



Rep. Matt Hanson

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10300HB4011ham001

LRB103 29843 JRC 70589 a

1 AMENDMENT TO HOUSE BILL 4011

2 AMENDMENT NO. _____. Amend House Bill 4011 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Domestic Violence Act of 1986 is
5 amended by changing Section 304 as follows:

6 (750 ILCS 60/304) (from Ch. 40, par. 2313-4)

7 Sec. 304. Assistance by law enforcement officers.

8 (a) Whenever a law enforcement officer has reason to
9 believe that a person has been abused, neglected, or exploited
10 by a family or household member, the officer shall immediately
11 use all reasonable means to prevent further abuse, neglect, or
12 exploitation, including:

13 (1) Arresting the abusing, neglecting, and exploiting
14 party, if where appropriate, except in situations in which
15 the alleged offending party is a juvenile. If the alleged
16 offender is a juvenile, then the officer, based on the

1 totality of the circumstances, may choose not to arrest
2 the juvenile and instead may divert the juvenile or may
3 assist the juvenile and the juvenile's family in finding
4 alternative placement;

5 (2) If there is probable cause to believe that
6 particular weapons were used to commit the incident of
7 abuse, subject to constitutional limitations, seizing and
8 taking inventory of the weapons;

9 (3) Accompanying the victim of abuse, neglect, or
10 exploitation to his or her place of residence for a
11 reasonable period of time to remove necessary personal
12 belongings and possessions;

13 (4) Offering the victim of abuse, neglect, or
14 exploitation immediate and adequate information (written
15 in a language appropriate for the victim or in Braille or
16 communicated in appropriate sign language), which shall
17 include a summary of the procedures and relief available
18 to victims of abuse under subsection (c) of Section 217
19 and the officer's name and badge number;

20 (5) Providing the victim with one referral to an
21 accessible service agency;

22 (6) Advising the victim of abuse about seeking medical
23 attention and preserving evidence (specifically including
24 photographs of injury or damage and damaged clothing or
25 other property); and

26 (7) Providing or arranging accessible transportation

1 for the victim of abuse (and, at the victim's request, any
2 minors or dependents in the victim's care) to a medical
3 facility for treatment of injuries or to a nearby place of
4 shelter or safety; or, after the close of court business
5 hours, providing or arranging for transportation for the
6 victim (and, at the victim's request, any minors or
7 dependents in the victim's care) to the nearest available
8 circuit judge or associate judge so the victim may file a
9 petition for an emergency order of protection under
10 subsection (c) of Section 217. When a victim of abuse
11 chooses to leave the scene of the offense, it shall be
12 presumed that it is in the best interests of any minors or
13 dependents in the victim's care to remain with the victim
14 or a person designated by the victim, rather than to
15 remain with the abusing party.

16 (b) Whenever a law enforcement officer does not exercise
17 arrest powers or otherwise initiate criminal proceedings, the
18 officer shall:

19 (1) Make a police report of the investigation of any
20 bona fide allegation of an incident of abuse, neglect, or
21 exploitation and the disposition of the investigation, in
22 accordance with subsection (a) of Section 303;

23 (2) Inform the victim of abuse neglect, or
24 exploitation of the victim's right to request that a
25 criminal proceeding be initiated where appropriate,
26 including specific times and places for meeting with the

1 State's Attorney's office, a warrant officer, or other
2 official in accordance with local procedure; and

3 (3) Advise the victim of the importance of seeking
4 medical attention and preserving evidence (specifically
5 including photographs of injury or damage and damaged
6 clothing or other property).

7 (c) Except as provided by Section 24-6 of the Criminal
8 Code of 2012 or under a court order, any weapon seized under
9 subsection (a)(2) shall be returned forthwith to the person
10 from whom it was seized when it is no longer needed for
11 evidentiary purposes.

12 (Source: P.A. 97-1150, eff. 1-25-13.)".