

1                                    AMENDMENT TO HOUSE BILL 1400

2            AMENDMENT NO. \_\_\_\_\_. Amend House Bill 1400, on page 3, by  
3 replacing lines 2 through 5 with the following:

4            "(a) An action for a civil no contact order is  
5 commenced:

6                    (1) independently, by filing a civil no contact  
7 order in any civil court, unless specific courts are  
8 designated by local rule or order; or

9                    (2) in conjunction with a delinquency petition or a  
10 criminal prosecution, by filing a petition for a civil no  
11 contact order under the same case number as the  
12 delinquency petition or criminal prosecution, to be  
13 granted during pre-trial release of a defendant, with any  
14 dispositional order issued under Section 5-710 of the  
15 Juvenile Court Act of 1987 or as a condition of release,  
16 supervision, conditional discharge, probation, periodic  
17 imprisonment, parole, or mandatory supervised release, or  
18 in conjunction with imprisonment or a bond forfeiture  
19 warrant, provided that (i) the violation is alleged in an  
20 information, complaint, indictment, or delinquency  
21 petition on file and the alleged victim is a person  
22 protected by this Act, and (ii) the petition, which is  
23 filed by the State's Attorney, names a victim of the

1           alleged crime as a petitioner.

2           (b) Withdrawal or dismissal of any petition for a civil  
3 no contact order prior to adjudication where the petitioner  
4 is represented by the State shall operate as a dismissal  
5 without prejudice. No action for a civil no contact order  
6 shall be dismissed because the respondent is being prosecuted  
7 for a crime against the petitioner. For any action commenced  
8 under item (2) of subsection (a) of this Section, dismissal  
9 of the conjoined case (or a finding of not guilty) shall not  
10 require dismissal of the action for a civil no contact order;  
11 instead, it may be treated as an independent action and, if  
12 necessary and appropriate, transferred to a different court  
13 or division."; and

14 on page 3, line 6, by replacing "(b)" with "(c)"; and

15 on page 3, line 11 by replacing "(c)" with "(d)"; and

16 on page 4, line 21 by replacing "order of protection" with  
17 "civil no contact order"; and

18 on page 8, by replacing lines 5 through 18 with the  
19 following:

20           "(b) A civil no contact order shall order one or more of  
21 the following:

22                 (1) order the respondent to stay away from the  
23 petitioner;

24                 (2) order the respondent to stay away from any  
25 other person protected by the civil no contact order;

26                 (3) prohibit the respondent from abuse, as defined  
27 in this Act, or stalking of the petitioner, as defined in  
28 Section 12-7.3 of the Criminal Code of 1961, if the abuse  
29 or stalking has occurred or otherwise appears likely to  
30 occur if not prohibited; or

31                 (4) prohibit the respondent from entering or

1 remaining present at the petitioner's school or place of  
2 employment, or both, or other specified places at times  
3 when the petitioner is present, 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 the respondent has no right to enter the premises."; and

7 on page 9, line 6, by replacing "an order of protection" with  
8 "a civil no contact order"; and

9 on page 11, by replacing lines 12 through 24 with the  
10 following:

11 "period of time, not to exceed 2 years. A plenary civil  
12 no contact order entered in conjunction with a criminal  
13 prosecution shall remain in effect as follows:

14 (1) if entered during pre-trial release, until  
15 disposition, withdrawal, or dismissal of the  
16 underlying charge; if however, the case is continued  
17 as an independent cause of action, the order's  
18 duration may be for a fixed period of time not to  
19 exceed 2 years;

20 (2) if in effect in conjunction with a bond  
21 forfeiture warrant, until final disposition or an  
22 additional period of time not exceeding 2 years; no  
23 order of protection, however, shall be terminated by  
24 a dismissal that is accompanied by the issuance of a  
25 bond forfeiture warrant;

26 (3) until expiration of any supervision,  
27 conditional discharge, probation, periodic  
28 imprisonment, parole, or mandatory supervised  
29 release and for an additional period of time  
30 thereafter not exceeding 2 years; or

31 (4) until the date set by the court for  
32 expiration of any sentence of imprisonment and  
33 subsequent parole or mandatory supervised release

1           and for an additional period of time thereafter not  
2           exceeding 2 years."; and

3   on page 11, line 25 by replacing "(b)" with "(c)"; and

4   on page 12, line 4 by replacing "(c)" with "(d)"; and

5   on page 12, line 7 by replacing "(d)" with "(e)".