



Sen. Dale A. Righter

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09500HB5121sam001

LRB095 16625 AJ0 50580 a

1 AMENDMENT TO HOUSE BILL 5121

2 AMENDMENT NO. _____. Amend House Bill 5121 on page 1, by
3 replacing line 1 with the following:

4 "AN ACT concerning domestic violence."; and

5 on page 1, before line 4, by inserting the following:

6 "Section 3. The Code of Criminal Procedure of 1963 is
7 amended by changing Section 112A-22 as follows:

8 (725 ILCS 5/112A-22) (from Ch. 38, par. 112A-22)

9 Sec. 112A-22. Notice of orders.

10 (a) Entry and issuance. Upon issuance of any order of
11 protection, the clerk shall immediately, or on the next court
12 day if an emergency order is issued in accordance with
13 subsection (c) of Section 112A-17, (i) enter the order on the
14 record and file it in accordance with the circuit court
15 procedures and (ii) provide a file stamped copy of the order to

1 respondent, if present, and to petitioner.

2 (b) Filing with sheriff. The clerk of the issuing judge
3 shall, or the petitioner may, on the same day that an order of
4 protection is issued, file a copy of that order with the
5 sheriff or other law enforcement officials charged with
6 maintaining Department of State Police records or charged with
7 serving the order upon respondent. If the order was issued in
8 accordance with subsection (c) of Section 112A-17, the clerk
9 shall on the next court day, file a certified copy of the order
10 with the Sheriff or other law enforcement officials charged
11 with maintaining Department of State Police records.

12 (c) Service by sheriff. Unless respondent was present in
13 court when the order was issued, the sheriff, other law
14 enforcement official or special process server shall promptly
15 serve that order upon respondent and file proof of such
16 service, in the manner provided for service of process in civil
17 proceedings. Instead of serving the order upon the respondent,
18 however, the sheriff, other law enforcement official, or
19 special process server may serve the respondent with a short
20 form notification as provided in Section 112A-22.10. If process
21 has not yet been served upon the respondent, it shall be served
22 with the order or short form notification.

23 (c-5) If the person against whom the order of protection is
24 issued is arrested and the written order is issued in
25 accordance with subsection (c) of Section 112A-17 and received
26 by the custodial law enforcement agency before the respondent

1 or arrestee is released from custody, the custodial law
2 enforcement agent shall promptly serve the order upon the
3 respondent or arrestee before the respondent or arrestee is
4 released from custody. In no event shall detention of the
5 respondent or arrestee be extended for hearing on the petition
6 for order of protection or receipt of the order issued under
7 Section 112A-17 of this Code.

8 (d) Extensions, modifications and revocations. Any order
9 extending, modifying or revoking any order of protection shall
10 be promptly recorded, issued and served as provided in this
11 Section.

12 (e) Notice to health care facilities and health care
13 practitioners. Upon the request of the petitioner, the clerk of
14 the circuit court shall send a certified copy of the order of
15 protection to any specified health care facility or health care
16 practitioner requested by the petitioner at the mailing address
17 provided by the petitioner.

18 (f) Disclosure by health care facilities and health care
19 practitioners. After receiving a certified copy of an order of
20 protection that prohibits a respondent's access to records, no
21 health care facility or health care practitioner shall allow a
22 respondent access to the records of any child who is a
23 protected person under the order of protection, or release
24 information in those records to the respondent, unless the
25 order has expired or the respondent shows a certified copy of
26 the court order vacating the corresponding order of protection

1 that was sent to the health care facility or practitioner.
2 Nothing in this Section shall be construed to require health
3 care facilities or health care practitioners to alter
4 procedures related to billing and payment. The health care
5 facility or health care practitioner may file the copy of the
6 order of protection in the records of a child who is a
7 protected person under the order of protection, or may employ
8 any other method to identify the records to which a respondent
9 is prohibited access. No health care facility or health care
10 practitioner shall be civilly or professionally liable for
11 reliance on a copy of an order of protection, except for
12 willful and wanton misconduct.

13 (Source: P.A. 92-162, eff. 1-1-02.); and

14 on page 3, line 21, by inserting after "1986", the following:
15 "or the Code of Criminal Procedure of 1963".