



Sen. Jil Tracy

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10000SB2288sam003

LRB100 16058 HEP 38897 a

1 AMENDMENT TO SENATE BILL 2288

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 2288, AS AMENDED,  
3 by replacing everything after the enacting clause with the  
4 following:

5 "Section 5. The Stalking No Contact Order Act is amended by  
6 changing Section 80 as follows:

7 (740 ILCS 21/80)

8 Sec. 80. Stalking no contact orders; remedies.

9 (a) If the court finds that the petitioner has been a  
10 victim of stalking, a stalking no contact order shall issue;  
11 provided that the petitioner must also satisfy the requirements  
12 of Section 95 on emergency orders or Section 100 on plenary  
13 orders. The petitioner shall not be denied a stalking no  
14 contact order because the petitioner or the respondent is a  
15 minor. The court, when determining whether or not to issue a  
16 stalking no contact order, may not require physical injury on

1 the person of the petitioner. Modification and extension of  
2 prior stalking no contact orders shall be in accordance with  
3 this Act.

4 (b) A stalking no contact order shall order one or more of  
5 the following:

6 (1) prohibit the respondent from threatening to commit  
7 or committing stalking;

8 (2) order the respondent not to have any contact with  
9 the petitioner or a third person specifically named by the  
10 court;

11 (3) prohibit the respondent from knowingly coming  
12 within, or knowingly remaining within a specified distance  
13 of the petitioner or the petitioner's residence, school,  
14 daycare, or place of employment, or any specified place  
15 frequented by the petitioner; however, the court may order  
16 the respondent to stay away from the respondent's own  
17 residence, school, or place of employment only if the  
18 respondent has been provided actual notice of the  
19 opportunity to appear and be heard on the petition;

20 (4) prohibit the respondent from possessing a Firearm  
21 Owners Identification Card, or possessing or buying  
22 firearms; ~~and~~

23 (5) order the respondent to submit to a mental health  
24 evaluation; and

25 (6) ~~(5)~~ order other injunctive relief the court  
26 determines to be necessary to protect the petitioner or

1 third party specifically named by the court.

2 (b-5) When the petitioner and the respondent attend the  
3 same public, private, or non-public elementary, middle, or high  
4 school, the court when issuing a stalking no contact order and  
5 providing relief shall consider the severity of the act, any  
6 continuing physical danger or emotional distress to the  
7 petitioner, the educational rights guaranteed to the  
8 petitioner and respondent under federal and State law, the  
9 availability of a transfer of the respondent to another school,  
10 a change of placement or a change of program of the respondent,  
11 the expense, difficulty, and educational disruption that would  
12 be caused by a transfer of the respondent to another school,  
13 and any other relevant facts of the case. The court may order  
14 that the respondent not attend the public, private, or  
15 non-public elementary, middle, or high school attended by the  
16 petitioner, order that the respondent accept a change of  
17 placement or program, as determined by the school district or  
18 private or non-public school, or place restrictions on the  
19 respondent's movements within the school attended by the  
20 petitioner. The respondent bears the burden of proving by a  
21 preponderance of the evidence that a transfer, change of  
22 placement, or change of program of the respondent is not  
23 available. The respondent also bears the burden of production  
24 with respect to the expense, difficulty, and educational  
25 disruption that would be caused by a transfer of the respondent  
26 to another school. A transfer, change of placement, or change

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

20 (b-6) The court may order the parents, guardian, or legal  
21 custodian of a minor respondent to take certain actions or to  
22 refrain from taking certain actions to ensure that the  
23 respondent complies with the order. In the event the court  
24 orders a transfer of the respondent to another school, the  
25 parents, guardian, or legal custodian of the respondent are  
26 responsible for transportation and other costs associated with

1 the change of school by the respondent.

2 (b-7) The court shall not hold a school district or private  
3 or non-public school or any of its employees in civil or  
4 criminal contempt unless the school district or private or  
5 non-public school has been allowed to intervene.

6 (b-8) The court may hold the parents, guardian, or legal  
7 custodian of a minor respondent in civil or criminal contempt  
8 for a violation of any provision of any order entered under  
9 this Act for conduct of the minor respondent in violation of  
10 this Act if the parents, guardian, or legal custodian directed,  
11 encouraged, or assisted the respondent minor in such conduct.

12 (c) The court may award the petitioner costs and attorneys  
13 fees if a stalking no contact order is granted.

14 (d) Monetary damages are not recoverable as a remedy.

15 (e) If the stalking no contact order prohibits the  
16 respondent from possessing a Firearm Owner's Identification  
17 Card, or possessing or buying firearms; the court shall  
18 confiscate the respondent's Firearm Owner's Identification  
19 Card and immediately return the card to the Department of State  
20 Police Firearm Owner's Identification Card Office.

21 (Source: P.A. 96-246, eff. 1-1-10; 97-294, eff. 1-1-12;  
22 97-1131, eff. 1-1-13.)".