

1 AN ACT concerning civil law.

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

4 Section 5. The Firearm Owners Identification Card Act is
5 amended by changing Section 1.1 as follows:

6 (430 ILCS 65/1.1)

7 Sec. 1.1. For purposes of this Act:

8 "Addicted to narcotics" means a person who has been:

9 (1) convicted of an offense involving the use or
10 possession of cannabis, a controlled substance, or
11 methamphetamine within the past year; or

12 (2) determined by the Illinois State Police to be
13 addicted to narcotics based upon federal law or federal
14 guidelines.

15 "Addicted to narcotics" does not include possession or use
16 of a prescribed controlled substance under the direction and
17 authority of a physician or other person authorized to
18 prescribe the controlled substance when the controlled
19 substance is used in the prescribed manner.

20 "Adjudicated as a person with a mental disability" means
21 the person is the subject of a determination by a court, board,
22 commission or other lawful authority that the person, as a
23 result of marked subnormal intelligence, or mental illness,

1 mental impairment, incompetency, condition, or disease:

2 (1) presents a clear and present danger to himself,
3 herself, or to others;

4 (2) lacks the mental capacity to manage his or her own
5 affairs or is adjudicated a person with a disability as
6 defined in Section 11a-2 of the Probate Act of 1975;

7 (3) is not guilty in a criminal case by reason of
8 insanity, mental disease or defect;

9 (3.5) is guilty but mentally ill, as provided in
10 Section 5-2-6 of the Unified Code of Corrections;

11 (4) is incompetent to stand trial in a criminal case;

12 (5) is not guilty by reason of lack of mental
13 responsibility under Articles 50a and 72b of the Uniform
14 Code of Military Justice, 10 U.S.C. 850a, 876b;

15 (6) is a sexually violent person under subsection (f)
16 of Section 5 of the Sexually Violent Persons Commitment
17 Act;

18 (7) is a sexually dangerous person under the Sexually
19 Dangerous Persons Act;

20 (8) is unfit to stand trial under the Juvenile Court
21 Act of 1987;

22 (9) is not guilty by reason of insanity under the
23 Juvenile Court Act of 1987;

24 (10) is subject to involuntary admission as an
25 inpatient as defined in Section 1-119 of the Mental Health
26 and Developmental Disabilities Code;

1 (11) is subject to involuntary admission as an
2 outpatient as defined in Section 1-119.1 of the Mental
3 Health and Developmental Disabilities Code;

4 (12) is subject to judicial admission as set forth in
5 Section 4-500 of the Mental Health and Developmental
6 Disabilities Code; or

7 (13) is subject to the provisions of the Interstate
8 Agreements on Sexually Dangerous Persons Act.

9 "Clear and present danger" means a person who:

10 (1) communicates a serious threat of physical violence
11 against a reasonably identifiable victim or poses a clear
12 and imminent risk of serious physical injury to himself,
13 herself, or another person as determined by a physician,
14 clinical psychologist, or qualified examiner; or

15 (2) demonstrates threatening physical or verbal
16 behavior, such as violent, suicidal, or assaultive
17 threats, actions, or other behavior, as determined by a
18 physician, clinical psychologist, qualified examiner,
19 school administrator, or law enforcement official.

20 "Clinical psychologist" has the meaning provided in
21 Section 1-103 of the Mental Health and Developmental
22 Disabilities Code.

23 "Controlled substance" means a controlled substance or
24 controlled substance analog as defined in the Illinois
25 Controlled Substances Act.

26 "Counterfeit" means to copy or imitate, without legal

1 authority, with intent to deceive.

2 "Developmental disability" means a severe, chronic
3 disability of an individual that:

4 (1) is attributable to a mental or physical impairment
5 or combination of mental and physical impairments;

6 (2) is manifested before the individual attains age
7 22;

8 (3) is likely to continue indefinitely;

9 (4) results in substantial functional limitations in 3
10 or more of the following areas of major life activity:

11 (A) Self-care.

12 (B) Receptive and expressive language.

13 (C) Learning.

14 (D) Mobility.

15 (E) Self-direction.

16 (F) Capacity for independent living.

17 (G) Economic self-sufficiency; and

18 (5) reflects the individual's need for a combination
19 and sequence of special, interdisciplinary, or generic
20 services, individualized supports, or other forms of
21 assistance that are of lifelong or extended duration and
22 are individually planned and coordinated.

23 "Federally licensed firearm dealer" means a person who is
24 licensed as a federal firearms dealer under Section 923 of the
25 federal Gun Control Act of 1968 (18 U.S.C. 923).

26 "Firearm" means any device, by whatever name known, which

1 is designed to expel a projectile or projectiles by the action
2 of an explosion, expansion of gas or escape of gas; excluding,
3 however:

4 (1) any pneumatic gun, spring gun, paint ball gun, or
5 B-B gun which expels a single globular projectile not
6 exceeding .18 inch in diameter or which has a maximum
7 muzzle velocity of less than 700 feet per second;

8 (1.1) any pneumatic gun, spring gun, paint ball gun,
9 or B-B gun which expels breakable paint balls containing
10 washable marking colors;

11 (2) any device used exclusively for signaling or
12 safety and required or recommended by the United States
13 Coast Guard or the Interstate Commerce Commission;

14 (3) any device used exclusively for the firing of stud
15 cartridges, explosive rivets or similar industrial
16 ammunition; and

17 (4) an antique firearm (other than a machine-gun)
18 which, although designed as a weapon, the Illinois State
19 Police finds by reason of the date of its manufacture,
20 value, design, and other characteristics is primarily a
21 collector's item and is not likely to be used as a weapon.

22 "Firearm ammunition" means any self-contained cartridge or
23 shotgun shell, by whatever name known, which is designed to be
24 used or adaptable to use in a firearm; excluding, however:

25 (1) any ammunition exclusively designed for use with a
26 device used exclusively for signaling or safety and

1 required or recommended by the United States Coast Guard
2 or the Interstate Commerce Commission; and

3 (2) any ammunition designed exclusively for use with a
4 stud or rivet driver or other similar industrial
5 ammunition.

6 "Gun show" means an event or function:

7 (1) at which the sale and transfer of firearms is the
8 regular and normal course of business and where 50 or more
9 firearms are displayed, offered, or exhibited for sale,
10 transfer, or exchange; or

11 (2) at which not less than 10 gun show vendors
12 display, offer, or exhibit for sale, sell, transfer, or
13 exchange firearms.

14 "Gun show" includes the entire premises provided for an
15 event or function, including parking areas for the event or
16 function, that is sponsored to facilitate the purchase, sale,
17 transfer, or exchange of firearms as described in this
18 Section. Nothing in this definition shall be construed to
19 exclude a gun show held in conjunction with competitive
20 shooting events at the World Shooting Complex sanctioned by a
21 national governing body in which the sale or transfer of
22 firearms is authorized under subparagraph (5) of paragraph (g)
23 of subsection (A) of Section 24-3 of the Criminal Code of 2012.

24 Unless otherwise expressly stated, "gun show" does not
25 include training or safety classes, competitive shooting
26 events, such as rifle, shotgun, or handgun matches, trap,

1 skeet, or sporting clays shoots, dinners, banquets, raffles,
2 or any other event where the sale or transfer of firearms is
3 not the primary course of business.

4 "Gun show promoter" means a person who organizes or
5 operates a gun show.

6 "Gun show vendor" means a person who exhibits, sells,
7 offers for sale, transfers, or exchanges any firearms at a gun
8 show, regardless of whether the person arranges with a gun
9 show promoter for a fixed location from which to exhibit,
10 sell, offer for sale, transfer, or exchange any firearm.

11 "Intellectual disability" means significantly subaverage
12 general intellectual functioning, existing concurrently with
13 deficits in adaptive behavior and manifested during the
14 developmental period, which is defined as before the age of
15 22, that adversely affects a child's educational performance.

16 "Involuntarily admitted" has the meaning as prescribed in
17 Sections 1-119 and 1-119.1 of the Mental Health and
18 Developmental Disabilities Code.

19 "Mental health facility" means any licensed private
20 hospital or hospital affiliate, institution, or facility, or
21 part thereof, and any facility, or part thereof, operated by
22 the State or a political subdivision thereof which provides
23 treatment of persons with mental illness and includes all
24 hospitals, institutions, clinics, evaluation facilities,
25 mental health centers, colleges, universities, long-term care
26 facilities, and nursing homes, or parts thereof, which provide

1 treatment of persons with mental illness whether or not the
2 primary purpose is to provide treatment of persons with mental
3 illness.

4 "National governing body" means a group of persons who
5 adopt rules and formulate policy on behalf of a national
6 firearm sporting organization.

7 "Noncitizen" means a person who is not a citizen of the
8 United States, but is a person who is a foreign-born person who
9 lives in the United States, has not been naturalized, and is
10 still a citizen of a foreign country.

11 "Patient" means:

12 (1) a person who is admitted as an inpatient or
13 resident of a public or private mental health facility for
14 mental health treatment under Chapter III of the Mental
15 Health and Developmental Disabilities Code as an informal
16 admission, a voluntary admission, a minor admission, an
17 emergency admission, or an involuntary admission, unless
18 the treatment was solely for an alcohol abuse disorder; or

19 (2) a person who voluntarily or involuntarily receives
20 mental health treatment as an out-patient or is otherwise
21 provided services by a public or private mental health
22 facility and who poses a clear and present danger to
23 himself, herself, or others.

24 "Physician" has the meaning as defined in Section 1-120 of
25 the Mental Health and Developmental Disabilities Code.

26 "Protective order" means any orders of protection issued

1 under the Illinois Domestic Violence Act of 1986, stalking no
2 contact orders issued under the Stalking No Contact Order Act,
3 civil no contact orders issued under the Civil No Contact
4 Order Act, and firearms restraining orders issued under the
5 Firearms Restraining Order Act or a substantially similar
6 order issued by the court of another state, tribe, or United
7 States territory or military judge tribunal.

8 "Qualified examiner" has the meaning provided in Section
9 1-122 of the Mental Health and Developmental Disabilities
10 Code.

11 "Sanctioned competitive shooting event" means a shooting
12 contest officially recognized by a national or state shooting
13 sport association, and includes any sight-in or practice
14 conducted in conjunction with the event.

15 "School administrator" means the person required to report
16 under the School Administrator Reporting of Mental Health
17 Clear and Present Danger Determinations Law.

18 "Stun gun or taser" has the meaning ascribed to it in
19 Section 24-1 of the Criminal Code of 2012.

20 (Source: P.A. 102-237, eff. 1-1-22; 102-538, eff. 8-20-21;
21 102-813, eff. 5-13-22; 102-890, eff. 5-19-22; 102-972, eff.
22 1-1-23; 102-1030, eff. 5-27-22; revised 12-14-22.)

23 Section 10. The Code of Criminal Procedure of 1963 is
24 amended by changing Sections 112A-4.5, 112A-23, and 112A-28 as
25 follows:

1 (725 ILCS 5/112A-4.5)

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

3 (a) A petition for a domestic violence order of protection
4 may be filed:

5 (1) by a named victim who has been abused by a family
6 or household member;

7 (2) by any person or by the State's Attorney on behalf
8 of a named victim who is a minor child or an adult who has
9 been abused by a family or household member and who,
10 because of age, health, disability, or inaccessibility,
11 cannot file the petition;

12 (3) by a State's Attorney on behalf of any minor child
13 or dependent adult in the care of the named victim, if the
14 named victim does not file a petition or request the
15 State's Attorney file the petition; or

16 (4) any of the following persons if the person is
17 abused by a family or household member of a child:

18 (i) a foster parent of that child if the child has
19 been placed in the foster parent's home by the
20 Department of Children and Family Services or by
21 another state's public child welfare agency;

22 (ii) a legally appointed guardian or legally
23 appointed custodian of that child;

24 (iii) an adoptive parent of that child;

25 (iv) a prospective adoptive parent of that child

1 if the child has been placed in the prospective
2 adoptive parent's home pursuant to the Adoption Act or
3 pursuant to another state's law.

4 For purposes of this paragraph (a)(4), individuals who
5 would have been considered "family or household members" of
6 the child under paragraph (3) of subsection (b) of Section
7 112A-3 before a termination of the parental rights with
8 respect to the child continue to meet the definition of
9 "family or household members" of the child.

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

11 (1) by any person who is a named victim of
12 non-consensual sexual conduct or non-consensual sexual
13 penetration, including a single incident of non-consensual
14 sexual conduct or non-consensual sexual penetration;

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

20 (3) by a State's Attorney on behalf of any minor child
21 who is a family or household member of the named victim, if
22 the named victim does not file a petition or request the
23 State's Attorney file the petition;

24 (4) by a service member of the Illinois National Guard
25 or any reserve military component serving within the State
26 who is a victim of non-consensual sexual conduct who has

1 also received a Military Protective Order; or

2 (5) by the Staff Judge Advocate of the Illinois
3 National Guard or any reserve military component serving
4 in the State on behalf of a named victim who is a victim of
5 non-consensual sexual conduct who has also received a
6 Military Protective Order only after receiving consent
7 from the victim, and the petition shall include a
8 statement that the victim has consented to the Staff Judge
9 Advocate filing the petition.

10 (c) A petition for a stalking no contact order may be
11 filed:

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

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

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

21 (4) by a service member of the Illinois National Guard
22 or any reserve military component serving within the State
23 who is a victim of non-consensual sexual conduct who has
24 also received a Military Protective Order; or

25 (5) by the Staff Judge Advocate of the Illinois
26 National Guard or any reserve military component serving

1 in the State on behalf of a named victim who is a victim of
2 non-consensual sexual conduct who has also received a
3 Military Protective Order only after receiving consent
4 from the victim, and the petition shall include a
5 statement that the victim has consented to the Staff Judge
6 Advocate filing the petition.

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

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

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

1 (e) Any petition properly filed under this Article may
2 seek protection for any additional persons protected by this
3 Article.

4 (Source: P.A. 101-81, eff. 7-12-19; 102-890, eff. 5-19-22.)

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

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

7 (a) When violation is crime. A violation of any protective
8 order, whether issued in a civil, quasi-criminal proceeding or
9 by a military judge ~~tribunal~~, shall be enforced by a criminal
10 court when:

11 (1) The respondent commits the crime of violation of a
12 domestic violence order of protection pursuant to Section
13 12-3.4 or 12-30 of the Criminal Code of 1961 or the
14 Criminal Code of 2012, by having knowingly violated:

15 (i) remedies described in paragraph (1), (2), (3),
16 (14), or (14.5) of subsection (b) of Section 112A-14
17 of this Code,

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

25 (iii) any other remedy when the act constitutes a

1 crime against the protected parties as defined by the
2 Criminal Code of 1961 or the Criminal Code of 2012.

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

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

12 (i) remedies described in paragraph (5), (6), or
13 (8) of subsection (b) of Section 112A-14 of this Code,
14 or

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

22 (3) The respondent commits the crime of violation of a
23 civil no contact order when the respondent violates
24 Section 12-3.8 of the Criminal Code of 2012. Prosecution
25 for a violation of a civil no contact order shall not bar
26 concurrent prosecution for any other crime, including any

1 crime that may have been committed at the time of the
2 violation of the civil no contact order.

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

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

24 (1) In a contempt proceeding where the petition for a
25 rule to show cause sets forth facts evidencing an
26 immediate danger that the respondent will flee the

1 jurisdiction, conceal a child, or inflict physical abuse
2 on the petitioner or minor children or on dependent adults
3 in petitioner's care, the court may order the attachment
4 of the respondent without prior service of the rule to
5 show cause or the petition for a rule to show cause. Bond
6 shall be set unless specifically denied in writing.

7 (2) A petition for a rule to show cause for violation
8 of a protective order shall be treated as an expedited
9 proceeding.

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

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

24 (1) (Blank).

25 (2) (Blank).

26 (3) By service of a protective order under subsection

1 (f) of Section 112A-17.5 or Section 112A-22 of this Code.

2 (4) By other means demonstrating actual knowledge of
3 the contents of the order.

4 (e) The enforcement of a protective order in civil or
5 criminal court shall not be affected by either of the
6 following:

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

9 (2) Any finding or order entered in a conjoined
10 criminal proceeding.

11 (e-5) If a civil no contact order entered under subsection
12 (6) of Section 112A-20 of the Code of Criminal Procedure of
13 1963 conflicts with an order issued pursuant to the Juvenile
14 Court Act of 1987 or the Illinois Marriage and Dissolution of
15 Marriage Act, the conflicting order issued under subsection
16 (6) of Section 112A-20 of the Code of Criminal Procedure of
17 1963 shall be void.

18 (f) Circumstances. The court, when determining whether or
19 not a violation of a protective order has occurred, shall not
20 require physical manifestations of abuse on the person of the
21 victim.

22 (g) Penalties.

23 (1) Except as provided in paragraph (3) of this
24 subsection (g), where the court finds the commission of a
25 crime or contempt of court under subsection (a) or (b) of
26 this Section, the penalty shall be the penalty that

1 generally applies in such criminal or contempt
2 proceedings, and may include one or more of the following:
3 incarceration, payment of restitution, a fine, payment of
4 attorneys' fees and costs, or community service.

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

9 (3) To the extent permitted by law, the court is
10 encouraged to:

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

16 (ii) impose a minimum penalty of 24 hours
17 imprisonment for respondent's first violation of any
18 protective order; and

19 (iii) impose a minimum penalty of 48 hours
20 imprisonment for respondent's second or subsequent
21 violation of a protective order

22 unless the court explicitly finds that an increased
23 penalty or that period of imprisonment would be manifestly
24 unjust.

25 (4) In addition to any other penalties imposed for a
26 violation of a protective order, a criminal court may

1 consider evidence of any violations of a protective order:

2 (i) to modify the conditions of pretrial release
3 on an underlying criminal charge pursuant to Section
4 110-6 of this Code;

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

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

11 (Source: P.A. 101-652, eff. 1-1-23; 102-184, eff. 1-1-22;
12 102-558, eff. 8-20-21; 102-813, eff. 5-13-22; 102-890, eff.
13 5-19-22.)

14 (725 ILCS 5/112A-28) (from Ch. 38, par. 112A-28)

15 Sec. 112A-28. Data maintenance by law enforcement
16 agencies.

17 (a) All sheriffs shall furnish to the Illinois State
18 Police, daily, in the form and detail the Illinois State
19 Police requires, copies of any recorded protective orders
20 issued by the court, and any foreign protective orders,
21 including, but not limited to, an order of protection issued
22 by a military judge ~~tribunal~~, filed by the clerk of the court,
23 and transmitted to the sheriff by the clerk of the court. Each
24 protective order shall be entered in the Law Enforcement
25 Agencies Data System on the same day it is issued by the court.

1 (b) The Illinois State Police shall maintain a complete
2 and systematic record and index of all valid and recorded
3 protective orders issued or filed under this Act. The data
4 shall be used to inform all dispatchers and law enforcement
5 officers at the scene of an alleged incident of abuse or
6 violation of a protective order of any recorded prior incident
7 of abuse involving the abused party and the effective dates
8 and terms of any recorded protective order.

9 (c) The data, records and transmittals required under this
10 Section shall pertain to:

11 (1) any valid emergency, interim or plenary domestic
12 violence order of protection, civil no contact or stalking
13 no contact order issued in a civil proceeding; and

14 (2) any valid ex parte or final protective order
15 issued in a criminal proceeding or authorized under the
16 laws of another state, tribe, or United States territory.

17 (Source: P.A. 102-538, eff. 8-20-21; 102-890, eff. 5-19-22.)

18 Section 15. The Stalking No Contact Order Act is amended
19 by changing Section 15 as follows:

20 (740 ILCS 21/15)

21 Sec. 15. Persons protected by this Act. A petition for a
22 stalking no contact order may be filed when relief is not
23 available to the petitioner under the Illinois Domestic
24 Violence Act of 1986:

- 1 (1) by any person who is a victim of stalking;
- 2 (2) by a person on behalf of a minor child or an adult
3 who is a victim of stalking but, because of age,
4 disability, health, or inaccessibility, cannot file the
5 petition;
- 6 (3) by an authorized agent of a workplace;
- 7 (4) by an authorized agent of a place of worship; ~~or~~
- 8 (5) by an authorized agent of a school;
- 9 (6) by a service member of the Illinois National Guard
10 or any reserve military component serving within the State
11 who is a victim of stalking who has also received a
12 Military Protective Order; or
- 13 (7) by the Staff Judge Advocate of the Illinois
14 National Guard or any reserve military component serving
15 within the State on behalf of a named victim who is a
16 victim of stalking who has also received a Military
17 Protective Order only after receiving consent from the
18 victim, and the petition shall include a statement that
19 the victim has consented to the Staff Judge Advocate
20 filing the petition.

21 (Source: P.A. 100-1000, eff. 1-1-19.)

22 Section 20. The Civil No Contact Order Act is amended by
23 changing Sections 201 and 220 as follows:

24 (740 ILCS 22/201)

1 Sec. 201. Persons protected by this Act.

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

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

6 (2) any family or household member of the named
7 victim; ~~and~~

8 (3) any employee of or volunteer at a rape crisis
9 center that is providing services to the petitioner or the
10 petitioner's family or household member; and ~~-~~

11 (4) any service member of the Illinois National Guard
12 or any reserve military component serving within the State
13 who is a victim of non-consensual sexual conduct who has
14 also received a Military Protective Order.

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

16 (1) by any person who is a victim of non-consensual
17 sexual conduct or non-consensual sexual penetration,
18 including a single incident of non-consensual sexual
19 conduct or non-consensual sexual penetration;

20 (2) by a person on behalf of a minor child or an adult
21 who is a victim of non-consensual sexual conduct or
22 non-consensual sexual penetration but, because of age,
23 disability, health, or inaccessibility, cannot file the
24 petition; ~~or~~

25 (3) only after receiving consent from the victim, by
26 any family or household member of a victim of

1 non-consensual sexual conduct or non-consensual sexual
2 penetration, and the petition shall include a statement
3 that the victim has consented to the family or household
4 member filing the petition; ~~or~~

5 (4) any service member of the Illinois National Guard
6 or any reserve military component serving within the State
7 who is a victim of non-consensual sexual conduct who has
8 also received a Military Protective Order; or

9 (5) the Staff Judge Advocate of the Illinois National
10 Guard or any reserve military component serving within the
11 State on behalf of a named victim who is a victim of
12 non-consensual sexual conduct who has also received a
13 Military Protective Order only after receiving consent
14 from the victim, and the petition shall include a
15 statement that the victim has consented to the Staff Judge
16 Advocate filing the petition.

17 (Source: P.A. 102-198, eff. 1-1-22.)

18 (740 ILCS 22/220)

19 Sec. 220. Enforcement of a civil no contact order.

20 (a) Nothing in this Act shall preclude any Illinois court
21 from enforcing a valid protective order issued in another
22 state or by a military judge.

23 (b) Illinois courts may enforce civil no contact orders
24 through both criminal proceedings and civil contempt
25 proceedings, unless the action which is second in time is

1 barred by collateral estoppel or the constitutional
2 prohibition against double jeopardy.

3 (b-1) The court shall not hold a school district or
4 private or non-public school or any of its employees in civil
5 or criminal contempt unless the school district or private or
6 non-public school has been allowed to intervene.

7 (b-2) The court may hold the parents, guardian, or legal
8 custodian of a minor respondent in civil or criminal contempt
9 for a violation of any provision of any order entered under
10 this Act for conduct of the minor respondent in violation of
11 this Act if the parents, guardian, or legal custodian
12 directed, encouraged, or assisted the respondent minor in such
13 conduct.

14 (c) Criminal prosecution. A violation of any civil no
15 contact order, whether issued in a civil or criminal
16 proceeding or by a military judge, shall be enforced by a
17 criminal court when the respondent commits the crime of
18 violation of a civil no contact order pursuant to Section 219
19 by having knowingly violated:

20 (1) remedies described in Section 213 and included in
21 a civil no contact order; or

22 (2) a provision of an order, which is substantially
23 similar to provisions of Section 213, in a valid civil no
24 contact order which is authorized under the laws of
25 another state, tribe, or United States territory.

26 Prosecution for a violation of a civil no contact order

1 shall not bar a concurrent prosecution for any other crime,
2 including any crime that may have been committed at the time of
3 the violation of the civil no contact order.

4 (d) Contempt of court. A violation of any valid Illinois
5 civil no contact order, whether issued in a civil or criminal
6 proceeding, may be enforced through civil or criminal contempt
7 procedures, as appropriate, by any court with jurisdiction,
8 regardless of where the act or acts which violated the civil no
9 contact order were committed, to the extent consistent with
10 the venue provisions of this Act.

11 (1) In a contempt proceeding where the petition for a
12 rule to show cause or petition for adjudication of
13 criminal contempt sets forth facts evidencing an immediate
14 danger that the respondent will flee the jurisdiction or
15 inflict physical abuse on the petitioner or minor children
16 or on dependent adults in the petitioner's care, the court
17 may order the attachment of the respondent without prior
18 service of the petition for a rule to show cause, the rule
19 to show cause, the petition for adjudication of criminal
20 contempt or the adjudication of criminal contempt.
21 Conditions of release shall be set unless specifically
22 denied in writing.

23 (2) A petition for a rule to show cause or a petition
24 for adjudication of criminal contempt for violation of a
25 civil no contact order shall be treated as an expedited
26 proceeding.

1 (e) Actual knowledge. A civil no contact order may be
2 enforced pursuant to this Section if the respondent violates
3 the order after the respondent has actual knowledge of its
4 contents as shown through one of the following means:

5 (1) by service, delivery, or notice under Section 208;

6 (2) by notice under Section 218;

7 (3) by service of a civil no contact order under
8 Section 218; or

9 (4) by other means demonstrating actual knowledge of
10 the contents of the order.

11 (f) The enforcement of a civil no contact order in civil or
12 criminal court shall not be affected by either of the
13 following:

14 (1) the existence of a separate, correlative order,
15 entered under Section 202; or

16 (2) any finding or order entered in a conjoined
17 criminal proceeding.

18 (g) Circumstances. The court, when determining whether or
19 not a violation of a civil no contact order has occurred, shall
20 not require physical manifestations of abuse on the person of
21 the victim.

22 (h) Penalties.

23 (1) Except as provided in paragraph (3) of this
24 subsection, where the court finds the commission of a
25 crime or contempt of court under subsection (a) or (b) of
26 this Section, the penalty shall be the penalty that

1 generally applies in such criminal or contempt
2 proceedings, and may include one or more of the following:
3 incarceration, payment of restitution, a fine, payment of
4 attorneys' fees and costs, or community service.

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

9 (3) To the extent permitted by law, the court is
10 encouraged to:

11 (i) increase the penalty for the knowing violation
12 of any civil no contact order over any penalty
13 previously imposed by any court for respondent's
14 violation of any civil no contact order or penal
15 statute involving petitioner as victim and respondent
16 as defendant;

17 (ii) impose a minimum penalty of 24 hours
18 imprisonment for respondent's first violation of any
19 civil no contact order; and

20 (iii) impose a minimum penalty of 48 hours
21 imprisonment for respondent's second or subsequent
22 violation of a civil no contact order unless the court
23 explicitly finds that an increased penalty or that
24 period of imprisonment would be manifestly unjust.

25 (4) In addition to any other penalties imposed for a
26 violation of a civil no contact order, a criminal court

1 may consider evidence of any previous violations of a
2 civil no contact order:

3 (i) to modify the conditions of pretrial release
4 on an underlying criminal charge pursuant to Section
5 110-6 of the Code of Criminal Procedure of 1963;

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

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

12 (Source: P.A. 101-652, eff. 1-1-23.)

13 Section 25. The Illinois Domestic Violence Act of 1986 is
14 amended by changing Sections 222.5, 223, and 302 as follows:

15 (750 ILCS 60/222.5)

16 Sec. 222.5. Filing of an order of protection issued in
17 another state or other jurisdiction.

18 (a) A person entitled to protection under an order of
19 protection issued by the court of another state, tribe, or
20 United States territory or military judge tribunal ~~tribunal~~ may file a
21 certified copy of the order of protection with the clerk of the
22 court in a judicial circuit in which the person believes that
23 enforcement may be necessary.

24 (a-5) The Illinois National Guard shall file a certified

1 copy of any military order of protection with the clerk of the
2 court in a judicial circuit in which the person entitled to
3 protection resides or if the person entitled to protection is
4 not a State resident, in a judicial circuit in which it is
5 believed that enforcement may be necessary.

6 (b) The clerk shall:

7 (1) treat the foreign order of protection, including,
8 but not limited to, an order of protection issued by a
9 military judge tribunal, in the same manner as a judgment
10 of the circuit court for any county of this State in
11 accordance with the provisions of the Uniform Enforcement
12 of Foreign Judgments Act, except that the clerk shall not
13 mail notice of the filing of the foreign order to the
14 respondent named in the order; and

15 (2) on the same day that a foreign order of protection
16 is filed, file a certified copy of that order with the
17 sheriff or other law enforcement officials charged with
18 maintaining Illinois State Police records as set forth in
19 Section 222 of this Act.

20 (c) Neither residence in this State nor filing of a
21 foreign order of protection, including, but not limited to, an
22 order of protection issued by a military judge tribunal, shall
23 be required for enforcement of the order by this State.
24 Failure to file the foreign order shall not be an impediment to
25 its treatment in all respects as an Illinois order of
26 protection.

1 (d) The clerk shall not charge a fee to file a foreign
2 order of protection under this Section.

3 (e) The sheriff shall inform the Illinois State Police as
4 set forth in Section 302 of this Act.

5 (Source: P.A. 102-538, eff. 8-20-21; 102-890, eff. 5-19-22.)

6 (750 ILCS 60/223) (from Ch. 40, par. 2312-23)

7 Sec. 223. Enforcement of orders of protection.

8 (a) When violation is crime. A violation of any order of
9 protection, whether issued in a civil or criminal proceeding
10 or by a military judge ~~tribunal~~, shall be enforced by a
11 criminal court when:

12 (1) The respondent commits the crime of violation of
13 an order of protection pursuant to Section 12-3.4 or 12-30
14 of the Criminal Code of 1961 or the Criminal Code of 2012,
15 by having knowingly violated:

16 (i) remedies described in paragraphs (1), (2),
17 (3), (14), or (14.5) of subsection (b) of Section 214
18 of this Act; or

19 (ii) a remedy, which is substantially similar to
20 the remedies authorized under paragraphs (1), (2),
21 (3), (14), and (14.5) of subsection (b) of Section 214
22 of this Act, in a valid order of protection which is
23 authorized under the laws of another state, tribe, or
24 United States territory; or

25 (iii) any other remedy when the act constitutes a

1 crime against the protected parties as defined by the
2 Criminal Code of 1961 or the Criminal Code of 2012.

3 Prosecution for a violation of an order of protection
4 shall not bar concurrent prosecution for any other crime,
5 including any crime that may have been committed at the
6 time of the violation of the order of protection; or

7 (2) The respondent commits the crime of child
8 abduction pursuant to Section 10-5 of the Criminal Code of
9 1961 or the Criminal Code of 2012, by having knowingly
10 violated:

11 (i) remedies described in paragraphs (5), (6) or
12 (8) of subsection (b) of Section 214 of this Act; or

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

19 (b) When violation is contempt of court. A violation of
20 any valid Illinois order of protection, whether issued in a
21 civil or criminal proceeding or by a military judge ~~tribunal~~,
22 may be enforced through civil or criminal contempt procedures,
23 as appropriate, by any court with jurisdiction, regardless
24 where the act or acts which violated the order of protection
25 were committed, to the extent consistent with the venue
26 provisions of this Act. Nothing in this Act shall preclude any

1 Illinois court from enforcing any valid order of protection
2 issued in another state. Illinois courts may enforce orders of
3 protection through both criminal prosecution and contempt
4 proceedings, unless the action which is second in time is
5 barred by collateral estoppel or the constitutional
6 prohibition against double jeopardy.

7 (1) In a contempt proceeding where the petition for a
8 rule to show cause sets forth facts evidencing an
9 immediate danger that the respondent will flee the
10 jurisdiction, conceal a child, or inflict physical abuse
11 on the petitioner or minor children or on dependent adults
12 in petitioner's care, the court may order the attachment
13 of the respondent without prior service of the rule to
14 show cause or the petition for a rule to show cause.
15 Conditions of release shall be set unless specifically
16 denied in writing.

17 (2) A petition for a rule to show cause for violation
18 of an order of protection shall be treated as an expedited
19 proceeding.

20 (b-1) The court shall not hold a school district or
21 private or non-public school or any of its employees in civil
22 or criminal contempt unless the school district or private or
23 non-public school has been allowed to intervene.

24 (b-2) The court may hold the parents, guardian, or legal
25 custodian of a minor respondent in civil or criminal contempt
26 for a violation of any provision of any order entered under

1 this Act for conduct of the minor respondent in violation of
2 this Act if the parents, guardian, or legal custodian
3 directed, encouraged, or assisted the respondent minor in such
4 conduct.

5 (c) Violation of custody or support orders or temporary or
6 final judgments allocating parental responsibilities. A
7 violation of remedies described in paragraphs (5), (6), (8),
8 or (9) of subsection (b) of Section 214 of this Act may be
9 enforced by any remedy provided by Section 607.5 of the
10 Illinois Marriage and Dissolution of Marriage Act. The court
11 may enforce any order for support issued under paragraph (12)
12 of subsection (b) of Section 214 in the manner provided for
13 under Parts V and VII of the Illinois Marriage and Dissolution
14 of Marriage Act.

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

19 (1) By service, delivery, or notice under Section 210.

20 (2) By notice under Section 210.1 or 211.

21 (3) By service of an order of protection under Section
22 222.

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

25 (e) The enforcement of an order of protection in civil or
26 criminal court shall not be affected by either of the

1 following:

2 (1) The existence of a separate, correlative order,
3 entered under Section 215.

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

6 (f) Circumstances. The court, when determining whether or
7 not a violation of an order of protection has occurred, shall
8 not require physical manifestations of abuse on the person of
9 the victim.

10 (g) Penalties.

11 (1) Except as provided in paragraph (3) of this
12 subsection, where the court finds the commission of a
13 crime or contempt of court under subsections (a) or (b) of
14 this Section, the penalty shall be the penalty that
15 generally applies in such criminal or contempt
16 proceedings, and may include one or more of the following:
17 incarceration, payment of restitution, a fine, payment of
18 attorneys' fees and costs, or community service.

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

23 (3) To the extent permitted by law, the court is
24 encouraged to:

25 (i) increase the penalty for the knowing violation
26 of any order of protection over any penalty previously

1 imposed by any court for respondent's violation of any
2 order of protection or penal statute involving
3 petitioner as victim and respondent as defendant;

4 (ii) impose a minimum penalty of 24 hours
5 imprisonment for respondent's first violation of any
6 order of protection; and

7 (iii) impose a minimum penalty of 48 hours
8 imprisonment for respondent's second or subsequent
9 violation of an order of protection

10 unless the court explicitly finds that an increased
11 penalty or that period of imprisonment would be manifestly
12 unjust.

13 (4) In addition to any other penalties imposed for a
14 violation of an order of protection, a criminal court may
15 consider evidence of any violations of an order of
16 protection:

17 (i) to increase, revoke or modify the conditions
18 of pretrial release on an underlying criminal charge
19 pursuant to Section 110-6 of the Code of Criminal
20 Procedure of 1963;

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

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

1 (5) In addition to any other penalties, the court
2 shall impose an additional fine of \$20 as authorized by
3 Section 5-9-1.11 of the Unified Code of Corrections upon
4 any person convicted of or placed on supervision for a
5 violation of an order of protection. The additional fine
6 shall be imposed for each violation of this Section.

7 (Source: P.A. 101-652, eff. 1-1-23; 102-890, eff. 5-19-22.)

8 (750 ILCS 60/302) (from Ch. 40, par. 2313-2)

9 Sec. 302. Data maintenance by law enforcement agencies.

10 (a) All sheriffs shall furnish to the Illinois State
11 Police, on the same day as received, in the form and detail the
12 Illinois State Police requires, copies of any recorded
13 emergency, interim, or plenary orders of protection issued by
14 the court, and any foreign orders of protection, including,
15 but not limited to, an order of protection issued by a military
16 judge ~~tribunal~~, filed by the clerk of the court, and
17 transmitted to the sheriff by the clerk of the court pursuant
18 to subsection (b) of Section 222 of this Act. Each order of
19 protection shall be entered in the Law Enforcement Agencies
20 Data System on the same day it is issued by the court. If an
21 emergency order of protection was issued in accordance with
22 subsection (c) of Section 217, the order shall be entered in
23 the Law Enforcement Agencies Data System as soon as possible
24 after receipt from the clerk.

25 (b) The Illinois State Police shall maintain a complete

1 and systematic record and index of all valid and recorded
2 orders of protection issued pursuant to this Act. The data
3 shall be used to inform all dispatchers and law enforcement
4 officers at the scene of an alleged incident of abuse,
5 neglect, or exploitation or violation of an order of
6 protection of any recorded prior incident of abuse, neglect,
7 or exploitation involving the abused, neglected, or exploited
8 party and the effective dates and terms of any recorded order
9 of protection.

10 (c) The data, records and transmittals required under this
11 Section shall pertain to any valid emergency, interim or
12 plenary order of protection, whether issued in a civil or
13 criminal proceeding or authorized under the laws of another
14 state, tribe, or United States territory.

15 (Source: P.A. 102-538, eff. 8-20-21; 102-890, eff. 5-19-22.)

16 Section 99. Effective date. This Act takes effect upon
17 becoming law.