



93RD GENERAL ASSEMBLY

State of Illinois

2003 and 2004

Introduced 02/09/04, by Dan Brady - Angelo Saviano - James H. Meyer - Sidney H. Mathias - Raymond Poe

SYNOPSIS AS INTRODUCED:

725 ILCS 5/112A-17.5 new
725 ILCS 5/112A-28.5 new
750 ILCS 60/217.5 new
750 ILCS 60/302.5 new

Amends the Code of Criminal Procedure of 1963 and the Illinois Domestic Violence Act of 1986. Provides that when a person is charged with a criminal offense and released on bond and the victim of the offense is a family or household member and the condition of the bond denies or restricts contact with the victim, the clerk shall immediately, or on the next court day, enter the order on the record, file it and provide a file stamped copy of the order to defendant, if present, and to the victim, if present. Establishes information that must be included in such a court order. Provides that the law enforcement agency that received the order shall enter into the Law Enforcement Agencies Data System (LEADS) the no contact with family victim order information.

LRB093 18082 RLC 43769 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT in relation to criminal law.

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

4 Section 5. The Code of Criminal Procedure of 1963 is
5 amended by adding Sections 112A-17.5 and 112A-28.5 as follows:

6 (725 ILCS 5/112A-17.5 new)

7 Sec. 112A-17.5. Notice of orders.

8 (a) Entry and issuance. When a person is charged with a
9 criminal offense and released on bond and the victim of the
10 offense is a family or household member and the condition of
11 the bond is that the defendant refrain from contact or
12 communications with the victim for a minimum period of 72 hours
13 following the defendant's release and refrain from entering or
14 remaining at the victim's residence for a minimum period of 72
15 hours following the defendant's release or any other conditions
16 restricting contact with the victim as the court imposes, the
17 clerk shall immediately, or on the next court day, enter the
18 order on the record and file it in accordance with circuit
19 court procedures and provide a file stamped copy of the order
20 to defendant, if present, and to the victim, if present.

21 (b) No Contact with family victim orders. The court order
22 shall include the following information:

23 (1) the court case number.

24 (2) the issue date of the order.

25 (3) the expiration date of the order, not to exceed 2
26 years.

27 (4) the defendant's name, sex, race, date of birth,
28 height, weight, hair, and eye color.

29 (5) the conditions of bond, including specific remedy.

30 (6) the victim's name.

31 (7) the protected person's name.

32 (8) the protected person's address.

1 (c) Filing with sheriff. The clerk of the judge who issued
2 the order shall, on the same day that the order is issued, file
3 a certified copy of that order with the sheriff.

4 (d) Service by sheriff. Unless the defendant was present in
5 court when the order was issued, the sheriff, other law
6 enforcement official, or special process server shall promptly
7 serve that order upon the defendant and file proof of that
8 service, in the manner provided for service of process.

9 (725 ILCS 5/112A-28.5 new)

10 Sec. 112A-28.5. Entry of orders into LEADS.

11 (a) The law enforcement agency of the unit of local
12 government that received the order shall enter into the Law
13 Enforcement Agencies Data System (LEADS) the no contact with
14 family victim order information. The LEADS file must include
15 the name and address of each person who has been charged with a
16 criminal offense in which the victim of the offense is a family
17 or household member and who has been released on bond in which
18 the condition of the bond is that the defendant refrain from
19 contact or communication with the victim for a minimum period
20 of 72 hours following the defendant's release and refrain from
21 entering or remaining at the victim's residence for a minimum
22 period of 72 hours following the defendant's release or any
23 other conditions restricting contact with the victim as the
24 court imposes.

25 (b) The law enforcement agency of the unit of local
26 government that received the order shall enter the no contact
27 with family victim order into LEADS no more than 72 hours after
28 receiving the order.

29 (c) Retention. The information must be retained in LEADS in
30 a history file for 90 days after the expiration date of the no
31 contact with family victim order before the information may be
32 removed from the LEADS file.

33 Section 10. The Illinois Domestic Violence Act of 1986 is
34 amended by adding Sections 217.5 and 302.5 as follows:

1 (750 ILCS 60/217.5 new)

2 Sec. 217.5. Notice of orders.

3 (a) Entry and issuance. When a person is charged with a
4 criminal offense and released on bond and the victim of the
5 offense is a family or household member and the condition of
6 the bond is that the defendant refrain from contact or
7 communications with the victim for a minimum period of 72 hours
8 following the defendant's release and refrain from entering or
9 remaining at the victim's residence for a minimum period of 72
10 hours following the defendant's release or any other conditions
11 restricting contact with the victim as the court imposes, the
12 clerk shall immediately, or on the next court day, enter the
13 order on the record and file it in accordance with circuit
14 court procedures and provide a file stamped copy of the order
15 to defendant, if present, and to the victim, if present.

16 (b) No Contact with family victim orders. The court order
17 shall include the following information:

18 (1) the court case number.

19 (2) the issue date of the order.

20 (3) the expiration date of the order, not to exceed 2
21 years.

22 (4) the defendant's name, sex, race, date of birth,
23 height, weight, hair, and eye color.

24 (5) the conditions of bond, including specific remedy.

25 (6) the victim's name.

26 (7) the protected person's name.

27 (8) the protected person's address.

28 (c) Filing with sheriff. The clerk of the judge who issued
29 the order shall, on the same day that the order is issued, file
30 a certified copy of that order with the sheriff.

31 (d) Service by sheriff. Unless the defendant was present in
32 court when the order was issued, the sheriff, other law
33 enforcement official, or special process server shall promptly
34 serve that order upon the defendant and file proof of that
35 service, in the manner provided for service of process.

1 (750 ILCS 60/302.5 new)

2 Sec. 302.5. Entry of orders into LEADS.

3 (a) The law enforcement agency of the unit of local
4 government that received the order shall enter into the Law
5 Enforcement Agencies Data System (LEADS) the no contact with
6 family victim order information. The LEADS file must include
7 the name and address of each person who has been charged with a
8 criminal offense in which the victim of the offense is a family
9 or household member and who has been released on bond in which
10 the condition of the bond is that the defendant refrain from
11 contact or communication with the victim for a minimum period
12 of 72 hours following the defendant's release and refrain from
13 entering or remaining at the victim's residence for a minimum
14 period of 72 hours following the defendant's release or any
15 other conditions restricting contact with the victim as the
16 court imposes.

17 (b) The law enforcement agency of the unit of local
18 government that received the order shall enter the no contact
19 with family victim order into LEADS within 72 hours after
20 receiving the order.

21 (c) Retention. The information must be retained in LEADS in
22 a history file for 90 days after the expiration date of the no
23 contact with family victim order before the information may be
24 removed from the LEADS file.