



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB0044

Introduced 1/20/2023, by Sen. Sara Feigenholtz

SYNOPSIS AS INTRODUCED:

430 ILCS 65/9.5	
725 ILCS 5/112A-14	from Ch. 38, par. 112A-14
750 ILCS 60/214	from Ch. 40, par. 2312-14
750 ILCS 60/217	from Ch. 40, par. 2312-17
750 ILCS 60/223	from Ch. 40, par. 2312-23

Amends the Illinois Domestic Violence Act of 1986. Provides that if the respondent to an order of protection issued is required to surrender any firearms, the order of protection shall also include an order to surrender firearms. Requires the respondent to surrender any firearms under an order to surrender on the day the respondent is served with the order of protection. Requires the law enforcement agency receiving any surrendered firearms to provide a statement of receipt of any firearm to the respondent and the court. Provides that the failure to surrender any firearm within 24 hours to the individual or law enforcement agency under an order to surrender firearms shall constitute contempt of court for the violation of the terms of the order of protection. Requires the Supreme Court to adopt a form for an order to surrender firearms and update any existing forms for an order of protection to reflect the changes made by the amendatory Act. Provides that if any Firearm Owner's Identification Card of the respondent is surrendered, the period of surrender shall be for the duration of the order of protection. Provides that if any Firearm Owner's Identification Card of the respondent is revoked, the period of surrender shall be for the duration of the order of protection or 2 years, whichever is longer. Restricts a respondent who has surrendered a firearm from purchasing, possessing, or having access to a firearm for the period of surrender. Provides that, upon expiration of the period of surrender, any surrendered firearm may only be returned to a respondent if a judicial officer has signed an order to release firearms stating that the order of protection is no longer in effect and the period of surrender has expired. Makes conforming changes in the Act, the Firearm Owners Identification Card Act, and the Code of Criminal Procedure of 1963.

LRB103 04765 RLC 49774 b

1 AN ACT concerning firearms.

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 9.5 as follows:

6 (430 ILCS 65/9.5)

7 Sec. 9.5. Revocation of Firearm Owner's Identification
8 Card.

9 (a) A person who receives a revocation notice under
10 Section 9 of this Act shall, within 48 hours of receiving
11 notice of the revocation:

12 (1) surrender his or her Firearm Owner's
13 Identification Card to the local law enforcement agency
14 where the person resides or to the Illinois State Police;
15 and

16 (2) complete a Firearm Disposition Record on a form
17 prescribed by the Illinois State Police and place his or
18 her firearms in the location or with the person reported
19 in the Firearm Disposition Record. The form shall require
20 the person to disclose:

21 (A) the make, model, and serial number of each
22 firearm owned by or under the custody and control of
23 the revoked person;

1 (B) the location where each firearm will be
2 maintained during the prohibited term;

3 (C) if any firearm will be transferred to the
4 custody of another person, the name, address and
5 Firearm Owner's Identification Card number of the
6 transferee; and

7 (D) to whom his or her Firearm Owner's
8 Identification Card was surrendered.

9 Once completed, the person shall retain a copy and
10 provide a copy of the Firearm Disposition Record to the
11 Illinois State Police.

12 Nothing in this Section supersedes a court's authority to
13 order a person who receives a revocation notice to surrender
14 the person's firearms to a law enforcement agency of the
15 court's choosing.

16 (b) Upon confirming through the portal created under
17 Section 2605-304 of the Illinois State Police Law of the Civil
18 Administrative Code of Illinois that the Firearm Owner's
19 Identification Card has been revoked by the Illinois State
20 Police, surrendered cards shall be destroyed by the law
21 enforcement agency receiving the cards. If a card has not been
22 revoked, the card shall be returned to the cardholder.

23 (b-5) If a court orders the surrender of a Firearm
24 ~~Firearms~~ Owner's Identification Card and accepts receipt of
25 the Card, the court shall destroy the Card and direct the
26 person whose Firearm Owner's Identification Card has been

1 surrendered to comply with paragraph (2) of subsection (a).

2 (b-10) If the person whose Firearm Owner's Identification
3 Card has been revoked has either lost or destroyed the Card,
4 the person must still comply with paragraph (2) of subsection
5 (a).

6 (b-15) A notation shall be made in the portal created
7 under Section 2605-304 of the Illinois State Police Law of the
8 Civil Administrative Code of Illinois that the revoked Firearm
9 Owner's Identification Card has been destroyed.

10 (c) If the person whose Firearm Owner's Identification
11 Card has been revoked fails to comply with the requirements of
12 this Section, the sheriff or law enforcement agency where the
13 person resides may petition the circuit court to issue a
14 warrant to search for and seize the Firearm Owner's
15 Identification Card and firearms in the possession or under
16 the custody or control of the person whose Firearm Owner's
17 Identification Card has been revoked.

18 (d) A violation of subsection (a) of this Section is a
19 Class A misdemeanor.

20 (e) The observation of a Firearm Owner's Identification
21 Card in the possession of a person whose Firearm Owner's
22 Identification Card has been revoked constitutes a sufficient
23 basis for the arrest of that person for violation of this
24 Section.

25 (f) Within 30 days after July 9, 2013 (the effective date
26 of Public Act 98-63), the Illinois State Police shall provide

1 written notice of the requirements of this Section to persons
2 whose Firearm Owner's Identification Cards have been revoked,
3 suspended, or expired and who have failed to surrender their
4 cards to the Illinois State Police.

5 (g) A person whose Firearm Owner's Identification Card has
6 been revoked and who received notice under subsection (f)
7 shall comply with the requirements of this Section within 48
8 hours of receiving notice.

9 (Source: P.A. 102-237, eff. 1-1-22; 102-538, eff. 8-20-21;
10 102-813, eff. 5-13-22; revised 8-24-22.)

11 Section 10. The Code of Criminal Procedure of 1963 is
12 amended by changing Section 112A-14 as follows:

13 (725 ILCS 5/112A-14) (from Ch. 38, par. 112A-14)

14 Sec. 112A-14. Domestic violence order of protection;
15 remedies.

16 (a) (Blank).

17 (b) The court may order any of the remedies listed in this
18 subsection (b). The remedies listed in this subsection (b)
19 shall be in addition to other civil or criminal remedies
20 available to petitioner.

21 (1) Prohibition of abuse. Prohibit respondent's
22 harassment, interference with personal liberty,
23 intimidation of a dependent, physical abuse, or willful
24 deprivation, as defined in this Article, if such abuse has

1 occurred or otherwise appears likely to occur if not
2 prohibited.

3 (2) Grant of exclusive possession of residence.
4 Prohibit respondent from entering or remaining in any
5 residence, household, or premises of the petitioner,
6 including one owned or leased by respondent, if petitioner
7 has a right to occupancy thereof. The grant of exclusive
8 possession of the residence, household, or premises shall
9 not affect title to real property, nor shall the court be
10 limited by the standard set forth in subsection (c-2) of
11 Section 501 of the Illinois Marriage and Dissolution of
12 Marriage Act.

13 (A) Right to occupancy. A party has a right to
14 occupancy of a residence or household if it is solely
15 or jointly owned or leased by that party, that party's
16 spouse, a person with a legal duty to support that
17 party or a minor child in that party's care, or by any
18 person or entity other than the opposing party that
19 authorizes that party's occupancy (e.g., a domestic
20 violence shelter). Standards set forth in subparagraph
21 (B) shall not preclude equitable relief.

22 (B) Presumption of hardships. If petitioner and
23 respondent each has the right to occupancy of a
24 residence or household, the court shall balance (i)
25 the hardships to respondent and any minor child or
26 dependent adult in respondent's care resulting from

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

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

23 (3) Stay away order and additional prohibitions. Order
24 respondent to stay away from petitioner or any other
25 person protected by the domestic violence order of
26 protection, or prohibit respondent from entering or

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

7 (A) If a domestic violence order of protection
8 grants petitioner exclusive possession of the
9 residence, prohibits respondent from entering the
10 residence, or orders respondent to stay away from
11 petitioner or other protected persons, then the court
12 may allow respondent access to the residence to remove
13 items of clothing and personal adornment used
14 exclusively by respondent, medications, and other
15 items as the court directs. The right to access shall
16 be exercised on only one occasion as the court directs
17 and in the presence of an agreed-upon adult third
18 party or law enforcement officer.

19 (B) When the petitioner and the respondent attend
20 the same public, private, or non-public elementary,
21 middle, or high school, the court when issuing a
22 domestic violence order of protection and providing
23 relief shall consider the severity of the act, any
24 continuing physical danger or emotional distress to
25 the petitioner, the educational rights guaranteed to
26 the petitioner and respondent under federal and State

1 law, the availability of a transfer of the respondent
2 to another school, a change of placement or a change of
3 program of the respondent, the expense, difficulty,
4 and educational disruption that would be caused by a
5 transfer of the respondent to another school, and any
6 other relevant facts of the case. The court may order
7 that the respondent not attend the public, private, or
8 non-public elementary, middle, or high school attended
9 by the petitioner, order that the respondent accept a
10 change of placement or change of program, as
11 determined by the school district or private or
12 non-public school, or place restrictions on the
13 respondent's movements within the school attended by
14 the petitioner. The respondent bears the burden of
15 proving by a preponderance of the evidence that a
16 transfer, change of placement, or change of program of
17 the respondent is not available. The respondent also
18 bears the burden of production with respect to the
19 expense, difficulty, and educational disruption that
20 would be caused by a transfer of the respondent to
21 another school. A transfer, change of placement, or
22 change of program is not unavailable to the respondent
23 solely on the ground that the respondent does not
24 agree with the school district's or private or
25 non-public school's transfer, change of placement, or
26 change of program or solely on the ground that the

1 respondent fails or refuses to consent or otherwise
2 does not take an action required to effectuate a
3 transfer, change of placement, or change of program.
4 When a court orders a respondent to stay away from the
5 public, private, or non-public school attended by the
6 petitioner and the respondent requests a transfer to
7 another attendance center within the respondent's
8 school district or private or non-public school, the
9 school district or private or non-public school shall
10 have sole discretion to determine the attendance
11 center to which the respondent is transferred. If the
12 court order results in a transfer of the minor
13 respondent to another attendance center, a change in
14 the respondent's placement, or a change of the
15 respondent's program, the parents, guardian, or legal
16 custodian of the respondent is responsible for
17 transportation and other costs associated with the
18 transfer or change.

19 (C) The court may order the parents, guardian, or
20 legal custodian of a minor respondent to take certain
21 actions or to refrain from taking certain actions to
22 ensure that the respondent complies with the order. If
23 the court orders a transfer of the respondent to
24 another school, the parents, guardian, or legal
25 custodian of the respondent is responsible for
26 transportation and other costs associated with the

1 change of school by the respondent.

2 (4) Counseling. Require or recommend the respondent to
3 undergo counseling for a specified duration with a social
4 worker, psychologist, clinical psychologist,
5 psychiatrist, family service agency, alcohol or substance
6 abuse program, mental health center guidance counselor,
7 agency providing services to elders, program designed for
8 domestic violence abusers, or any other guidance service
9 the court deems appropriate. The court may order the
10 respondent in any intimate partner relationship to report
11 to an Illinois Department of Human Services protocol
12 approved partner abuse intervention program for an
13 assessment and to follow all recommended treatment.

14 (5) Physical care and possession of the minor child.
15 In order to protect the minor child from abuse, neglect,
16 or unwarranted separation from the person who has been the
17 minor child's primary caretaker, or to otherwise protect
18 the well-being of the minor child, the court may do either
19 or both of the following: (i) grant petitioner physical
20 care or possession of the minor child, or both, or (ii)
21 order respondent to return a minor child to, or not remove
22 a minor child from, the physical care of a parent or person
23 in loco parentis.

24 If the respondent is charged with abuse (as defined in
25 Section 112A-3 of this Code) of a minor child, there shall
26 be a rebuttable presumption that awarding physical care to

1 respondent would not be in the minor child's best
2 interest.

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

10 If the respondent is charged with abuse (as defined in
11 Section 112A-3 of this Code) of a minor child, there shall
12 be a rebuttable presumption that awarding temporary
13 significant decision-making responsibility to respondent
14 would not be in the child's best interest.

15 (7) Parenting time. Determine the parenting time, if
16 any, of respondent in any case in which the court awards
17 physical care or temporary significant decision-making
18 responsibility of a minor child to petitioner. The court
19 shall restrict or deny respondent's parenting time with a
20 minor child if the court finds that respondent has done or
21 is likely to do any of the following:

22 (i) abuse or endanger the minor child during
23 parenting time;

24 (ii) use the parenting time as an opportunity to
25 abuse or harass petitioner or petitioner's family or
26 household members;

1 (iii) improperly conceal or detain the minor
2 child; or

3 (iv) otherwise act in a manner that is not in the
4 best interests of the minor child.

5 The court shall not be limited by the standards set
6 forth in Section 603.10 of the Illinois Marriage and
7 Dissolution of Marriage Act. If the court grants parenting
8 time, the order shall specify dates and times for the
9 parenting time to take place or other specific parameters
10 or conditions that are appropriate. No order for parenting
11 time shall refer merely to the term "reasonable parenting
12 time". Petitioner may deny respondent access to the minor
13 child if, when respondent arrives for parenting time,
14 respondent is under the influence of drugs or alcohol and
15 constitutes a threat to the safety and well-being of
16 petitioner or petitioner's minor children or is behaving
17 in a violent or abusive manner. If necessary to protect
18 any member of petitioner's family or household from future
19 abuse, respondent shall be prohibited from coming to
20 petitioner's residence to meet the minor child for
21 parenting time, and the petitioner and respondent shall
22 submit to the court their recommendations for reasonable
23 alternative arrangements for parenting time. A person may
24 be approved to supervise parenting time only after filing
25 an affidavit accepting that responsibility and
26 acknowledging accountability to the court.

1 (8) Removal or concealment of minor child. Prohibit
2 respondent from removing a minor child from the State or
3 concealing the child within the State.

4 (9) Order to appear. Order the respondent to appear in
5 court, alone or with a minor child, to prevent abuse,
6 neglect, removal or concealment of the child, to return
7 the child to the custody or care of the petitioner, or to
8 permit any court-ordered interview or examination of the
9 child or the respondent.

10 (10) Possession of personal property. Grant petitioner
11 exclusive possession of personal property and, if
12 respondent has possession or control, direct respondent to
13 promptly make it available to petitioner, if:

14 (i) petitioner, but not respondent, owns the
15 property; or

16 (ii) the petitioner and respondent own the
17 property jointly; sharing it would risk abuse of
18 petitioner by respondent or is impracticable; and the
19 balance of hardships favors temporary possession by
20 petitioner.

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

1 hereafter amended.

2 No order under this provision shall affect title to
3 property.

4 (11) Protection of property. Forbid the respondent
5 from taking, transferring, encumbering, concealing,
6 damaging, or otherwise disposing of any real or personal
7 property, except as explicitly authorized by the court,
8 if:

9 (i) petitioner, but not respondent, owns the
10 property; or

11 (ii) the petitioner and respondent own the
12 property jointly, and the balance of hardships favors
13 granting this remedy.

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

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

24 (11.5) Protection of animals. Grant the petitioner the
25 exclusive care, custody, or control of any animal owned,
26 possessed, leased, kept, or held by either the petitioner

1 or the respondent or a minor child residing in the
2 residence or household of either the petitioner or the
3 respondent and order the respondent to stay away from the
4 animal and forbid the respondent from taking,
5 transferring, encumbering, concealing, harming, or
6 otherwise disposing of the animal.

7 (12) Order for payment of support. Order respondent to
8 pay temporary support for the petitioner or any child in
9 the petitioner's care or over whom the petitioner has been
10 allocated parental responsibility, when the respondent has
11 a legal obligation to support that person, in accordance
12 with the Illinois Marriage and Dissolution of Marriage
13 Act, which shall govern, among other matters, the amount
14 of support, payment through the clerk and withholding of
15 income to secure payment. An order for child support may
16 be granted to a petitioner with lawful physical care of a
17 child, or an order or agreement for physical care of a
18 child, prior to entry of an order allocating significant
19 decision-making responsibility. Such a support order shall
20 expire upon entry of a valid order allocating parental
21 responsibility differently and vacating petitioner's
22 significant decision-making responsibility unless
23 otherwise provided in the order.

24 (13) Order for payment of losses. Order respondent to
25 pay petitioner for losses suffered as a direct result of
26 the abuse. Such losses shall include, but not be limited

1 to, medical expenses, lost earnings or other support,
2 repair or replacement of property damaged or taken,
3 reasonable attorney's fees, court costs, and moving or
4 other travel expenses, including additional reasonable
5 expenses for temporary shelter and restaurant meals.

6 (i) Losses affecting family needs. If a party is
7 entitled to seek maintenance, child support, or
8 property distribution from the other party under the
9 Illinois Marriage and Dissolution of Marriage Act, as
10 now or hereafter amended, the court may order
11 respondent to reimburse petitioner's actual losses, to
12 the extent that such reimbursement would be
13 "appropriate temporary relief", as authorized by
14 subsection (a) (3) of Section 501 of that Act.

15 (ii) Recovery of expenses. In the case of an
16 improper concealment or removal of a minor child, the
17 court may order respondent to pay the reasonable
18 expenses incurred or to be incurred in the search for
19 and recovery of the minor child, including, but not
20 limited to, legal fees, court costs, private
21 investigator fees, and travel costs.

22 (14) Prohibition of entry. Prohibit the respondent
23 from entering or remaining in the residence or household
24 while the respondent is under the influence of alcohol or
25 drugs and constitutes a threat to the safety and
26 well-being of the petitioner or the petitioner's children.

1 (14.5) Prohibition of firearm possession.

2 (A) A person who is subject to an existing
3 domestic violence order of protection issued under
4 this Code may not lawfully possess weapons or a
5 Firearm Owner's Identification Card under Section 8.2
6 of the Firearm Owners Identification Card Act and is
7 subject to the requirements of subsection (a-1) of
8 Section 214 of the Illinois Domestic Violence Act of
9 1986 and paragraph (14.5) or (14.6) of subsection (b)
10 of Section 214 of the Illinois Domestic Violence Act
11 of 1986, as applicable.

12 (B) Any firearms in the possession of the
13 respondent, except as provided in subparagraph (C) of
14 this paragraph (14.5), shall be ordered by the court
15 to be turned over to a person with a valid Firearm
16 Owner's Identification Card for surrender:
17 ~~safekeeping.~~

18 (i) in the case of an ex parte order under
19 Section 112A-17.5, for the duration of the
20 domestic violence order of protection; or

21 (ii) in the case of a final order, for the
22 duration of the domestic violence order of
23 protection or 2 years, whichever is longer.

24 The court shall issue an order that the
25 respondent comply with Section 9.5 of the Firearm
26 Owners Identification Card Act.

1 (C) If the respondent is a peace officer as
2 defined in Section 2-13 of the Criminal Code of 2012,
3 the court shall order that any firearms used by the
4 respondent in the performance of his or her duties as a
5 peace officer be surrendered to the chief law
6 enforcement executive of the agency in which the
7 respondent is employed, who shall retain the firearms
8 for surrender:~~safekeeping for the duration of the~~
9 ~~domestic violence order of protection.~~

10 (i) in the case of an ex parte order under
11 Section 112A-17.5, for the duration of the
12 domestic violence order of protection; or

13 (ii) in the case of a final order, for the
14 duration of the domestic violence order of
15 protection or 2 years, whichever is longer.

16 (D) Upon expiration of the period of surrender
17 ~~safekeeping~~, if the firearms or Firearm Owner's
18 Identification Card cannot be returned to respondent
19 because respondent cannot be located, fails to respond
20 to requests to retrieve the firearms, or is not
21 lawfully eligible to possess a firearm, upon petition
22 from the local law enforcement agency, the court may
23 order the local law enforcement agency to destroy the
24 firearms, use the firearms for training purposes, or
25 for any other application as deemed appropriate by the
26 local law enforcement agency; or that the firearms be

1 turned over to a third party who is lawfully eligible
2 to possess firearms, and who does not reside with
3 respondent.

4 (15) Prohibition of access to records. If a domestic
5 violence order of protection prohibits respondent from
6 having contact with the minor child, or if petitioner's
7 address is omitted under subsection (b) of Section 112A-5
8 of this Code, or if necessary to prevent abuse or wrongful
9 removal or concealment of a minor child, the order shall
10 deny respondent access to, and prohibit respondent from
11 inspecting, obtaining, or attempting to inspect or obtain,
12 school or any other records of the minor child who is in
13 the care of petitioner.

14 (16) Order for payment of shelter services. Order
15 respondent to reimburse a shelter providing temporary
16 housing and counseling services to the petitioner for the
17 cost of the services, as certified by the shelter and
18 deemed reasonable by the court.

19 (17) Order for injunctive relief. Enter injunctive
20 relief necessary or appropriate to prevent further abuse
21 of a family or household member or to effectuate one of the
22 granted remedies, if supported by the balance of
23 hardships. If the harm to be prevented by the injunction
24 is abuse or any other harm that one of the remedies listed
25 in paragraphs (1) through (16) of this subsection is
26 designed to prevent, no further evidence is necessary to

1 establish that the harm is an irreparable injury.

2 (18) Telephone services.

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

21 (i) The name and billing telephone number of
22 the account holder including the name of the
23 wireless telephone service provider that serves
24 the account.

25 (ii) Each telephone number that will be
26 transferred.

1 (iii) A statement that the provider transfers
2 to the petitioner all financial responsibility for
3 and right to the use of any telephone number
4 transferred under this paragraph.

5 (B) A wireless telephone service provider shall
6 terminate the respondent's use of, and shall transfer
7 to the petitioner use of, the telephone number or
8 numbers indicated in subparagraph (A) of this
9 paragraph unless it notifies the petitioner, within 72
10 hours after it receives the order, that one of the
11 following applies:

12 (i) The account holder named in the order has
13 terminated the account.

14 (ii) A difference in network technology would
15 prevent or impair the functionality of a device on
16 a network if the transfer occurs.

17 (iii) The transfer would cause a geographic or
18 other limitation on network or service provision
19 to the petitioner.

20 (iv) Another technological or operational
21 issue would prevent or impair the use of the
22 telephone number if the transfer occurs.

23 (C) The petitioner assumes all financial
24 responsibility for and right to the use of any
25 telephone number transferred under this paragraph. In
26 this paragraph, "financial responsibility" includes

1 monthly service costs and costs associated with any
2 mobile device associated with the number.

3 (D) A wireless telephone service provider may
4 apply to the petitioner its routine and customary
5 requirements for establishing an account or
6 transferring a number, including requiring the
7 petitioner to provide proof of identification,
8 financial information, and customer preferences.

9 (E) Except for willful or wanton misconduct, a
10 wireless telephone service provider is immune from
11 civil liability for its actions taken in compliance
12 with a court order issued under this paragraph.

13 (F) All wireless service providers that provide
14 services to residential customers shall provide to the
15 Illinois Commerce Commission the name and address of
16 an agent for service of orders entered under this
17 paragraph (18). Any change in status of the registered
18 agent must be reported to the Illinois Commerce
19 Commission within 30 days of such change.

20 (G) The Illinois Commerce Commission shall
21 maintain the list of registered agents for service for
22 each wireless telephone service provider on the
23 Commission's website. The Commission may consult with
24 wireless telephone service providers and the Circuit
25 Court Clerks on the manner in which this information
26 is provided and displayed.

1 (c) Relevant factors; findings.

2 (1) In determining whether to grant a specific remedy,
3 other than payment of support, the court shall consider
4 relevant factors, including, but not limited to, the
5 following:

6 (i) the nature, frequency, severity, pattern, and
7 consequences of the respondent's past abuse of the
8 petitioner or any family or household member,
9 including the concealment of his or her location in
10 order to evade service of process or notice, and the
11 likelihood of danger of future abuse to petitioner or
12 any member of petitioner's or respondent's family or
13 household; and

14 (ii) the danger that any minor child will be
15 abused or neglected or improperly relocated from the
16 jurisdiction, improperly concealed within the State,
17 or improperly separated from the child's primary
18 caretaker.

19 (2) In comparing relative hardships resulting to the
20 parties from loss of possession of the family home, the
21 court shall consider relevant factors, including, but not
22 limited to, the following:

23 (i) availability, accessibility, cost, safety,
24 adequacy, location, and other characteristics of
25 alternate housing for each party and any minor child
26 or dependent adult in the party's care;

1 (ii) the effect on the party's employment; and
2 (iii) the effect on the relationship of the party,
3 and any minor child or dependent adult in the party's
4 care, to family, school, church, and community.

5 (3) Subject to the exceptions set forth in paragraph
6 (4) of this subsection (c), the court shall make its
7 findings in an official record or in writing, and shall at
8 a minimum set forth the following:

9 (i) That the court has considered the applicable
10 relevant factors described in paragraphs (1) and (2)
11 of this subsection (c).

12 (ii) Whether the conduct or actions of respondent,
13 unless prohibited, will likely cause irreparable harm
14 or continued abuse.

15 (iii) Whether it is necessary to grant the
16 requested relief in order to protect petitioner or
17 other alleged abused persons.

18 (4) (Blank).

19 (5) Never married parties. No rights or
20 responsibilities for a minor child born outside of
21 marriage attach to a putative father until a father and
22 child relationship has been established under the Illinois
23 Parentage Act of 1984, the Illinois Parentage Act of 2015,
24 the Illinois Public Aid Code, Section 12 of the Vital
25 Records Act, the Juvenile Court Act of 1987, the Probate
26 Act of 1975, the Uniform Interstate Family Support Act,

1 the Expedited Child Support Act of 1990, any judicial,
2 administrative, or other act of another state or
3 territory, any other statute of this State, or by any
4 foreign nation establishing the father and child
5 relationship, any other proceeding substantially in
6 conformity with the federal Personal Responsibility and
7 Work Opportunity Reconciliation Act of 1996, or when both
8 parties appeared in open court or at an administrative
9 hearing acknowledging under oath or admitting by
10 affirmation the existence of a father and child
11 relationship. Absent such an adjudication, no putative
12 father shall be granted temporary allocation of parental
13 responsibilities, including parenting time with the minor
14 child, or physical care and possession of the minor child,
15 nor shall an order of payment for support of the minor
16 child be entered.

17 (d) Balance of hardships; findings. If the court finds
18 that the balance of hardships does not support the granting of
19 a remedy governed by paragraph (2), (3), (10), (11), or (16) of
20 subsection (b) of this Section, which may require such
21 balancing, the court's findings shall so indicate and shall
22 include a finding as to whether granting the remedy will
23 result in hardship to respondent that would substantially
24 outweigh the hardship to petitioner from denial of the remedy.
25 The findings shall be an official record or in writing.

26 (e) Denial of remedies. Denial of any remedy shall not be

1 based, in whole or in part, on evidence that:

2 (1) respondent has cause for any use of force, unless
3 that cause satisfies the standards for justifiable use of
4 force provided by Article 7 of the Criminal Code of 2012;

5 (2) respondent was voluntarily intoxicated;

6 (3) petitioner acted in self-defense or defense of
7 another, provided that, if petitioner utilized force, such
8 force was justifiable under Article 7 of the Criminal Code
9 of 2012;

10 (4) petitioner did not act in self-defense or defense
11 of another;

12 (5) petitioner left the residence or household to
13 avoid further abuse by respondent;

14 (6) petitioner did not leave the residence or
15 household to avoid further abuse by respondent; or

16 (7) conduct by any family or household member excused
17 the abuse by respondent, unless that same conduct would
18 have excused such abuse if the parties had not been family
19 or household members.

20 (Source: P.A. 101-81, eff. 7-12-19; 102-237, eff. 1-1-22;
21 102-538, eff. 8-20-21; 102-813, eff. 5-13-22.)

22 Section 15. The Illinois Domestic Violence Act of 1986 is
23 amended by changing Sections 214, 217, and 223 as follows:

24 (750 ILCS 60/214) (from Ch. 40, par. 2312-14)

1 Sec. 214. Order of protection; remedies.

2 (a) Issuance of order. If the court finds that petitioner
3 has been abused by a family or household member or that
4 petitioner is a high-risk adult who has been abused,
5 neglected, or exploited, as defined in this Act, an order of
6 protection prohibiting the abuse, neglect, or exploitation
7 shall issue; provided that petitioner must also satisfy the
8 requirements of one of the following Sections, as appropriate:
9 Section 217 on emergency orders, Section 218 on interim
10 orders, or Section 219 on plenary orders. Petitioner shall not
11 be denied an order of protection because petitioner or
12 respondent is a minor. The court, when determining whether or
13 not to issue an order of protection, shall not require
14 physical manifestations of abuse on the person of the victim.
15 Modification and extension of prior orders of protection shall
16 be in accordance with this Act.

17 (a-1) If the respondent to an order of protection issued
18 under subsection (a) is subject to paragraph (14.5) or (14.6)
19 of subsection (b), the order of protection shall also include
20 an order to surrender firearms. The order to surrender
21 firearms shall require the respondent to surrender any firearm
22 on the day the respondent is served with the order of
23 protection. Upon the respondent surrendering any firearm to
24 the appropriate law enforcement agency, the law enforcement
25 agency shall provide a statement of receipt of any firearm,
26 with a description of any firearm surrendered, to the

1 respondent and the court. This statement of receipt shall be
2 considered proof of compliance with an order to surrender
3 firearms and may be presented as proof at a hearing.

4 The failure to surrender any firearm within 24 hours to
5 the appropriate law enforcement agency under an order to
6 surrender firearms shall constitute contempt of court for the
7 violation of the terms of the order of protection.

8 Within 30 days of the effective date of this amendatory
9 Act of the 103rd General Assembly, the Supreme Court shall
10 adopt a form for an order to surrender firearms and update any
11 existing forms for an order of protection to reflect the
12 changes made by this amendatory Act of the 103rd General
13 Assembly. The form for an order to surrender firearms shall
14 also include forms for a declaration of surrender of firearms,
15 proof of surrender, declaration of nonsurrender, and order to
16 release firearms.

17 (b) Remedies and standards. The remedies to be included in
18 an order of protection shall be determined in accordance with
19 this Section and one of the following Sections, as
20 appropriate: Section 217 on emergency orders, Section 218 on
21 interim orders, and Section 219 on plenary orders. The
22 remedies listed in this subsection shall be in addition to
23 other civil or criminal remedies available to petitioner.

24 (1) Prohibition of abuse, neglect, or exploitation.
25 Prohibit respondent's harassment, interference with
26 personal liberty, intimidation of a dependent, physical

1 abuse, or willful deprivation, neglect or exploitation, as
2 defined in this Act, or stalking of the petitioner, as
3 defined in Section 12-7.3 of the Criminal Code of 2012, if
4 such abuse, neglect, exploitation, or stalking has
5 occurred or otherwise appears likely to occur if not
6 prohibited.

7 (2) Grant of exclusive possession of residence.
8 Prohibit respondent from entering or remaining in any
9 residence, household, or premises of the petitioner,
10 including one owned or leased by respondent, if petitioner
11 has a right to occupancy thereof. The grant of exclusive
12 possession of the residence, household, or premises shall
13 not affect title to real property, nor shall the court be
14 limited by the standard set forth in subsection (c-2) of
15 Section 501 of the Illinois Marriage and Dissolution of
16 Marriage Act.

17 (A) Right to occupancy. A party has a right to
18 occupancy of a residence or household if it is solely
19 or jointly owned or leased by that party, that party's
20 spouse, a person with a legal duty to support that
21 party or a minor child in that party's care, or by any
22 person or entity other than the opposing party that
23 authorizes that party's occupancy (e.g., a domestic
24 violence shelter). Standards set forth in subparagraph
25 (B) shall not preclude equitable relief.

26 (B) Presumption of hardships. If petitioner and

1 respondent each has the right to occupancy of a
2 residence or household, the court shall balance (i)
3 the hardships to respondent and any minor child or
4 dependent adult in respondent's care resulting from
5 entry of this remedy with (ii) the hardships to
6 petitioner and any minor child or dependent adult in
7 petitioner's care resulting from continued exposure to
8 the risk of abuse (should petitioner remain at the
9 residence or household) or from loss of possession of
10 the residence or household (should petitioner leave to
11 avoid the risk of abuse). When determining the balance
12 of hardships, the court shall also take into account
13 the accessibility of the residence or household.
14 Hardships need not be balanced if respondent does not
15 have a right to occupancy.

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

1 (3) Stay away order and additional prohibitions. Order
2 respondent to stay away from petitioner or any other
3 person protected by the order of protection, or prohibit
4 respondent from entering or remaining present at
5 petitioner's school, place of employment, or other
6 specified places at times when petitioner is present, or
7 both, if reasonable, given the balance of hardships.
8 Hardships need not be balanced for the court to enter a
9 stay away order or prohibit entry if respondent has no
10 right to enter the premises.

11 (A) If an order of protection grants petitioner
12 exclusive possession of the residence, or prohibits
13 respondent from entering the residence, or orders
14 respondent to stay away from petitioner or other
15 protected persons, then the court may allow respondent
16 access to the residence to remove items of clothing
17 and personal adornment used exclusively by respondent,
18 medications, and other items as the court directs. The
19 right to access shall be exercised on only one
20 occasion as the court directs and in the presence of an
21 agreed-upon adult third party or law enforcement
22 officer.

23 (B) When the petitioner and the respondent attend
24 the same public, private, or non-public elementary,
25 middle, or high school, the court when issuing an
26 order of protection and providing relief shall

1 consider the severity of the act, any continuing
2 physical danger or emotional distress to the
3 petitioner, the educational rights guaranteed to the
4 petitioner and respondent under federal and State law,
5 the availability of a transfer of the respondent to
6 another school, a change of placement or a change of
7 program of the respondent, the expense, difficulty,
8 and educational disruption that would be caused by a
9 transfer of the respondent to another school, and any
10 other relevant facts of the case. The court may order
11 that the respondent not attend the public, private, or
12 non-public elementary, middle, or high school attended
13 by the petitioner, order that the respondent accept a
14 change of placement or change of program, as
15 determined by the school district or private or
16 non-public school, or place restrictions on the
17 respondent's movements within the school attended by
18 the petitioner. The respondent bears the burden of
19 proving by a preponderance of the evidence that a
20 transfer, change of placement, or change of program of
21 the respondent is not available. The respondent also
22 bears the burden of production with respect to the
23 expense, difficulty, and educational disruption that
24 would be caused by a transfer of the respondent to
25 another school. A transfer, change of placement, or
26 change of program is not unavailable to the respondent

1 solely on the ground that the respondent does not
2 agree with the school district's or private or
3 non-public school's transfer, change of placement, or
4 change of program or solely on the ground that the
5 respondent fails or refuses to consent or otherwise
6 does not take an action required to effectuate a
7 transfer, change of placement, or change of program.
8 When a court orders a respondent to stay away from the
9 public, private, or non-public school attended by the
10 petitioner and the respondent requests a transfer to
11 another attendance center within the respondent's
12 school district or private or non-public school, the
13 school district or private or non-public school shall
14 have sole discretion to determine the attendance
15 center to which the respondent is transferred. In the
16 event the court order results in a transfer of the
17 minor respondent to another attendance center, a
18 change in the respondent's placement, or a change of
19 the respondent's program, the parents, guardian, or
20 legal custodian of the respondent is responsible for
21 transportation and other costs associated with the
22 transfer or change.

23 (C) The court may order the parents, guardian, or
24 legal custodian of a minor respondent to take certain
25 actions or to refrain from taking certain actions to
26 ensure that the respondent complies with the order. In

1 the event the court orders a transfer of the
2 respondent to another school, the parents, guardian,
3 or legal custodian of the respondent is responsible
4 for transportation and other costs associated with the
5 change of school by the respondent.

6 (4) Counseling. Require or recommend the respondent to
7 undergo counseling for a specified duration with a social
8 worker, psychologist, clinical psychologist,
9 psychiatrist, family service agency, alcohol or substance
10 abuse program, mental health center guidance counselor,
11 agency providing services to elders, program designed for
12 domestic violence abusers or any other guidance service
13 the court deems appropriate. The Court may order the
14 respondent in any intimate partner relationship to report
15 to an Illinois Department of Human Services protocol
16 approved partner abuse intervention program for an
17 assessment and to follow all recommended treatment.

18 (5) Physical care and possession of the minor child.
19 In order to protect the minor child from abuse, neglect,
20 or unwarranted separation from the person who has been the
21 minor child's primary caretaker, or to otherwise protect
22 the well-being of the minor child, the court may do either
23 or both of the following: (i) grant petitioner physical
24 care or possession of the minor child, or both, or (ii)
25 order respondent to return a minor child to, or not remove
26 a minor child from, the physical care of a parent or person

1 in loco parentis.

2 If a court finds, after a hearing, that respondent has
3 committed abuse (as defined in Section 103) of a minor
4 child, there shall be a rebuttable presumption that
5 awarding physical care to respondent would not be in the
6 minor child's best interest.

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

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

20 (7) Parenting time. Determine the parenting time, if
21 any, of respondent in any case in which the court awards
22 physical care or allocates temporary significant
23 decision-making responsibility of a minor child to
24 petitioner. The court shall restrict or deny respondent's
25 parenting time with a minor child if the court finds that
26 respondent has done or is likely to do any of the

1 following: (i) abuse or endanger the minor child during
2 parenting time; (ii) use the parenting time as an
3 opportunity to abuse or harass petitioner or petitioner's
4 family or household members; (iii) improperly conceal or
5 detain the minor child; or (iv) otherwise act in a manner
6 that is not in the best interests of the minor child. The
7 court shall not be limited by the standards set forth in
8 Section 603.10 of the Illinois Marriage and Dissolution of
9 Marriage Act. If the court grants parenting time, the
10 order shall specify dates and times for the parenting time
11 to take place or other specific parameters or conditions
12 that are appropriate. No order for parenting time shall
13 refer merely to the term "reasonable parenting time".

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

20 If necessary to protect any member of petitioner's
21 family or household from future abuse, respondent shall be
22 prohibited from coming to petitioner's residence to meet
23 the minor child for parenting time, and the parties shall
24 submit to the court their recommendations for reasonable
25 alternative arrangements for parenting time. A person may
26 be approved to supervise parenting time only after filing

1 an affidavit accepting that responsibility and
2 acknowledging accountability to the court.

3 (8) Removal or concealment of minor child. Prohibit
4 respondent from removing a minor child from the State or
5 concealing the child within the State.

6 (9) Order to appear. Order the respondent to appear in
7 court, alone or with a minor child, to prevent abuse,
8 neglect, removal or concealment of the child, to return
9 the child to the custody or care of the petitioner or to
10 permit any court-ordered interview or examination of the
11 child or the respondent.

12 (10) Possession of personal property. Grant petitioner
13 exclusive possession of personal property and, if
14 respondent has possession or control, direct respondent to
15 promptly make it available to petitioner, if:

16 (i) petitioner, but not respondent, owns the
17 property; or

18 (ii) the parties own the property jointly; sharing
19 it would risk abuse of petitioner by respondent or is
20 impracticable; and the balance of hardships favors
21 temporary possession by petitioner.

22 If petitioner's sole claim to ownership of the
23 property is that it is marital property, the court may
24 award petitioner temporary possession thereof under the
25 standards of subparagraph (ii) of this paragraph only if a
26 proper proceeding has been filed under the Illinois

1 Marriage and Dissolution of Marriage Act, as now or
2 hereafter amended.

3 No order under this provision shall affect title to
4 property.

5 (11) Protection of property. Forbid the respondent
6 from taking, transferring, encumbering, concealing,
7 damaging or otherwise disposing of any real or personal
8 property, except as explicitly authorized by the court,
9 if:

10 (i) petitioner, but not respondent, owns the
11 property; or

12 (ii) the parties own the property jointly, and the
13 balance of hardships favors granting this remedy.

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

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

24 (11.5) Protection of animals. Grant the petitioner the
25 exclusive care, custody, or control of any animal owned,
26 possessed, leased, kept, or held by either the petitioner

1 or the respondent or a minor child residing in the
2 residence or household of either the petitioner or the
3 respondent and order the respondent to stay away from the
4 animal and forbid the respondent from taking,
5 transferring, encumbering, concealing, harming, or
6 otherwise disposing of the animal.

7 (12) Order for payment of support. Order respondent to
8 pay temporary support for the petitioner or any child in
9 the petitioner's care or over whom the petitioner has been
10 allocated parental responsibility, when the respondent has
11 a legal obligation to support that person, in accordance
12 with the Illinois Marriage and Dissolution of Marriage
13 Act, which shall govern, among other matters, the amount
14 of support, payment through the clerk and withholding of
15 income to secure payment. An order for child support may
16 be granted to a petitioner with lawful physical care of a
17 child, or an order or agreement for physical care of a
18 child, prior to entry of an order allocating significant
19 decision-making responsibility. Such a support order shall
20 expire upon entry of a valid order allocating parental
21 responsibility differently and vacating the petitioner's
22 significant decision-making authority, unless otherwise
23 provided in the order.

24 (13) Order for payment of losses. Order respondent to
25 pay petitioner for losses suffered as a direct result of
26 the abuse, neglect, or exploitation. Such losses shall

1 include, but not be limited to, medical expenses, lost
2 earnings or other support, repair or replacement of
3 property damaged or taken, reasonable attorney's fees,
4 court costs and moving or other travel expenses, including
5 additional reasonable expenses for temporary shelter and
6 restaurant meals.

7 (i) Losses affecting family needs. If a party is
8 entitled to seek maintenance, child support or
9 property distribution from the other party under the
10 Illinois Marriage and Dissolution of Marriage Act, as
11 now or hereafter amended, the court may order
12 respondent to reimburse petitioner's actual losses, to
13 the extent that such reimbursement would be
14 "appropriate temporary relief", as authorized by
15 subsection (a) (3) of Section 501 of that Act.

16 (ii) Recovery of expenses. In the case of an
17 improper concealment or removal of a minor child, the
18 court may order respondent to pay the reasonable
19 expenses incurred or to be incurred in the search for
20 and recovery of the minor child, including but not
21 limited to legal fees, court costs, private
22 investigator fees, and travel costs.

23 (14) Prohibition of entry. Prohibit the respondent
24 from entering or remaining in the residence or household
25 while the respondent is under the influence of alcohol or
26 drugs and constitutes a threat to the safety and

1 well-being of the petitioner or the petitioner's children.

2 (14.5) Prohibition of firearm possession; plenary
3 orders.

4 (a) In the case of a granted plenary order,
5 prohibit ~~Prohibit~~ a respondent against whom an order
6 of protection was issued from possessing any firearms
7 during the duration of the order or 2 years, whichever
8 is longer, if the order:

9 (1) was issued after a hearing of which such
10 person received actual notice, and at which such
11 person had an opportunity to participate;

12 (2) restrains such person from harassing,
13 stalking, or threatening an intimate partner of
14 such person or child of such intimate partner or
15 person, or engaging in other conduct that would
16 place an intimate partner in reasonable fear of
17 bodily injury to the partner or child; and

18 (3)(i) includes a finding that such person
19 represents a credible threat to the physical
20 safety of such intimate partner or child; or (ii)
21 by its terms explicitly prohibits the use,
22 attempted use, or threatened use of physical force
23 against such intimate partner or child that would
24 reasonably be expected to cause bodily injury.

25 Any Firearm Owner's Identification Card in the
26 possession of the respondent, except as provided in

1 subparagraph subsection (b), shall be revoked or
2 suspended consistent with Section 8.2 of the Firearm
3 Owners Identification Card Act, and the respondent
4 shall be ordered by the court to surrender the card and
5 any firearm in the respondent's possession consistent
6 with Sections 8.2, 8.3, and 9.5 of the Firearm Owners
7 Identification Card Act. If the card is suspended, the
8 ~~be turned over to the local law enforcement agency.~~
9 ~~The local law enforcement agency shall immediately~~
10 ~~mail the card to the Illinois State Police Firearm~~
11 ~~Owner's Identification Card Office for safekeeping.~~
12 ~~The court shall issue a warrant for seizure of any~~
13 ~~firearm in the possession of the respondent, to be~~
14 ~~kept by the local law enforcement agency for~~
15 ~~safekeeping, except as provided in subsection (b). The~~
16 period of surrender ~~safekeeping~~ shall be for the
17 duration of the order of protection. If the card is
18 revoked, the period of surrender shall be for the
19 duration of the order of protection or 2 years,
20 whichever is longer. The Illinois State Police shall
21 make notification to the local law enforcement with
22 jurisdiction of the suspension or revocation. ~~The~~
23 ~~firearm or firearms and Firearm Owner's Identification~~
24 ~~Card, if unexpired, shall at the respondent's request,~~
25 ~~be returned to the respondent at the end of the order~~
26 ~~of protection. It is the respondent's responsibility~~

1 ~~to notify the Illinois State Police Firearm Owner's~~
2 ~~Identification Card Office.~~

3 (b) If the respondent is a peace officer as
4 defined in Section 2-13 of the Criminal Code of 2012,
5 the court shall order that any firearms used by the
6 respondent in the performance of his or her duties as a
7 peace officer be surrendered to the chief law
8 enforcement executive of the agency in which the
9 respondent is employed, who shall retain the firearms
10 for surrender ~~safekeeping~~ for the duration of the
11 order of protection or 2 years, whichever is longer.

12 (c) Upon expiration of the period of surrender
13 ~~safekeeping~~, if the firearms or Firearm Owner's
14 Identification Card cannot be returned to the
15 respondent because the respondent cannot be located,
16 fails to respond to requests to retrieve the firearms,
17 or is not lawfully eligible to possess a firearm, upon
18 petition from the local law enforcement agency, the
19 court may order the local law enforcement agency to
20 destroy the firearms, use the firearms for training
21 purposes, or for any other application as deemed
22 appropriate by the local law enforcement agency; or
23 that the firearms be turned over to a third party who
24 is lawfully eligible to possess firearms, and who does
25 not reside with the respondent.

26 (d) A respondent who has surrendered a firearm

1 under this paragraph shall not purchase a firearm for
2 the period of surrender. A respondent who has
3 surrendered a firearm under this paragraph shall not
4 possess or have access to any firearm regardless of
5 whether the firearm belongs to another person or if
6 the respondent is residing with another person who
7 owns a firearm and keeps the firearm at the residence.

8 (e) Upon expiration of the period of surrender,
9 any surrendered firearm may only be returned to a
10 respondent if a judicial officer has signed an order
11 to release firearms stating that the order of
12 protection is no longer in effect and the period of
13 surrender has expired.

14 (14.6) Prohibition of firearm possession; emergency
15 orders.

16 (a) Any Firearm Owner's Identification Card in the
17 possession of the respondent, except as provided in
18 subparagraph (b), shall be suspended consistent with
19 Section 8.2 of the Firearm Owners Identification Card
20 Act, and the respondent shall be ordered by the court
21 to surrender the card and any firearm in the
22 respondent's possession consistent with Sections 8.3
23 and 9.5 of the Firearm Owners Identification Card Act.
24 The period of surrender shall be for the duration of
25 the order of protection.

26 (b) If the respondent is a peace officer as

1 defined in Section 2-13 of the Criminal Code of 2012,
2 the court shall order that any firearms used by the
3 respondent in the performance of his or her duties as a
4 peace officer be surrendered to the chief law
5 enforcement executive of the agency in which the
6 respondent is employed, who shall retain the firearms
7 for surrender for the duration of the order of
8 protection.

9 (c) Upon expiration of the period of surrender, if
10 the firearms or Firearm Owner's Identification Card
11 cannot be returned to respondent because respondent
12 cannot be located, fails to respond to requests to
13 retrieve the firearms, or is not lawfully eligible to
14 possess a firearm, upon petition from the local law
15 enforcement agency, the court may order the local law
16 enforcement agency to destroy the firearms, use the
17 firearms for training purposes, or for any other
18 application as deemed appropriate by the local law
19 enforcement agency; or that the firearms be turned
20 over to a third party who is lawfully eligible to
21 possess firearms, and who does not reside with
22 respondent.

23 (d) A respondent who has surrendered a firearm
24 under this paragraph shall not purchase a firearm for
25 the period of surrender. A respondent who has
26 surrendered a firearm under this paragraph shall not

1 possess or have access to any firearm regardless of
2 whether the firearm belongs to another person or if
3 the respondent is residing with another person who
4 owns a firearm and keeps the firearm at the residence.

5 (e) Upon expiration of the period of surrender,
6 any surrendered firearm may only be returned to a
7 respondent if a judicial officer has signed an order
8 to release firearms stating that the order of
9 protection is no longer in effect and the period of
10 surrender has expired.

11 (15) Prohibition of access to records. If an order of
12 protection prohibits respondent from having contact with
13 the minor child, or if petitioner's address is omitted
14 under subsection (b) of Section 203, or if necessary to
15 prevent abuse or wrongful removal or concealment of a
16 minor child, the order shall deny respondent access to,
17 and prohibit respondent from inspecting, obtaining, or
18 attempting to inspect or obtain, school or any other
19 records of the minor child who is in the care of
20 petitioner.

21 (16) Order for payment of shelter services. Order
22 respondent to reimburse a shelter providing temporary
23 housing and counseling services to the petitioner for the
24 cost of the services, as certified by the shelter and
25 deemed reasonable by the court.

26 (17) Order for injunctive relief. Enter injunctive

1 relief necessary or appropriate to prevent further abuse
2 of a family or household member or further abuse, neglect,
3 or exploitation of a high-risk adult with disabilities or
4 to effectuate one of the granted remedies, if supported by
5 the balance of hardships. If the harm to be prevented by
6 the injunction is abuse or any other harm that one of the
7 remedies listed in paragraphs (1) through (16) of this
8 subsection is designed to prevent, no further evidence is
9 necessary that the harm is an irreparable injury.

10 (18) Telephone services.

11 (A) Unless a condition described in subparagraph
12 (B) of this paragraph exists, the court may, upon
13 request by the petitioner, order a wireless telephone
14 service provider to transfer to the petitioner the
15 right to continue to use a telephone number or numbers
16 indicated by the petitioner and the financial
17 responsibility associated with the number or numbers,
18 as set forth in subparagraph (C) of this paragraph.
19 For purposes of this paragraph (18), the term
20 "wireless telephone service provider" means a provider
21 of commercial mobile service as defined in 47 U.S.C.
22 332. The petitioner may request the transfer of each
23 telephone number that the petitioner, or a minor child
24 in his or her custody, uses. The clerk of the court
25 shall serve the order on the wireless telephone
26 service provider's agent for service of process

1 provided to the Illinois Commerce Commission. The
2 order shall contain all of the following:

3 (i) The name and billing telephone number of
4 the account holder including the name of the
5 wireless telephone service provider that serves
6 the account.

7 (ii) Each telephone number that will be
8 transferred.

9 (iii) A statement that the provider transfers
10 to the petitioner all financial responsibility for
11 and right to the use of any telephone number
12 transferred under this paragraph.

13 (B) A wireless telephone service provider shall
14 terminate the respondent's use of, and shall transfer
15 to the petitioner use of, the telephone number or
16 numbers indicated in subparagraph (A) of this
17 paragraph unless it notifies the petitioner, within 72
18 hours after it receives the order, that one of the
19 following applies:

20 (i) The account holder named in the order has
21 terminated the account.

22 (ii) A difference in network technology would
23 prevent or impair the functionality of a device on
24 a network if the transfer occurs.

25 (iii) The transfer would cause a geographic or
26 other limitation on network or service provision

1 to the petitioner.

2 (iv) Another technological or operational
3 issue would prevent or impair the use of the
4 telephone number if the transfer occurs.

5 (C) The petitioner assumes all financial
6 responsibility for and right to the use of any
7 telephone number transferred under this paragraph. In
8 this paragraph, "financial responsibility" includes
9 monthly service costs and costs associated with any
10 mobile device associated with the number.

11 (D) A wireless telephone service provider may
12 apply to the petitioner its routine and customary
13 requirements for establishing an account or
14 transferring a number, including requiring the
15 petitioner to provide proof of identification,
16 financial information, and customer preferences.

17 (E) Except for willful or wanton misconduct, a
18 wireless telephone service provider is immune from
19 civil liability for its actions taken in compliance
20 with a court order issued under this paragraph.

21 (F) All wireless service providers that provide
22 services to residential customers shall provide to the
23 Illinois Commerce Commission the name and address of
24 an agent for service of orders entered under this
25 paragraph (18). Any change in status of the registered
26 agent must be reported to the Illinois Commerce

1 Commission within 30 days of such change.

2 (G) The Illinois Commerce Commission shall
3 maintain the list of registered agents for service for
4 each wireless telephone service provider on the
5 Commission's website. The Commission may consult with
6 wireless telephone service providers and the Circuit
7 Court Clerks on the manner in which this information
8 is provided and displayed.

9 (c) Relevant factors; findings.

10 (1) In determining whether to grant a specific remedy,
11 other than payment of support, the court shall consider
12 relevant factors, including but not limited to the
13 following:

14 (i) the nature, frequency, severity, pattern and
15 consequences of the respondent's past abuse, neglect
16 or exploitation of the petitioner or any family or
17 household member, including the concealment of his or
18 her location in order to evade service of process or
19 notice, and the likelihood of danger of future abuse,
20 neglect, or exploitation to petitioner or any member
21 of petitioner's or respondent's family or household;
22 and

23 (ii) the danger that any minor child will be
24 abused or neglected or improperly relocated from the
25 jurisdiction, improperly concealed within the State or
26 improperly separated from the child's primary

1 caretaker.

2 (2) In comparing relative hardships resulting to the
3 parties from loss of possession of the family home, the
4 court shall consider relevant factors, including but not
5 limited to the following:

6 (i) availability, accessibility, cost, safety,
7 adequacy, location and other characteristics of
8 alternate housing for each party and any minor child
9 or dependent adult in the party's care;

10 (ii) the effect on the party's employment; and

11 (iii) the effect on the relationship of the party,
12 and any minor child or dependent adult in the party's
13 care, to family, school, church and community.

14 (3) Subject to the exceptions set forth in paragraph
15 (4) of this subsection, the court shall make its findings
16 in an official record or in writing, and shall at a minimum
17 set forth the following:

18 (i) That the court has considered the applicable
19 relevant factors described in paragraphs (1) and (2)
20 of this subsection.

21 (ii) Whether the conduct or actions of respondent,
22 unless prohibited, will likely cause irreparable harm
23 or continued abuse.

24 (iii) Whether it is necessary to grant the
25 requested relief in order to protect petitioner or
26 other alleged abused persons.

1 (4) For purposes of issuing an ex parte emergency
2 order of protection, the court, as an alternative to or as
3 a supplement to making the findings described in
4 paragraphs (c)(3)(i) through (c)(3)(iii) of this
5 subsection, may use the following procedure:

6 When a verified petition for an emergency order of
7 protection in accordance with the requirements of Sections
8 203 and 217 is presented to the court, the court shall
9 examine petitioner on oath or affirmation. An emergency
10 order of protection shall be issued by the court if it
11 appears from the contents of the petition and the
12 examination of petitioner that the averments are
13 sufficient to indicate abuse by respondent and to support
14 the granting of relief under the issuance of the emergency
15 order of protection.

16 (5) Never married parties. No rights or
17 responsibilities for a minor child born outside of
18 marriage attach to a putative father until a father and
19 child relationship has been established under the Illinois
20 Parentage Act of 1984, the Illinois Parentage Act of 2015,
21 the Illinois Public Aid Code, Section 12 of the Vital
22 Records Act, the Juvenile Court Act of 1987, the Probate
23 Act of 1975, the Revised Uniform Reciprocal Enforcement of
24 Support Act, the Uniform Interstate Family Support Act,
25 the Expedited Child Support Act of 1990, any judicial,
26 administrative, or other act of another state or

1 territory, any other Illinois statute, or by any foreign
2 nation establishing the father and child relationship, any
3 other proceeding substantially in conformity with the
4 Personal Responsibility and Work Opportunity
5 Reconciliation Act of 1996 (Pub. L. 104-193), or where
6 both parties appeared in open court or at an
7 administrative hearing acknowledging under oath or
8 admitting by affirmation the existence of a father and
9 child relationship. Absent such an adjudication, finding,
10 or acknowledgment, no putative father shall be granted
11 temporary allocation of parental responsibilities,
12 including parenting time with the minor child, or physical
13 care and possession of the minor child, nor shall an order
14 of payment for support of the minor child be entered.

15 (d) Balance of hardships; findings. If the court finds
16 that the balance of hardships does not support the granting of
17 a remedy governed by paragraph (2), (3), (10), (11), or (16) of
18 subsection (b) of this Section, which may require such
19 balancing, the court's findings shall so indicate and shall
20 include a finding as to whether granting the remedy will
21 result in hardship to respondent that would substantially
22 outweigh the hardship to petitioner from denial of the remedy.
23 The findings shall be an official record or in writing.

24 (e) Denial of remedies. Denial of any remedy shall not be
25 based, in whole or in part, on evidence that:

26 (1) Respondent has cause for any use of force, unless

1 that cause satisfies the standards for justifiable use of
2 force provided by Article 7 of the Criminal Code of 2012;

3 (2) Respondent was voluntarily intoxicated;

4 (3) Petitioner acted in self-defense or defense of
5 another, provided that, if petitioner utilized force, such
6 force was justifiable under Article 7 of the Criminal Code
7 of 2012;

8 (4) Petitioner did not act in self-defense or defense
9 of another;

10 (5) Petitioner left the residence or household to
11 avoid further abuse, neglect, or exploitation by
12 respondent;

13 (6) Petitioner did not leave the residence or
14 household to avoid further abuse, neglect, or exploitation
15 by respondent;

16 (7) Conduct by any family or household member excused
17 the abuse, neglect, or exploitation by respondent, unless
18 that same conduct would have excused such abuse, neglect,
19 or exploitation if the parties had not been family or
20 household members.

21 (Source: P.A. 102-538, eff. 8-20-21.)

22 (750 ILCS 60/217) (from Ch. 40, par. 2312-17)

23 Sec. 217. Emergency order of protection.

24 (a) Prerequisites. An emergency order of protection shall
25 issue if petitioner satisfies the requirements of this

1 subsection for one or more of the requested remedies. For each
2 remedy requested, the petitioner shall establish that:

3 (1) The court has jurisdiction under Section 208;

4 (2) The requirements of Section 214 are satisfied; and

5 (3) There is good cause to grant the remedy,
6 regardless of prior service of process or of notice upon
7 the respondent, because:

8 (i) For the remedies of "prohibition of abuse"
9 described in Section 214(b)(1), "stay away order and
10 additional prohibitions" described in Section
11 214(b)(3), "removal or concealment of minor child"
12 described in Section 214(b)(8), "order to appear"
13 described in Section 214(b)(9), "physical care and
14 possession of the minor child" described in Section
15 214(b)(14.6) ~~214(b)(5)~~, "protection of property"
16 described in Section 214(b)(11), "prohibition of
17 entry" described in Section 214(b)(14), "prohibition
18 of firearm possession" described in Section
19 214(b)(14.5), "prohibition of access to records"
20 described in Section 214(b)(15), and "injunctive
21 relief" described in Section 214(b)(16), the harm
22 which that remedy is intended to prevent would be
23 likely to occur if the respondent were given any prior
24 notice, or greater notice than was actually given, of
25 the petitioner's efforts to obtain judicial relief;

26 (ii) For the remedy of "grant of exclusive

1 possession of residence" described in Section
2 214(b)(2), the immediate danger of further abuse of
3 the petitioner by the respondent, if the petitioner
4 chooses or had chosen to remain in the residence or
5 household while the respondent was given any prior
6 notice or greater notice than was actually given of
7 the petitioner's efforts to obtain judicial relief,
8 outweighs the hardships to the respondent of an
9 emergency order granting the petitioner exclusive
10 possession of the residence or household. This remedy
11 shall not be denied because the petitioner has or
12 could obtain temporary shelter elsewhere while prior
13 notice is given to the respondent, unless the
14 hardships to respondent from exclusion from the home
15 substantially outweigh those to the petitioner;

16 (iii) For the remedy of "possession of personal
17 property" described in Section 214(b)(10), improper
18 disposition of the personal property would be likely
19 to occur if the respondent were given any prior
20 notice, or greater notice than was actually given, of
21 the petitioner's efforts to obtain judicial relief, or
22 the petitioner has an immediate and pressing need for
23 possession of that property.

24 An emergency order may not include the counseling, legal
25 custody for the remedy of prohibiting a firearm possession
26 described in, payment of support, or monetary compensation

1 remedies.

2 (a-1) If the respondent to an emergency order of
3 protection issued under subsection (a) for the remedy of
4 prohibiting a firearm possession described in paragraph (14.5)
5 or (14.6) of subsection (b) of Section 214, the emergency
6 order of protection shall also include an order to surrender
7 firearms. The order to surrender firearms shall require the
8 respondent to surrender any firearm on the day the respondent
9 is served with the emergency order of protection. Upon the
10 respondent surrendering any firearm to the appropriate law
11 enforcement agency, the law enforcement agency shall provide a
12 statement of receipt of any firearm, with a description of any
13 firearm surrendered, to the respondent and the court. This
14 statement of receipt shall be considered proof of compliance
15 with an order to surrender firearms and may be presented as
16 proof at a hearing.

17 The failure to surrender any firearm within 24 hours to
18 the appropriate law enforcement agency under an order to
19 surrender firearms shall constitute contempt of court for the
20 violation of the terms of the order of protection.

21 Within 30 days of the effective date of this amendatory
22 Act of the 103rd General Assembly, the Supreme Court shall
23 adopt a form for an order to surrender firearms and update any
24 existing forms for an emergency order of protection to reflect
25 the changes made by this amendatory Act of the 103rd General
26 Assembly. The form for an order to surrender firearms shall

1 also include forms for a declaration of surrender of firearms,
2 proof of surrender, declaration of nonsurrender, and order to
3 release firearms.

4 (a-5) When a petition for an emergency order of protection
5 is granted, the order and file shall not be public and shall
6 only be accessible to the court, the petitioner, law
7 enforcement, a domestic violence advocate or counselor, the
8 counsel of record for either party, and the State's Attorney
9 for the county until the order is served on the respondent.

10 (b) Appearance by respondent. If the respondent appears in
11 court for this hearing for an emergency order, he or she may
12 elect to file a general appearance and testify. Any resulting
13 order may be an emergency order, governed by this Section.
14 Notwithstanding the requirements of this Section, if all
15 requirements of Section 218 have been met, the court may issue
16 a 30-day interim order.

17 (c) Emergency orders: court holidays and evenings.

18 (1) Prerequisites. When the court is unavailable at
19 the close of business, the petitioner may file a petition
20 for a 21-day emergency order before any available circuit
21 judge or associate judge who may grant relief under this
22 Act. If the judge finds that there is an immediate and
23 present danger of abuse to the petitioner and that the
24 petitioner has satisfied the prerequisites set forth in
25 subsection (a) of Section 217, that judge may issue an
26 emergency order of protection.

1 (1.5) Issuance of order. The chief judge of the
2 circuit court may designate for each county in the circuit
3 at least one judge to be reasonably available to issue
4 orally, by telephone, by facsimile, or otherwise, an
5 emergency order of protection at all times, whether or not
6 the court is in session.

7 (2) Certification and transfer. The judge who issued
8 the order under this Section shall promptly communicate or
9 convey the order to the sheriff to facilitate the entry of
10 the order into the Law Enforcement Agencies Data System by
11 the Illinois State Police pursuant to Section 302. Any
12 order issued under this Section and any documentation in
13 support thereof shall be certified on the next court day
14 to the appropriate court. The clerk of that court shall
15 immediately assign a case number, file the petition, order
16 and other documents with the court, and enter the order of
17 record and file it with the sheriff for service, in
18 accordance with Section 222. Filing the petition shall
19 commence proceedings for further relief under Section 202.
20 Failure to comply with the requirements of this subsection
21 shall not affect the validity of the order.

22 (Source: P.A. 101-255, eff. 1-1-20; 102-538, eff. 8-20-21;
23 102-831, eff. 5-13-22; revised 7-29-22.)

24 (750 ILCS 60/223) (from Ch. 40, par. 2312-23)

25 (Text of Section before amendment by P.A. 101-652)

1 Sec. 223. Enforcement of orders of protection.

2 (a) When violation is crime. A violation of any order of
3 protection, whether issued in a civil or criminal proceeding
4 or by a military tribunal, shall be enforced by a criminal
5 court when:

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

10 (i) remedies described in paragraphs (1), (2),
11 (3), (14), or (14.5) of subsection (b) of Section 214
12 of this Act; or

13 (ii) a remedy, which is substantially similar to
14 the remedies authorized under paragraphs (1), (2),
15 (3), (14), and (14.5) of subsection (b) of Section 214
16 of this Act, in a valid order of protection which is
17 authorized under the laws of another state, tribe, or
18 United States territory; or

19 (iii) any other remedy when the act constitutes a
20 crime against the protected parties as defined by the
21 Criminal Code of 1961 or the Criminal Code of 2012.

22 Prosecution for a violation of an order of protection
23 shall not bar concurrent prosecution for any other crime,
24 including any crime that may have been committed at the
25 time of the violation of the order of protection; or

26 (2) The respondent commits the crime of child

1 abduction pursuant to Section 10-5 of the Criminal Code of
2 1961 or the Criminal Code of 2012, by having knowingly
3 violated:

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

6 (ii) a remedy, which is substantially similar to
7 the remedies authorized under paragraphs (5), (6), or
8 (8) of subsection (b) of Section 214 of this Act, in a
9 valid order of protection which is authorized under
10 the laws of another state, tribe, or United States
11 territory.

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

26 (1) In a contempt proceeding where the petition for a

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

9 (2) A petition for a rule to show cause for violation
10 of an order of protection shall be treated as an expedited
11 proceeding.

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

16 (b-2) The court may hold the parents, guardian, or legal
17 custodian of a minor respondent in civil or criminal contempt
18 for a violation of any provision of any order entered under
19 this Act for conduct of the minor respondent in violation of
20 this Act if the parents, guardian, or legal custodian
21 directed, encouraged, or assisted the respondent minor in such
22 conduct.

23 (c) Violation of custody or support orders or temporary or
24 final judgments allocating parental responsibilities. A
25 violation of remedies described in paragraphs (5), (6), (8),
26 or (9) of subsection (b) of Section 214 of this Act may be

1 enforced by any remedy provided by Section 607.5 of the
2 Illinois Marriage and Dissolution of Marriage Act. The court
3 may enforce any order for support issued under paragraph (12)
4 of subsection (b) of Section 214 in the manner provided for
5 under Parts V and VII of the Illinois Marriage and Dissolution
6 of Marriage Act.

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

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

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

13 (3) By service of an order of protection under Section
14 222.

15 (4) By other means demonstrating actual knowledge of
16 the contents of the order.

17 (e) The enforcement of an order of protection in civil or
18 criminal court shall not be affected by either of the
19 following:

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

22 (2) Any finding or order entered in a conjoined
23 criminal proceeding.

24 (f) Circumstances. The court, when determining whether or
25 not a violation of an order of protection has occurred, shall
26 not require physical manifestations of abuse on the person of

1 the victim.

2 (g) Penalties.

3 (1) Except as provided in paragraph (3) of this
4 subsection, where the court finds the commission of a
5 crime or contempt of court under subsections (a) or (b) of
6 this Section, the penalty shall be the penalty that
7 generally applies in such criminal or contempt
8 proceedings, and may include one or more of the following:
9 incarceration, payment of restitution, a fine, payment of
10 attorneys' fees and costs, or community service.

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

15 (3) To the extent permitted by law, the court is
16 encouraged to:

17 (i) increase the penalty for the knowing violation
18 of any order of protection over any penalty previously
19 imposed by any court for respondent's violation of any
20 order of protection or penal statute involving
21 petitioner as victim and respondent as defendant;

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

25 (iii) impose a minimum penalty of 48 hours
26 imprisonment for respondent's second or subsequent

1 violation of an order of protection
2 unless the court explicitly finds that an increased
3 penalty or that period of imprisonment would be manifestly
4 unjust.

5 (4) In addition to any other penalties imposed for a
6 violation of an order of protection, a criminal court may
7 consider evidence of any violations of an order of
8 protection:

9 (i) to increase, revoke or modify the bail bond on
10 an underlying criminal charge pursuant to Section
11 110-6 of the Code of Criminal Procedure of 1963;

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

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

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

24 (Source: P.A. 102-890, eff. 5-19-22.)

25 (Text of Section after amendment by P.A. 101-652)

1 Sec. 223. Enforcement of orders of protection.

2 (a) When violation is crime. A violation of any order of
3 protection, whether issued in a civil or criminal proceeding
4 or by a military tribunal, shall be enforced by a criminal
5 court when:

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

10 (i) remedies described in paragraphs (1), (2),
11 (3), (14), ~~or~~ (14.5), or (14.6) of subsection (b) of
12 Section 214 of this Act; or

13 (ii) a remedy, which is substantially similar to
14 the remedies authorized under paragraphs (1), (2),
15 (3), (14), ~~and~~ (14.5), and (14.6) of subsection (b) of
16 Section 214 of this Act, in a valid order of protection
17 which is authorized under the laws of another state,
18 tribe, or United States territory; or

19 (iii) any other remedy when the act constitutes a
20 crime against the protected parties as defined by the
21 Criminal Code of 1961 or the Criminal Code of 2012.

22 Prosecution for a violation of an order of protection
23 shall not bar concurrent prosecution for any other crime,
24 including any crime that may have been committed at the
25 time of the violation of the order of protection; or

26 (2) The respondent commits the crime of child

1 abduction pursuant to Section 10-5 of the Criminal Code of
2 1961 or the Criminal Code of 2012, by having knowingly
3 violated:

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

6 (ii) a remedy, which is substantially similar to
7 the remedies authorized under paragraphs (5), (6), or
8 (8) of subsection (b) of Section 214 of this Act, in a
9 valid order of protection which is authorized under
10 the laws of another state, tribe, or United States
11 territory.

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

26 (1) In a contempt proceeding where the petition for a

1 rule to show cause sets forth facts evidencing an
2 immediate danger that the respondent will flee the
3 jurisdiction, conceal a child, or inflict physical abuse
4 on the petitioner or minor children or on dependent adults
5 in petitioner's care, the court may order the attachment
6 of the respondent without prior service of the rule to
7 show cause or the petition for a rule to show cause.
8 Conditions of release shall be set unless specifically
9 denied in writing.

10 (2) A petition for a rule to show cause for violation
11 of an order of protection shall be treated as an expedited
12 proceeding.

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

17 (b-2) The court may hold the parents, guardian, or legal
18 custodian of a minor respondent in civil or criminal contempt
19 for a violation of any provision of any order entered under
20 this Act for conduct of the minor respondent in violation of
21 this Act if the parents, guardian, or legal custodian
22 directed, encouraged, or assisted the respondent minor in such
23 conduct.

24 (c) Violation of custody or support orders or temporary or
25 final judgments allocating parental responsibilities. A
26 violation of remedies described in paragraphs (5), (6), (8),

1 or (9) of subsection (b) of Section 214 of this Act may be
2 enforced by any remedy provided by Section 607.5 of the
3 Illinois Marriage and Dissolution of Marriage Act. The court
4 may enforce any order for support issued under paragraph (12)
5 of subsection (b) of Section 214 in the manner provided for
6 under Parts V and VII of the Illinois Marriage and Dissolution
7 of Marriage Act.

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

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

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

14 (3) By service of an order of protection under Section
15 222.

16 (4) By other means demonstrating actual knowledge of
17 the contents of the order.

18 (e) The enforcement of an order of protection in civil or
19 criminal court shall not be affected by either of the
20 following:

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

23 (2) Any finding or order entered in a conjoined
24 criminal proceeding.

25 (f) Circumstances. The court, when determining whether or
26 not a violation of an order of protection has occurred, shall

1 not require physical manifestations of abuse on the person of
2 the victim.

3 (g) Penalties.

4 (1) Except as provided in paragraph (3) of this
5 subsection, where the court finds the commission of a
6 crime or contempt of court under subsections (a) or (b) of
7 this Section, the penalty shall be the penalty that
8 generally applies in such criminal or contempt
9 proceedings, and may include one or more of the following:
10 incarceration, payment of restitution, a fine, payment of
11 attorneys' fees and costs, or community service.

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

16 (3) To the extent permitted by law, the court is
17 encouraged to:

18 (i) increase the penalty for the knowing violation
19 of any order of protection over any penalty previously
20 imposed by any court for respondent's violation of any
21 order of protection or penal statute involving
22 petitioner as victim and respondent as defendant;

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

26 (iii) impose a minimum penalty of 48 hours

1 imprisonment for respondent's second or subsequent
2 violation of an order of protection
3 unless the court explicitly finds that an increased
4 penalty or that period of imprisonment would be manifestly
5 unjust.

6 (4) In addition to any other penalties imposed for a
7 violation of an order of protection, a criminal court may
8 consider evidence of any violations of an order of
9 protection:

10 (i) to increase, revoke or modify the conditions
11 of pretrial release on an underlying criminal charge
12 pursuant to Section 110-6 of the Code of Criminal
13 Procedure of 1963;

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

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

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

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

1 Section 95. No acceleration or delay. Where this Act makes
2 changes in a statute that is represented in this Act by text
3 that is not yet or no longer in effect (for example, a Section
4 represented by multiple versions), the use of that text does
5 not accelerate or delay the taking effect of (i) the changes
6 made by this Act or (ii) provisions derived from any other
7 Public Act.