such person or child of such intimate partner or
9	person, or engaging in other conduct that would
10	place an intimate partner in reasonable fear of
11	bodily injury to the partner or child; and
12	(3)(i) includes a finding that such person
13	represents a credible threat to the physical
14	safety of such intimate partner or child; or (ii)
15	by its terms explicitly prohibits the use,
16	attempted use, or threatened use of physical force
17	against such intimate partner or child that would
18	reasonably be expected to cause bodily injury.
19	Any Firearm Owner's Identification Card in the
20	possession of the respondent, except as provided in
21	subsection (b), shall be ordered by the court to be
22	turned over to the local law enforcement agency. The
23	local law enforcement agency shall immediately mail

the card to the Illinois State Police Firearm Owner's

Identification Card Office for safekeeping. The court

shall issue a warrant for seizure of any firearm in the

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possession of the respondent, to be kept by the local law enforcement agency for safekeeping, except as provided in subsection (b). The period of safekeeping shall be for the duration of the order of protection. The firearm or firearms and Firearm Owner's Identification Card, if unexpired, shall at the respondent's request, be returned to the respondent at the end of the order of protection. It is the respondent's responsibility to notify the Illinois State Police Firearm Owner's Identification Card Office.

- If the respondent is a peace officer as defined in Section 2-13 of the Criminal Code of 2012, the court shall order that any firearms used by the respondent in the performance of his or her duties as a peace officer be surrendered to the chief enforcement executive of the agency in which the respondent is employed, who shall retain the firearms for safekeeping for the duration of the order of protection.
- (c) Upon expiration of the period of safekeeping, if the firearms or Firearm Owner's Identification Card cannot be returned to respondent because respondent cannot be located, fails to respond to requests to retrieve the firearms, or is not lawfully eligible to possess a firearm, upon petition from the local law

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enforcement agency, the court may order the local law enforcement agency to destroy the firearms, use the firearms for training purposes, or for any other application as deemed appropriate by the local law enforcement agency; or that the firearms be turned over to a third party who is lawfully eligible to possess firearms, and who does not reside with respondent.

- (15) Prohibition of access to records. If an order of protection prohibits respondent from having contact with the minor child, or if petitioner's address is omitted under subsection (b) of Section 203, or if necessary to prevent abuse or wrongful removal or concealment of a minor child, the order shall deny respondent access to, and prohibit respondent from inspecting, obtaining, or attempting to inspect or obtain, school or any other records of the minor child who is in the care of petitioner.
- (16) Order for payment of shelter services. Order respondent to reimburse a shelter providing temporary housing and counseling services to the petitioner for the cost of the services, as certified by the shelter and deemed reasonable by the court.
- (17) Order for injunctive relief. Enter injunctive relief necessary or appropriate to prevent further abuse of a family or household member or further abuse, neglect,

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or exploitation of a high-risk adult with disabilities or to effectuate one of the granted remedies, if supported by the balance of hardships. If the harm to be prevented by the injunction is abuse or any other harm that one of the remedies listed in paragraphs (1) through (16) of this subsection is designed to prevent, no further evidence is necessary that the harm is an irreparable injury.

(18) Telephone services.

(A) Unless a condition described in subparagraph (B) of this paragraph exists, the court may, upon request by the petitioner, order a wireless telephone service provider to transfer to the petitioner the right to continue to use a telephone number or numbers indicated by the petitioner and the financial responsibility associated with the number or numbers, as set forth in subparagraph (C) of this paragraph. For purposes of this paragraph (18), the term "wireless telephone service provider" means a provider of commercial mobile service as defined in 47 U.S.C. 332. The petitioner may request the transfer of each telephone number that the petitioner, or a minor child in his or her custody, uses. The clerk of the court shall serve the order on the wireless telephone service provider's agent for service of process provided to the Illinois Commerce Commission. The order shall contain all of the following:

1	(i) The name and billing telephone number of
2	the account holder including the name of the
3	wireless telephone service provider that serves
4	the account.
5	(ii) Each telephone number that will be
6	transferred.
7	(iii) A statement that the provider transfers
8	to the petitioner all financial responsibility for
9	and right to the use of any telephone number
10	transferred under this paragraph.
11	(B) A wireless telephone service provider shall
12	terminate the respondent's use of, and shall transfer
13	to the petitioner use of, the telephone number or
14	numbers indicated in subparagraph (A) of this
15	paragraph unless it notifies the petitioner, within 72
16	hours after it receives the order, that one of the
17	following applies:
18	(i) The account holder named in the order has
19	terminated the account.
20	(ii) A difference in network technology would
21	prevent or impair the functionality of a device on
22	a network if the transfer occurs.
23	(iii) The transfer would cause a geographic or
24	other limitation on network or service provision
25	to the petitioner.
26	(iv) Another technological or operational

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1 issue would prevent or impair the use of the telephone number if the transfer occurs. 2

- (C) The petitioner assumes all financial responsibility for and right to the use of any telephone number transferred under this paragraph. In this paragraph, "financial responsibility" includes monthly service costs and costs associated with any mobile device associated with the number.
- (D) A wireless telephone service provider may apply to the petitioner its routine and customary requirements for establishing an account or transferring a number, including requiring petitioner to provide proof of identification, financial information, and customer preferences.
- (E) Except for willful or wanton misconduct, a wireless telephone service provider is immune from civil liability for its actions taken in compliance with a court order issued under this paragraph.
- (F) All wireless service providers that provide services to residential customers shall provide to the Illinois Commerce Commission the name and address of an agent for service of orders entered under this paragraph (18). Any change in status of the registered agent must be reported to the Illinois Commerce Commission within 30 days of such change.
 - (G) The Illinois Commerce Commission shall

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maintain the list of registered agents for service for each wireless telephone service provider on Commission's website. The Commission may consult with wireless telephone service providers and the Circuit Court Clerks on the manner in which this information is provided and displayed.

- (c) Relevant factors; findings.
- (1) In determining whether to grant a specific remedy, other than payment of support, the court shall consider relevant factors, including but not limited to the following:
 - (i) the nature, frequency, severity, pattern and consequences of the respondent's past abuse, neglect or exploitation of the petitioner or any family or household member, including the concealment of his or her location in order to evade service of process or notice, and the likelihood of danger of future abuse, neglect, or exploitation to petitioner or any member of petitioner's or respondent's family or household; and
 - (ii) the danger that any minor child will be abused or neglected or improperly relocated from the jurisdiction, improperly concealed within the State or improperly separated from the child's primary caretaker.
 - (2) In comparing relative hardships resulting to the

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1	parties from loss of possession of the family home, the
2	court shall consider relevant factors, including but not
3	limited to the following:
4	(i) availability, accessibility, cost, safety,
5	adequacy, location and other characteristics of
6	alternate housing for each party and any minor child
7	or dependent adult in the party's care;
8	(ii) the effect on the party's employment; and
9	(iii) the effect on the relationship of the party,
10	and any minor child or dependent adult in the party's
11	care, to family, school, church and community.
12	(3) Subject to the exceptions set forth in paragraph
13	(4) of this subsection, the court shall make its findings
14	in an official record or in writing, and shall at a minimum
15	set forth the following:
16	(i) That the court has considered the applicable
17	relevant factors described in paragraphs (1) and (2)
18	of this subsection.
19	(ii) Whether the conduct or actions of respondent,
20	unless prohibited, will likely cause irreparable harm
21	or continued abuse.
22	(iii) Whether it is necessary to grant the
23	requested relief in order to protect petitioner or
24	other alleged abused persons.

(4) For purposes of issuing an ex parte emergency

order of protection, the court, as an alternative to or as

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supplement to making the findings described paragraphs (c)(3)(i) through (c)(3)(iii) $\circ f$ this subsection, may use the following procedure:

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

(5) Never married parties. No rights or responsibilities for a minor child born outside marriage attach to a putative father until a father and child relationship has been established under the Illinois Parentage Act of 1984, the Illinois Parentage Act of 2015, the Illinois Public Aid Code, Section 12 of the Vital Records Act, the Juvenile Court Act of 1987, the Probate Act of 1975, the Revised Uniform Reciprocal Enforcement of Support Act, the Uniform Interstate Family Support Act, the Expedited Child Support Act of 1990, any judicial, administrative, or other act of another state territory, any other Illinois statute, or by any foreign nation establishing the father and child relationship, any

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other proceeding substantially in conformity with the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Pub. L. 104-193), or where both parties appeared in open court or administrative hearing acknowledging under oath or admitting by affirmation the existence of a father and child relationship. Absent such an adjudication, finding, or acknowledgment, no putative father shall be granted temporary allocation of parental responsibilities, including parenting time with the minor child, or physical care and possession of the minor child, nor shall an order of payment for support of the minor child be entered.

- (d) Balance of hardships; findings. If the court finds that the balance of hardships does not support the granting of a remedy governed by paragraph (2), (3), (10), (11), or (16) of subsection (b) of this Section, which may require such balancing, the court's findings shall so indicate and shall include a finding as to whether granting the remedy will result in hardship to respondent that would substantially outweigh the hardship to petitioner from denial of the remedy. The findings shall be an official record or in writing.
- (e) Denial of remedies. Denial of any remedy shall not be based, in whole or in part, on evidence that:
 - (1) Respondent has cause for any use of force, unless that cause satisfies the standards for justifiable use of force provided by Article 7 of the Criminal Code of 2012;

1	2)	Respondent	was	voluntarily	in'	toxicate	ed:
		recoportactic	was	VOI GII CGI II I			\sim

- (3) Petitioner acted in self-defense or defense of another, provided that, if petitioner utilized force, such force was justifiable under Article 7 of the Criminal Code of 2012;
 - (4) Petitioner did not act in self-defense or defense of another;
 - (5) Petitioner left the residence or household to avoid further abuse, neglect, or exploitation by respondent;
 - (6) Petitioner did not leave the residence or household to avoid further abuse, neglect, or exploitation by respondent;
 - (7) Conduct by any family or household member excused the abuse, neglect, or exploitation by respondent, unless that same conduct would have excused such abuse, neglect, or exploitation if the parties had not been family or household members.
- A petition for an order of protection may not be denied
 upon the basis that the petitioner or the respondent is
 incarcerated in a penal institution at the time of the filing
 of the petition.
- 23 (Source: P.A. 102-538, eff. 8-20-21.)
- Section 99. Effective date. This Act takes effect upon becoming law, except that the provisions changing Section 4.5

- 1 of the Rights of Crime Victims and Witnesses Act and Sections
- 2 3-3-8 and 3-3-9 of the Unified Code of Corrections take effect
- on July 1, 2025.".