



93RD GENERAL ASSEMBLY
State of Illinois
2003 and 2004
SB2495

Introduced 2/3/2004, by John J. Cullerton

SYNOPSIS AS INTRODUCED:

725 ILCS 5/112A-21
750 ILCS 60/221

from Ch. 38, par. 112A-21
from Ch. 40, par. 2312-21

Amends the Code of Criminal Procedure and the Illinois Domestic Violence Act. Requires that, in an emergency order of protection and an interim or plenary order of protection, specified language be stated.

LRB093 20562 LCB 46371 b

1 AN ACT concerning orders of protection.

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 changing Section 112A-21 as follows:

6 (725 ILCS 5/112A-21) (from Ch. 38, par. 112A-21)

7 Sec. 112A-21. Contents of orders.

8 (a) Any order of protection shall describe, in reasonable
9 detail and not by reference to any other document, the
10 following:

11 (1) Each remedy granted by the court, in reasonable
12 detail and not by reference to any other document, so that
13 respondent may clearly understand what he or she must do or
14 refrain from doing. Pre-printed form orders of protection
15 shall include the definitions of the types of abuse, as
16 provided in Section 112A-3. Remedies set forth in
17 pre-printed form orders shall be numbered consistently
18 with and corresponding to the numerical sequence of
19 remedies listed in Section 112A-14 (at least as of the date
20 the form orders are printed).

21 (2) The reason for denial of petitioner's request for
22 any remedy listed in Section 112A-14.

23 (b) An order of protection shall further state the
24 following:

25 (1) The name of each petitioner that the court finds
26 was abused by respondent, and that respondent is a member
27 of the family or household of each such petitioner, and the
28 name of each other person protected by the order and that
29 such person is protected by this Act.

30 (2) For any remedy requested by petitioner on which the
31 court has declined to rule, that that remedy is reserved.

32 (3) The date and time the order of protection was

1 issued, whether it is an emergency, interim or plenary
2 order and the duration of the order.

3 (4) The date, time and place for any scheduled hearing
4 for extension of that order of protection or for another
5 order of greater duration or scope.

6 (5) For each remedy in an emergency order of
7 protection, the reason for entering that remedy without
8 prior notice to respondent or greater notice than was
9 actually given.

10 (6) For emergency and interim orders of protection,
11 that respondent may petition the court, in accordance with
12 Section 112A-24, to re-open that order if he or she did not
13 receive actual prior notice of the hearing, in accordance
14 with Section 112A-11, and alleges that he or she had a
15 meritorious defense to the order or that the order or any
16 of its remedies was not authorized by this Article.

17 (c) Any order of protection shall include the following
18 notice, printed in conspicuous type: "Any knowing violation of
19 an order of protection forbidding physical abuse, harassment,
20 intimidation, interference with personal liberty, willful
21 deprivation, or entering or remaining present at specified
22 places when the protected person is present, or granting
23 exclusive possession of the residence or household, or granting
24 a stay away order is a Class A misdemeanor. Grant of exclusive
25 possession of the residence or household shall constitute
26 notice forbidding trespass to land. Any knowing violation of an
27 order awarding legal custody or physical care of a child or
28 prohibiting removal or concealment of a child may be a Class 4
29 felony. Any willful violation of any order is contempt of
30 court. Any violation may result in fine or imprisonment."

31 (d) An emergency order of protection shall state, "This
32 Order of Protection is enforceable, even without registration,
33 in all 50 states, the District of Columbia, tribal lands, and
34 the U.S. territories pursuant to the Violence Against Women Act
35 (18 U.S.C. 2265). Violating this Order of Protection may
36 subject the respondent to federal charges and punishment (18

1 U.S.C. 2261-2262)."

2 (e) An interim or plenary order of protection shall state,
3 "This Order of Protection is enforceable, even without
4 registration, in all 50 states, the District of Columbia,
5 tribal lands, and the U.S. territories pursuant to the Violence
6 Against Woman Act (18 U.S.C. 2265). Violating this Order of
7 Protection may subject the respondent to federal charges and
8 punishment (18 U.S.C. 2261-2262). The respondent may be subject
9 to federal criminal penalties for possessing, transporting,
10 shipping, or receiving any firearm or ammunition under the Gun
11 Control Act (18 U.S.C. 922(g) 98)."

12 (Source: P.A. 86-1300; 87-1186.)

13 Section 10. The Illinois Domestic Violence Act of 1986 is
14 amended by changing Section 221 as follows:

15 (750 ILCS 60/221) (from Ch. 40, par. 2312-21)

16 Sec. 221. Contents of orders.

17 (a) Any order of protection shall describe the following:

18 (1) Each remedy granted by the court, in reasonable
19 detail and not by reference to any other document, so that
20 respondent may clearly understand what he or she must do or
21 refrain from doing. Pre-printed form orders of protection
22 shall include the definitions of the types of abuse,
23 neglect, and exploitation, as provided in Section 103.
24 Remedies set forth in pre-printed form orders shall be
25 numbered consistently with and corresponding to the
26 numerical sequence of remedies listed in Section 214 (at
27 least as of the date the form orders are printed).

28 (2) The reason for denial of petitioner's request for
29 any remedy listed in Section 214.

30 (b) An order of protection shall further state the
31 following:

32 (1) The name of each petitioner that the court finds
33 was abused, neglected, or exploited by respondent, and that
34 respondent is a member of the family or household of each

1 such petitioner, and the name of each other person
2 protected by the order and that such person is protected by
3 this Act.

4 (2) For any remedy requested by petitioner on which the
5 court has declined to rule, that that remedy is reserved.

6 (3) The date and time the order of protection was
7 issued, whether it is an emergency, interim or plenary
8 order and the duration of the order.

9 (4) The date, time and place for any scheduled hearing
10 for extension of that order of protection or for another
11 order of greater duration or scope.

12 (5) For each remedy in an emergency order of
13 protection, the reason for entering that remedy without
14 prior notice to respondent or greater notice than was
15 actually given.

16 (6) For emergency and interim orders of protection,
17 that respondent may petition the court, in accordance with
18 Section 224, to re-open that order if he or she did not
19 receive actual prior notice of the hearing, in accordance
20 with Section 211, and alleges that he or she had a
21 meritorious defense to the order or that the order or any
22 of its remedies was not authorized by this Act.

23 (c) Any order of protection shall include the following
24 notice, printed in conspicuous type: "Any knowing violation of
25 an order of protection forbidding physical abuse, neglect,
26 exploitation, harassment, intimidation, interference with
27 personal liberty, willful deprivation, or entering or
28 remaining present at specified places when the protected person
29 is present, or granting exclusive possession of the residence
30 or household, or granting a stay away order is a Class A
31 misdemeanor. Grant of exclusive possession of the residence or
32 household shall constitute notice forbidding trespass to land.
33 Any knowing violation of an order awarding legal custody or
34 physical care of a child or prohibiting removal or concealment
35 of a child may be a Class 4 felony. Any willful violation of
36 any order is contempt of court. Any violation may result in

1 fine or imprisonment."

2 (d) An emergency order of protection shall state, "This
3 Order of Protection is enforceable, even without registration,
4 in all 50 states, the District of Columbia, tribal lands, and
5 the U.S. territories pursuant to the Violence Against Women Act
6 (18 U.S.C. 2265). Violating this Order of Protection may
7 subject the respondent to federal charges and punishment (18
8 U.S.C. 2261-2262)."

9 (e) An interim or plenary order of protection shall state,
10 "This Order of Protection is enforceable, even without
11 registration, in all 50 states, the District of Columbia,
12 tribal lands, and the U.S. territories pursuant to the Violence
13 Against Woman Act (18 U.S.C. 2265). Violating this Order of
14 Protection may subject the respondent to federal charges and
15 punishment (18 U.S.C. 2261-2262). The respondent may be subject
16 to federal criminal penalties for possessing, transporting,
17 shipping, or receiving any firearm or ammunition under the Gun
18 Control Act (18 U.S.C. 922(g) 98)."

19 (Source: P.A. 86-542; 86-1300; 87-1186.)