

1 AN ACT concerning harassment.

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

4 Section 1. Short title. This Act may be cited as the Sexual
5 Harassment No Contact Order Act.

6 Section 5. Purpose. Sexual harassment is a form of sex
7 discrimination based on an individual's actual or perceived sex
8 or gender that includes unwelcome sexual advances, requests for
9 sexual favors, and other verbal or physical harassment of a
10 sexual nature. In some instances, sexual harassment can cause
11 severe emotional and physical distress, yet does not rise to a
12 criminal offense. In these situations, the person who is the
13 subject of the sexual harassment should be able to seek a civil
14 remedy requiring only that the person committing the sexual
15 harassment stay away from the victim. The purpose of this Act
16 is to prevent harassment that is sexual in nature by
17 co-workers, neighbors, strangers, and acquaintances.

18 Section 10. Definitions. As used in this Act:

19 "Contact" includes any contact with the petitioner that is
20 initiated or continued without the petitioner's consent, or
21 that is in disregard of the petitioner's expressed desire that
22 the contact be avoided or discontinued, including, but not

1 limited to: being in the physical presence of the petitioner;
2 intentionally appearing within the sight of the petitioner;
3 approaching or confronting the petitioner in a public place or
4 on private property; appearing at the workplace or residence of
5 the petitioner; entering onto or remaining on property owned,
6 leased, or occupied by the petitioner; or placing an object on,
7 or delivering an object to, property owned, leased, or occupied
8 by the petitioner.

9 "Course of conduct" means 2 or more acts, including, but
10 not limited to, acts in which a respondent directly,
11 indirectly, or through third parties, by any action, method,
12 device, or means: sexually harasses; makes unwelcome sexual
13 advances, requests, or threats; or engages in other contact
14 that is sexual in nature. "Course of conduct" includes contact
15 via electronic communications. The incarceration of a person in
16 a penal institution who commits the course of conduct is not a
17 bar to relief under this Act.

18 "Emotional distress" means significant mental suffering,
19 anxiety, or alarm.

20 "Petitioner" means any named petitioner for the sexual
21 harassment no contact order or any named complainant of sexual
22 harassment on whose behalf the petition is brought.

23 "Reasonable person" means a person in the petitioner's
24 circumstances with the petitioner's knowledge of the
25 respondent and the respondent's prior acts.

26 "Sexual harassment" means engaging in a course of conduct,

1 as defined by this Section, that is directed at a specific
2 person based on that individual's actual or perceived sex or
3 gender that causes that person emotional distress, and the
4 person engaging in the conduct knows or should know that this
5 course of conduct would cause a reasonable person emotional
6 distress.

7 "Sexual harassment no contact order" means an emergency
8 order or plenary order granted under this Act. "Sexual
9 harassment no contact order" includes a remedy authorized by
10 Section 80.

11 Section 15. Persons protected by this Act. If relief is not
12 available to the petitioner under the Illinois Domestic
13 Violence Act of 1986, the Stalking No Contact Order Act, or the
14 Civil No Contact Order Act, a petition for a sexual harassment
15 no contact order may be filed by a person:

16 (1) who is the subject of sexual harassment; or
17 (2) on behalf of a minor child or an adult who is a subject
18 of sexual harassment but, because of age, disability, health,
19 or inaccessibility, cannot file the petition.

20 Section 20. Commencement of action; filing fees.

21 (a) An action for a sexual harassment no contact order may
22 be commenced:

23 (1) independently, by filing a petition for a sexual
24 harassment no contact order in any circuit court, unless

1 specific divisions of the circuit court are designated by
2 local rule or order; or

3 (2) in conjunction with a delinquency petition or a
4 criminal prosecution as provided in Article 112A of the
5 Code of Criminal Procedure of 1963.

6 (b) If the petitioner is represented by the State,
7 withdrawal or dismissal of a petition for a sexual harassment
8 no contact order prior to adjudication shall operate as a
9 dismissal without prejudice. No action for a sexual harassment
10 no contact order shall be dismissed solely because the
11 respondent is being prosecuted for a crime against the
12 petitioner. For an action commenced under paragraph (2) of
13 subsection (a) of this Section, dismissal of the conjoined case
14 (or a finding of not guilty) shall not require dismissal of the
15 action for a sexual harassment no contact order; instead, it
16 may be treated as an independent action and, if necessary and
17 appropriate, transferred to a different court or division.

18 (c) No fee shall be charged by the clerk of the court for
19 filing a petition, or modifying or certifying an order, under
20 this Act. No fee shall be charged by the sheriff for service by
21 the sheriff of a petition, rule, motion, or order in an action
22 commenced under this Section.

23 (d) The court shall provide, through the office of the
24 clerk of the court, simplified forms for the filing of a
25 petition under this Section by a person not represented by
26 counsel.

1 Section 25. Pleading; nondisclosure of address.

2 (a) A petition for a sexual harassment no contact order
3 shall be in writing and verified or accompanied by an affidavit
4 and shall allege that the petitioner has been the subject of
5 sexual harassment by the respondent.

6 (b) If the petition states that disclosure of the
7 petitioner's address would risk abuse of the petitioner or any
8 member of the petitioner's family or household, that address
9 may be omitted from all documents filed with the court. If the
10 petitioner has not disclosed an address under this subsection,
11 the petitioner shall designate an alternative address at which
12 the respondent may serve notice of any motions.

13 Section 30. Application of rules of civil procedure; victim
14 advocates.

15 (a) A proceeding to obtain, modify, reopen, or appeal a
16 sexual harassment no contact order shall be governed by the
17 rules of civil procedure of this State. The standard of proof
18 in the proceeding is proof by a preponderance of the evidence.
19 The Code of Civil Procedure and Supreme Court and local court
20 rules applicable to civil proceedings shall apply, except as
21 otherwise provided by this Act.

22 (b) In circuit courts, victim advocates shall be allowed to
23 accompany the petitioner and confer with the petitioner, unless
24 otherwise directed by the court. Victim advocates include, but

1 are not limited to, rape crisis center advocates. Court
2 administrators shall allow victim advocates to assist sexual
3 harassment petitioners in the preparation of petitions for
4 sexual harassment no contact orders. Victim advocates are not
5 engaged in the unauthorized practice of law when providing
6 assistance of the types specified in this subsection (b).

7 Section 35. Appointment of counsel. The court may appoint
8 counsel to represent the petitioner if the respondent is
9 represented by counsel.

10 Section 40. Trial by jury. There is no right to trial by
11 jury in any proceeding to obtain, modify, vacate, or extend a
12 sexual harassment no contact order. However, nothing in this
13 Section limits or denies any otherwise existing right to trial
14 by jury in a criminal proceeding.

15 Section 45. Subject matter jurisdiction. Each of the
16 circuit courts has the power to issue sexual harassment no
17 contact orders.

18 Section 50. Jurisdiction over persons. The courts of this
19 State have jurisdiction to bind (1) State residents; and (2)
20 nonresidents having minimum contacts with this State, to the
21 extent permitted by the long-arm statute, Section 2-209 of the
22 Code of Civil Procedure.

1 Section 55. Venue. A petition for a sexual harassment no
2 contact order may be filed in any county where:

3 (1) the petitioner resides;

4 (2) the respondent resides; or

5 (3) one or more acts of the alleged sexual harassment
6 occurred.

7 Section 60. Process.

8 (a) Any action for a sexual harassment no contact order
9 requires that a separate summons be issued and served. The
10 summons shall be in the form prescribed by Supreme Court Rule
11 101(d), except that it shall require the respondent to answer
12 or appear within 7 days. Attachments to the summons or notice
13 shall include the petition for a sexual harassment no contact
14 order and supporting affidavits, if any, and any emergency
15 sexual harassment no contact order that has been issued.

16 (b) The summons shall be served by the sheriff or other law
17 enforcement officer at the earliest time and shall take
18 precedence over other summonses except those of a similar
19 emergency nature. Special process servers may be appointed at
20 any time, and their designation shall not affect the
21 responsibilities and authority of the sheriff or other official
22 process servers.

23 (c) Service of process on a member of the respondent's
24 household or by publication is adequate if:

1 (1) the petitioner has made all reasonable efforts to
2 accomplish actual service of process personally upon the
3 respondent, but the respondent cannot be found to effect
4 the service; and

5 (2) the petitioner files an affidavit or presents sworn
6 testimony as to those efforts.

7 (d) A plenary sexual harassment no contact order may be
8 entered by default for the remedy sought in the petition, if
9 the respondent has been served or given notice in accordance
10 with subsection (a) of this Section and if the respondent then
11 fails to appear as directed or fails to appear on any
12 subsequent appearance or hearing date agreed to by the parties
13 or set by the court.

14 Section 65. Service of notice of hearings. Except as
15 provided in Section 60, notice of hearings on petitions or
16 motions shall be served in accordance with Supreme Court Rules
17 11 and 12, unless notice is excused by Section 100 or by the
18 Code of Civil Procedure, Supreme Court Rules, or local rules.

19 Section 70. Hearings. A petition for a sexual harassment no
20 contact order shall be treated as an expedited proceeding, and
21 no court may transfer or otherwise decline to decide all or
22 part of the petition. Nothing in this Section shall prevent the
23 court from reserving issues if jurisdiction or notice
24 requirements are not met.

1 Section 75. Continuances.

2 (a) A petition for emergency remedies shall be granted or
3 denied in accordance with the standards of Section 100,
4 regardless of the respondent's appearance or presence in court.

5 (b) An action for a sexual harassment no contact order is
6 an expedited proceeding. Continuances shall be granted only for
7 good cause shown and kept to the minimum reasonable duration,
8 taking into account the reasons for the continuance.

9 Section 80. Sexual harassment no contact orders; remedies.

10 (a) If the court finds that the petitioner has been a
11 victim of sexual harassment and the petitioner has satisfied
12 the requirements of Section 95 on emergency orders or Section
13 100 on plenary orders, a sexual harassment no contact order
14 shall be issued. The petitioner shall not be denied a sexual
15 harassment no contact order because the petitioner or the
16 respondent is a minor. The court, when determining whether to
17 issue a sexual harassment no contact order, may not require
18 physical injury on the person of the petitioner. Modification
19 and extension of a prior sexual harassment no contact order
20 shall be in accordance with this Act.

21 (b) A sexual harassment no contact order shall do one or
22 more of the following:

23 (1) prohibit the respondent from continued harassment
24 of the petitioner;

1 (2) order the respondent to have no contact with the
2 petitioner or a third person specifically named by the
3 court;

4 (3) prohibit the respondent from knowingly coming
5 within or knowingly remaining within a specified distance
6 of the petitioner or the petitioner's residence, school,
7 daycare, or place of employment, or any specified place
8 frequented by the petitioner; however, the court may order
9 the respondent to stay away from the respondent's own
10 residence, school, or place of employment only if the
11 respondent has been provided actual notice of the
12 opportunity to appear and be heard on the petition;

13 (4) if there was a reported threat of force with a
14 weapon, prohibit the respondent from possessing a Firearm
15 Owner's Identification Card or possessing or buying a
16 firearm; and

17 (5) order other injunctive relief the court determines
18 to be necessary to protect the petitioner or a third party
19 specifically named by the court.

20 (c) If the petitioner and the respondent attend the same
21 public, private, or nonpublic elementary, middle, or high
22 school, the court, when issuing a sexual harassment no contact
23 order and providing relief, shall consider the severity of the
24 act, any continuing physical danger or emotional distress to
25 the petitioner, the educational rights guaranteed to the
26 petitioner and respondent under federal and State law, the

1 availability of a transfer of the respondent to another school,
2 a change of placement or a change of program of the respondent,
3 the expense, difficulty, and educational disruption that would
4 be caused by a transfer of the respondent to another school,
5 and any other relevant facts of the case. The court may order
6 that the respondent not attend the public, private, or
7 nonpublic elementary, middle, or high school attended by the
8 petitioner, order that the respondent accept a change of
9 placement or program, as determined by the school district or
10 private or nonpublic school, or place restrictions on the
11 respondent's movements within the school attended by the
12 petitioner. The respondent bears the burden of proving by a
13 preponderance of the evidence that a transfer, change of
14 placement, or change of program of the respondent is not
15 available. The respondent also bears the burden of production
16 with respect to the expense, difficulty, and educational
17 disruption that would be caused by a transfer of the respondent
18 to another school. A transfer, change of placement, or change
19 of program is not unavailable to the respondent solely on the
20 ground that the respondent does not agree with the school
21 district's or private or nonpublic school's transfer, change of
22 placement, or change of program or solely on the ground that
23 the respondent fails or refuses to consent to or otherwise does
24 not take an action required to effectuate a transfer, change of
25 placement, or change of program. If a court orders a respondent
26 to stay away from the public, private, or nonpublic school

1 attended by the petitioner and the respondent requests a
2 transfer to another attendance center within the respondent's
3 school district or private or nonpublic school, the school
4 district or private or nonpublic school shall have sole
5 discretion to determine the attendance center to which the
6 respondent is transferred. If the court order results in a
7 transfer of the minor respondent to another attendance center,
8 a change in the respondent's placement, or a change of the
9 respondent's program, the parent, guardian, or legal custodian
10 of the respondent is responsible for transportation and other
11 costs associated with the transfer or change.

12 (d) The court may order the parent, guardian, or legal
13 custodian of a minor respondent to take certain actions or to
14 refrain from taking certain actions to ensure that the
15 respondent complies with the order. If the court orders a
16 transfer of the respondent to another school, the parent,
17 guardian, or legal custodian of the respondent is responsible
18 for transportation and other costs associated with the change
19 of school by the respondent.

20 (e) The court shall not hold a school district or private
21 or nonpublic school or any of its employees in civil or
22 criminal contempt unless the school district or private or
23 nonpublic school has been allowed to intervene.

24 (f) The court may hold a parent, guardian, or legal
25 custodian of a minor respondent in civil or criminal contempt
26 for a violation of any provision of any order entered under

1 this Act for conduct of the minor respondent in violation of
2 this Act if the parent, guardian, or legal custodian directed,
3 encouraged, or assisted the respondent minor in the conduct.

4 (g) The court may award the petitioner costs and attorney's
5 fees if a sexual harassment no contact order is granted.

6 (h) Monetary damages are not recoverable as a remedy.

7 (i) If the sexual harassment no contact order prohibits the
8 respondent from possessing a Firearm Owner's Identification
9 Card or possessing or buying firearms, the court shall
10 confiscate the respondent's Firearm Owner's Identification
11 Card and immediately return the card to the Department of State
12 Police Firearm Owner's Identification Card Office.

13 Section 85. Mutual orders prohibited. Mutual sexual
14 harassment no contact orders are prohibited. Correlative
15 separate orders undermine the purposes of this Act. If separate
16 orders are sought, both must comply with all provisions of this
17 Act.

18 Section 90. Accountability for actions of others. For the
19 purposes of issuing a sexual harassment no contact order,
20 deciding what remedies should be included, and enforcing the
21 order, Article 5 of the Criminal Code of 2012 governs whether a
22 respondent is legally accountable for the conduct of another
23 person.

1 Section 95. Emergency sexual harassment no contact order.

2 (a) An emergency sexual harassment no contact order shall
3 be issued if the petitioner satisfies the requirements of this
4 subsection (a). The petitioner shall establish that:

5 (1) the court has jurisdiction under Section 50;

6 (2) the requirements of Section 80 are satisfied; and

7 (3) there is good cause to grant the remedy, regardless
8 of prior service of process or of notice upon the
9 respondent, because the harm that the remedy is intended to
10 prevent would be likely to occur if the respondent were
11 given any prior notice, or greater notice than was actually
12 given, of the petitioner's efforts to obtain judicial
13 relief.

14 An emergency sexual harassment no contact order shall be
15 issued by the court if it appears from the contents of the
16 petition and the examination of the petitioner that the
17 averments are sufficient to indicate sexual harassment by the
18 respondent and to support the granting of relief under the
19 issuance of the sexual harassment no contact order.

20 An emergency sexual harassment no contact order shall be
21 issued if the court finds that items (1), (2), and (3) of this
22 subsection (a) are met.

23 (b) If the respondent appears in court for the hearing for
24 an emergency order, he or she may elect to file a general
25 appearance and testify. Any resulting order may be an emergency
26 order, governed by this Section. Notwithstanding the

1 requirements of this Section, if all requirements of Section
2 100 have been met, the court may issue a plenary order.

3 (c) Emergency orders; court holidays and evenings.

4 (1) If the court is unavailable at the close of
5 business, the petitioner may file a petition for a 21-day
6 emergency order before any available circuit judge or
7 associate judge who may grant relief under this Act. If the
8 judge finds that there is an immediate and present danger
9 of abuse against the petitioner and that the petitioner has
10 satisfied the prerequisites set forth in subsection (a),
11 that judge may issue an emergency sexual harassment no
12 contact order.

13 (2) The chief judge of the circuit court may designate
14 for each county in the circuit at least one judge to be
15 reasonably available to issue orally, by telephone, by
16 facsimile, or otherwise, an emergency sexual harassment no
17 contact order at all times, regardless of whether the court
18 is in session.

19 (3) Any order issued under this Section and any
20 documentation in support of the order shall be certified on
21 the next court day to the appropriate court. The clerk of
22 that court shall immediately assign a case number, file the
23 petition, order, and other documents with the court, enter
24 the order of record, and file it with the sheriff for
25 service in accordance with Section 60. Filing the petition
26 shall commence proceedings for further relief under

1 Section 20. Failure to comply with the requirements of this
2 paragraph (3) does not affect the validity of the order.

3 Section 100. Plenary sexual harassment no contact order.
4 The court shall issue a plenary sexual harassment no contact
5 order if the petitioner has served notice of the hearing for
6 that order on the respondent, in accordance with Section 65,
7 and has satisfied the requirements of this Section. The
8 petitioner must establish that:

9 (1) the court has jurisdiction under Section 50 of this
10 Act;

11 (2) the requirements of Section 80 are satisfied;

12 (3) a general appearance was made or filed by or for
13 the respondent or process was served on the respondent in
14 the manner required by Section 60; and

15 (4) the respondent has answered or is in default.

16 Section 105. Duration and extension of orders.

17 (a) Unless reopened or extended or voided by entry of an
18 order of greater duration, an emergency order shall be
19 effective for not less than 14 nor more than 21 days.

20 (b) Except as otherwise provided in this Section, a plenary
21 sexual harassment no contact order shall be effective for a
22 fixed period not to exceed 2 years. A sexual harassment no
23 contact order entered in conjunction with a criminal
24 prosecution or delinquency petition shall remain in effect as

1 provided in Section 112A-20 of the Code of Criminal Procedure
2 of 1963.

3 (c) An emergency or plenary order may be extended one or
4 more times, as required, if the requirements of Section 95 or
5 100, as appropriate, are satisfied. If the motion for extension
6 is uncontested and the petitioner seeks no modification of the
7 order, the order may be extended on the basis of the
8 petitioner's motion or affidavit stating that there has been no
9 material change in relevant circumstances since the entry of
10 the order and stating the reason for the requested extension.
11 Extensions may be granted only in open court and not under the
12 provisions of subsection (c) of Section 95, which applies only
13 if the court is unavailable at the close of business or on a
14 court holiday.

15 (d) A sexual harassment no contact order that would expire
16 on a court holiday shall instead expire at the close of the
17 next court business day.

18 (e) The practice of dismissing or suspending a criminal
19 prosecution in exchange for the issuance of a sexual harassment
20 no contact order undermines the purposes of this Act. This
21 Section shall not be construed as encouraging that practice.

22 Section 110. Contents of orders.

23 (a) A sexual harassment no contact order shall describe
24 each remedy granted by the court, in reasonable detail and not
25 by reference to any other document, so that the respondent may

1 clearly understand what he or she must do or refrain from
2 doing.

3 (b) A sexual harassment no contact order shall further
4 state the following:

5 (1) The name of each petitioner that the court finds
6 was the subject of sexual harassment by the respondent.

7 (2) The date and time the sexual harassment no contact
8 order was issued, whether it is an emergency or plenary
9 order, and the duration of the order.

10 (3) The date, time, and place of any scheduled hearing
11 for extension of that sexual harassment no contact order or
12 for another order of greater duration or scope.

13 (4) For each remedy in an emergency sexual harassment
14 no contact order, the reason for entering that remedy
15 without prior notice to the respondent or greater notice
16 than was actually given.

17 (5) For an emergency sexual harassment no contact
18 order, that the respondent may petition the court, in
19 accordance with Section 125, to reopen the order if he or
20 she did not receive actual prior notice of the hearing as
21 required under Section 65 and if the respondent alleges
22 that he or she had a meritorious defense to the order or
23 that the order or its remedy is not authorized by this Act.

24 (c) A sexual harassment no contact order shall include the
25 following notice, printed in conspicuous type: "An initial
26 knowing violation of a sexual harassment no contact order is a

1 Class A misdemeanor. A second or subsequent knowing violation
2 is a Class 4 felony."

3 Section 115. Notice of orders.

4 (a) Upon issuance of a sexual harassment no contact order,
5 the clerk shall immediately, or on the next court day if an
6 emergency order is issued in accordance with subsection (c) of
7 Section 95:

8 (1) enter the order on the record and file it in
9 accordance with the circuit court procedures; and

10 (2) provide a file-stamped copy of the order to the
11 respondent, if present, and to the petitioner.

12 (b) The clerk of the issuing judge shall, or the petitioner
13 may, on the same day that a sexual harassment no contact order
14 is issued, file a certified copy of that order with the sheriff
15 or other law enforcement officials charged with maintaining
16 Department of State Police records or charged with serving the
17 order upon the respondent. If the order was issued in
18 accordance with subsection (c) of Section 95, the clerk shall,
19 on the next court day, file a certified copy of the order with
20 the sheriff or other law enforcement officials charged with
21 maintaining Department of State Police records. If the
22 respondent, at the time of the issuance of the order, is
23 committed to the custody of the Department of Corrections or
24 Department of Juvenile Justice or is on parole, aftercare
25 release, or mandatory supervised release, the sheriff or other

1 law enforcement officials charged with maintaining Department
2 of State Police records shall notify the Department of
3 Corrections or Department of Juvenile Justice within 48 hours
4 of receipt of a copy of the sexual harassment no contact order
5 from the clerk of the issuing judge or petitioner. The notice
6 shall include the name of the respondent, the respondent's
7 Department of Corrections inmate number or Department of
8 Juvenile Justice youth identification number, the respondent's
9 date of birth, and the Law Enforcement Agencies Data System
10 Record Index Number.

11 (c) Unless the respondent was present in court when the
12 order was issued, the sheriff, other law enforcement official,
13 or special process server shall promptly serve that order upon
14 the respondent and file proof of service in the manner provided
15 for service of process in civil proceedings. Instead of serving
16 the order upon the respondent, however, the sheriff, other law
17 enforcement official, special process server, or other person
18 defined in Section 120 may serve the respondent with a short
19 form notification as provided in Section 120. If process has
20 not yet been served upon the respondent, it shall be served
21 with the order or short form notification if the service is
22 made by the sheriff, other law enforcement official, or special
23 process server.

24 (d) If the person against whom the sexual harassment no
25 contact order is issued is arrested and the written order is
26 issued in accordance with subsection (c) of Section 95 and

1 received by the custodial law enforcement agency before the
2 respondent or arrestee is released from custody, the custodial
3 law enforcement agent shall promptly serve the order upon the
4 respondent or arrestee before the respondent or arrestee is
5 released from custody. In no event shall detention of the
6 respondent or arrestee be extended for hearing on the petition
7 for a sexual harassment no contact order or receipt of the
8 order issued under Section 95.

9 (e) An order extending, modifying, or revoking a sexual
10 harassment no contact order shall be promptly recorded, issued,
11 and served as provided in this Section.

12 (f) Upon the request of the petitioner, within 24 hours of
13 the issuance of a sexual harassment no contact order, the clerk
14 of the issuing judge shall send written notice of the order and
15 a certified copy of the order to any school, daycare, college,
16 or university at which the petitioner is enrolled.

17 Section 120. Short form notification.

18 (a) Instead of personal service of a sexual harassment no
19 contact order under Section 115, a sheriff, other law
20 enforcement official, special process server, or personnel
21 assigned by the Department of Corrections or Department of
22 Juvenile Justice to investigate the alleged misconduct of
23 committed persons or alleged violations of a parolee's or
24 releasee's conditions of parole, aftercare release, or
25 mandatory supervised release may serve a respondent with a

1 short form notification. The short form notification must
2 include the following items, either in checklist form or
3 handwritten:

4 (1) the respondent's name;

5 (2) the respondent's date of birth, if known;

6 (3) the petitioner's name;

7 (4) the names of other protected parties;

8 (5) the date and county in which the sexual harassment
9 no contact order was filed;

10 (6) the court file number;

11 (7) the hearing date and time, if known; and

12 (8) the conditions that apply to the respondent;

13 (b) The short form notification must contain the following
14 notice in bold print:

15 "The order is now enforceable. You must report to the
16 office of the sheriff or the office of the circuit court in
17 (name of county) County to obtain a copy of the order. You are
18 subject to arrest and may be charged with a misdemeanor or
19 felony if you violate any of the terms of the order."

20 (c) Upon verification of the identity of the respondent and
21 the existence of an unserved order against the respondent, a
22 sheriff or other law enforcement official may detain the
23 respondent for a reasonable time necessary to complete and
24 serve the short form notification.

25 (d) When service is made by short form notification under
26 this Section, it may be proved by the affidavit of the person

1 making the service.

2 (e) The Attorney General shall make the short form
3 notification form available to law enforcement agencies in this
4 State.

5 Section 125. Modification; reopening of orders.

6 (a) Except as otherwise provided in this Section, upon
7 motion by the petitioner, the court may modify an emergency or
8 plenary sexual harassment no contact order by altering the
9 remedy, subject to Section 80.

10 (b) After 30 days following entry of a plenary sexual
11 harassment no contact order, a court may modify that order only
12 when a change in the applicable law or facts since that plenary
13 order was entered warrants a modification of its terms.

14 (c) Upon 2 days' notice to the petitioner, or shorter
15 notice as the court may prescribe, a respondent subject to an
16 emergency sexual harassment no contact order issued under this
17 Act may appear and petition the court to rehear the original or
18 amended petition. A petition to rehear shall be verified and
19 shall allege the following:

20 (1) that the respondent did not receive prior notice of
21 the initial hearing in which the emergency order was
22 entered under Sections 65 and 95; and

23 (2) that the respondent had a meritorious defense to
24 the order or any of its remedies or that the order or any
25 of its remedies was not authorized by this Act.

1 Section 130. Violation. An initial knowing violation of a
2 sexual harassment no contact order is a Class A misdemeanor. A
3 second or subsequent knowing violation is a Class 4 felony.

4 Section 135. Arrest without warrant.

5 (a) A law enforcement officer may make an arrest without
6 warrant if the officer has probable cause to believe that the
7 person has committed or is committing a violation of a sexual
8 harassment no contact order.

9 (b) The law enforcement officer may verify the existence of
10 a sexual harassment no contact order by telephone or radio
11 communication with his or her law enforcement agency or by
12 referring to the copy of the order provided by the petitioner
13 or the respondent.

14 Section 140. Data maintenance by law enforcement agencies.

15 (a) A sheriff shall furnish to the Department of State
16 Police, on the same day as received, in the form and detail the
17 Department requires, copies of any recorded emergency or
18 plenary sexual harassment no contact orders issued by the court
19 and transmitted to the sheriff by the clerk of the court in
20 accordance with subsection (b) of Section 115. Each sexual
21 harassment no contact order shall be entered in the Law
22 Enforcement Agencies Data System on the same day it is issued
23 by the court. If an emergency sexual harassment no contact

1 order was issued in accordance with subsection (c) of Section
2 100, the order shall be entered in the Law Enforcement Agencies
3 Data System as soon as possible after receipt from the clerk of
4 the court.

5 (b) The Department of State Police shall maintain a
6 complete and systematic record and index of all valid and
7 recorded sexual harassment no contact orders issued under this
8 Act. The data shall be used to inform all dispatchers and law
9 enforcement officers at the scene of an alleged incident of
10 sexual harassment or violation of a sexual harassment no
11 contact order of any recorded prior incident of sexual
12 harassment involving the petitioner and the effective dates and
13 terms of any recorded sexual harassment no contact order.

14 Section 145. Retaliation prohibited. A petition for relief
15 under this Act made in good faith is protected by the
16 anti-retaliation provisions of the Illinois Human Rights Act to
17 the extent they are applicable.

18 Section 900. The Criminal Code of 2012 is amended by adding
19 Section 13-10 as follows:

20 (720 ILCS 5/13-10 new)

21 Sec. 13-10. Violation of a sexual harassment no contact
22 order.

23 (a) A person commits violation of a sexual harassment no

1 contact order if:

2 (1) he or she knowingly commits an act that was
3 prohibited by a court or fails to commit an act that was
4 ordered by a court in violation of:

5 (A) a remedy in a valid sexual harassment no
6 contact order authorized under Section 80 of the Sexual
7 Harassment No Contact Order Act or Section 112A-14.8 of
8 the Code of Criminal Procedure of 1963; or

9 (B) a remedy that is substantially similar to the
10 remedies authorized under Section 80 of the Sexual
11 Harassment No Contact Order Act or Section 112A-14.8 of
12 the Code of Criminal Procedure of 1963 or in a valid
13 sexual harassment no contact order that is authorized
14 under the laws of another state, tribe, or United
15 States territory; and

16 (2) the violation occurs after the offender has been
17 served notice of the contents of the order under the Sexual
18 Harassment No Contact Order Act, Article 112A of the Code
19 of Criminal Procedure of 1963, or any substantially similar
20 statute of another state, tribe, or United States territory
21 or otherwise has acquired actual knowledge of the contents
22 of the order.

23 A sexual harassment no contact order issued by a state,
24 tribal, or territorial court shall be deemed valid if the
25 issuing court had jurisdiction over the parties and matter
26 under the law of the state, tribe, or territory. There shall be

1 a presumption of validity when an order is certified and
2 appears authentic on its face.

3 (b) For purposes of this Section, a "sexual harassment no
4 contact order" may have been issued in a criminal or civil
5 proceeding.

6 (c) Failure to provide reasonable notice and an opportunity
7 to be heard shall be an affirmative defense to any charge or
8 process filed seeking enforcement of a foreign sexual
9 harassment no contact order.

10 (d) Prosecution for a violation of a sexual harassment no
11 contact order shall not bar a concurrent prosecution for any
12 other crime, including any crime that may have been committed
13 at the time of the violation of the order.

14 (e) Nothing in this Section shall be construed to diminish
15 the inherent authority of the courts to enforce their lawful
16 orders through civil or criminal contempt proceedings.

17 (f) A defendant who directed the actions of a third party
18 to violate this Section, under the principles of accountability
19 set forth in Article 5 of this Code, is guilty of violating
20 this Section as if the same had been personally done by the
21 defendant, without regard to the mental state of the third
22 party acting at the direction of the defendant.

23 (g) Sentence. A violation of a sexual harassment no contact
24 order is a Class A misdemeanor for a first violation, and a
25 Class 4 felony for a second or subsequent violation.

1 Section 905. The Code of Criminal Procedure of 1963 is
2 amended by changing Sections 112A-1.5, 112A-2.5, 112A-3,
3 112A-4, 112A-4.5, 112A-11.5, 112A-23, and 112A-28 and by adding
4 Sections 112A-14.8 and 112A-21.8 as follows:

5 (725 ILCS 5/112A-1.5)

6 Sec. 112A-1.5. Purpose and construction. The purpose of
7 this Article is to protect the safety of victims of domestic
8 violence, sexual assault, sexual abuse, sexual harassment, and
9 stalking and the safety of their family and household members;
10 and to minimize the trauma and inconvenience associated with
11 attending separate and multiple civil court proceedings to
12 obtain protective orders. This Article shall be interpreted in
13 accordance with the constitutional rights of crime victims set
14 forth in Article I, Section 8.1 of the Illinois Constitution,
15 the purposes set forth in Section 2 of the Rights of Crime
16 Victims and Witnesses Act, and the use of protective orders to
17 implement the victim's right to be reasonably protected from
18 the defendant as provided in Section 4.5 of the Rights of
19 Victims and Witnesses Act.

20 (Source: P.A. 100-199, eff. 1-1-18; 100-597, eff. 6-29-18.)

21 (725 ILCS 5/112A-2.5)

22 Sec. 112A-2.5. Types of protective orders. The following
23 protective orders may be entered in conjunction with a
24 delinquency petition or a criminal prosecution:

1 (1) a domestic violence order of protection in cases
2 involving domestic violence;

3 (2) a civil no contact order in cases involving sexual
4 offenses; ~~or~~

5 (3) a stalking no contact order in cases involving
6 stalking offenses; or ~~or~~

7 (4) a sexual harassment no contact order in cases
8 involving sexual harassment.

9 (Source: P.A. 100-199, eff. 1-1-18; 100-597, eff. 6-29-18.)

10 (725 ILCS 5/112A-3) (from Ch. 38, par. 112A-3)

11 Sec. 112A-3. Definitions.

12 (a) In this Article:

13 "Advocate" means a person whose communications with the
14 victim are privileged under Section 8-802.1 or 8-802.2 of the
15 Code of Civil Procedure or Section 227 of the Illinois Domestic
16 Violence Act of 1986.

17 "Named victim" means the person named as the victim in the
18 delinquency petition or criminal prosecution.

19 "Protective order" means a domestic violence order of
20 protection, a civil no contact order, ~~or~~ a stalking no contact
21 order, or a sexual harassment no contact order.

22 (b) For the purposes of domestic violence cases, the
23 following terms shall have the following meanings in this
24 Article:

25 (1) "Abuse" means physical abuse, harassment,

1 intimidation of a dependent, interference with personal
2 liberty or willful deprivation but does not include
3 reasonable direction of a minor child by a parent or person
4 in loco parentis.

5 (2) "Domestic violence" means abuse as described in
6 paragraph (1) of this subsection (b).

7 (3) "Family or household members" include spouses,
8 former spouses, parents, children, stepchildren, and other
9 persons related by blood or by present or prior marriage,
10 persons who share or formerly shared a common dwelling,
11 persons who have or allegedly have a child in common,
12 persons who share or allegedly share a blood relationship
13 through a child, persons who have or have had a dating or
14 engagement relationship, persons with disabilities and
15 their personal assistants, and caregivers as defined in
16 subsection (e) of Section 12-4.4a of the Criminal Code of
17 2012. For purposes of this paragraph (3), neither a casual
18 acquaintanceship nor ordinary fraternization between 2
19 individuals in business or social contexts shall be deemed
20 to constitute a dating relationship.

21 (4) "Harassment" means knowing conduct which is not
22 necessary to accomplish a purpose which is reasonable under
23 the circumstances; would cause a reasonable person
24 emotional distress; and does cause emotional distress to
25 the petitioner. Unless the presumption is rebutted by a
26 preponderance of the evidence, the following types of

1 conduct shall be presumed to cause emotional distress:

2 (i) creating a disturbance at petitioner's place
3 of employment or school;

4 (ii) repeatedly telephoning petitioner's place of
5 employment, home or residence;

6 (iii) repeatedly following petitioner about in a
7 public place or places;

8 (iv) repeatedly keeping petitioner under
9 surveillance by remaining present outside his or her
10 home, school, place of employment, vehicle or other
11 place occupied by petitioner or by peering in
12 petitioner's windows;

13 (v) improperly concealing a minor child from
14 petitioner, repeatedly threatening to improperly
15 remove a minor child of petitioner's from the
16 jurisdiction or from the physical care of petitioner,
17 repeatedly threatening to conceal a minor child from
18 petitioner, or making a single such threat following an
19 actual or attempted improper removal or concealment,
20 unless respondent was fleeing from an incident or
21 pattern of domestic violence; or

22 (vi) threatening physical force, confinement or
23 restraint on one or more occasions.

24 (5) "Interference with personal liberty" means
25 committing or threatening physical abuse, harassment,
26 intimidation or willful deprivation so as to compel another

1 to engage in conduct from which she or he has a right to
2 abstain or to refrain from conduct in which she or he has a
3 right to engage.

4 (6) "Intimidation of a dependent" means subjecting a
5 person who is dependent because of age, health, or
6 disability to participation in or the witnessing of:
7 physical force against another or physical confinement or
8 restraint of another which constitutes physical abuse as
9 defined in this Article, regardless of whether the abused
10 person is a family or household member.

11 (7) "Order of protection" or "domestic violence order
12 of protection" means an ex parte or final order, granted
13 pursuant to this Article, which includes any or all of the
14 remedies authorized by Section 112A-14 of this Code.

15 (8) "Petitioner" may mean not only any named petitioner
16 for the domestic violence order of protection and any named
17 victim of abuse on whose behalf the petition is brought,
18 but also any other person protected by this Article.

19 (9) "Physical abuse" includes sexual abuse and means
20 any of the following:

21 (i) knowing or reckless use of physical force,
22 confinement or restraint;

23 (ii) knowing, repeated and unnecessary sleep
24 deprivation; or

25 (iii) knowing or reckless conduct which creates an
26 immediate risk of physical harm.

1 (9.3) "Respondent" in a petition for a domestic
2 violence order of protection means the defendant.

3 (9.5) "Stay away" means for the respondent to refrain
4 from both physical presence and nonphysical contact with
5 the petitioner whether direct, indirect (including, but
6 not limited to, telephone calls, mail, email, faxes, and
7 written notes), or through third parties who may or may not
8 know about the domestic violence order of protection.

9 (10) "Willful deprivation" means willfully ~~wilfully~~
10 denying a person who because of age, health or disability
11 requires medication, medical care, shelter, accessible
12 shelter or services, food, therapeutic device, or other
13 physical assistance, and thereby exposing that person to
14 the risk of physical, mental or emotional harm, except with
15 regard to medical care and treatment when such dependent
16 person has expressed the intent to forgo such medical care
17 or treatment. This paragraph (10) does not create any new
18 affirmative duty to provide support to dependent persons.

19 (c) For the purposes of cases involving sexual offenses,
20 the following terms shall have the following meanings in this
21 Article:

22 (1) "Civil no contact order" means an ex parte or final
23 order granted under this Article, which includes a remedy
24 authorized by Section 112A-14.5 of this Code.

25 (2) "Family or household members" include spouses,
26 parents, children, stepchildren, and persons who share a

1 common dwelling.

2 (3) "Non-consensual" means a lack of freely given
3 agreement.

4 (4) "Petitioner" means not only any named petitioner
5 for the civil no contact order and any named victim of
6 non-consensual sexual conduct or non-consensual sexual
7 penetration on whose behalf the petition is brought, but
8 includes any other person sought to be protected under this
9 Article.

10 (5) "Respondent" in a petition for a civil no contact
11 order means the defendant.

12 (6) "Sexual conduct" means any intentional or knowing
13 touching or fondling by the petitioner or the respondent,
14 either directly or through clothing, of the sex organs,
15 anus, or breast of the petitioner or the respondent, or any
16 part of the body of a child under 13 years of age, or any
17 transfer or transmission of semen by the respondent upon
18 any part of the clothed or unclothed body of the
19 petitioner, for the purpose of sexual gratification or
20 arousal of the petitioner or the respondent.

21 (7) "Sexual penetration" means any contact, however
22 slight, between the sex organ or anus of one person by an
23 object, the sex organ, mouth or anus of another person, or
24 any intrusion, however slight, of any part of the body of
25 one person or of any animal or object into the sex organ or
26 anus of another person, including, but not limited to,

1 cunnilingus, fellatio, or anal penetration. Evidence of
2 emission of semen is not required to prove sexual
3 penetration.

4 (8) "Stay away" means to refrain from both physical
5 presence and nonphysical contact with the petitioner
6 directly, indirectly, or through third parties who may or
7 may not know of the order. "Nonphysical contact" includes,
8 but is not limited to, telephone calls, mail, email ~~e-mail~~,
9 fax, and written notes.

10 (d) For the purposes of cases involving stalking offenses,
11 the following terms shall have the following meanings in this
12 Article:

13 (1) "Course of conduct" means 2 or more acts,
14 including, but not limited to, acts in which a respondent
15 directly, indirectly, or through third parties, by any
16 action, method, device, or means follows, monitors,
17 observes, surveils, threatens, or communicates to or
18 about, a person, engages in other contact, or interferes
19 with or damages a person's property or pet. A course of
20 conduct may include contact via electronic communications.
21 The incarceration of a person in a penal institution who
22 commits the course of conduct is not a bar to prosecution.

23 (2) "Emotional distress" means significant mental
24 suffering, anxiety, or alarm.

25 (3) "Contact" includes any contact with the victim,
26 that is initiated or continued without the victim's

1 consent, or that is in disregard of the victim's expressed
2 desire that the contact be avoided or discontinued,
3 including, but not limited to, being in the physical
4 presence of the victim; appearing within the sight of the
5 victim; approaching or confronting the victim in a public
6 place or on private property; appearing at the workplace or
7 residence of the victim; entering onto or remaining on
8 property owned, leased, or occupied by the victim; or
9 placing an object on, or delivering an object to, property
10 owned, leased, or occupied by the victim.

11 (4) "Petitioner" means any named petitioner for the
12 stalking no contact order or any named victim of stalking
13 on whose behalf the petition is brought.

14 (5) "Reasonable person" means a person in the
15 petitioner's circumstances with the petitioner's knowledge
16 of the respondent and the respondent's prior acts.

17 (6) "Respondent" in a petition for a civil no contact
18 order means the defendant.

19 (7) "Stalking" means engaging in a course of conduct
20 directed at a specific person, and he or she knows or
21 should know that this course of conduct would cause a
22 reasonable person to fear for his or her safety or the
23 safety of a third person or suffer emotional distress.
24 "Stalking" does not include an exercise of the right to
25 free speech or assembly that is otherwise lawful or
26 picketing occurring at the workplace that is otherwise

1 lawful and arises out of a bona fide labor dispute,
2 including any controversy concerning wages, salaries,
3 hours, working conditions or benefits, including health
4 and welfare, sick leave, insurance, and pension or
5 retirement provisions, the making or maintaining of
6 collective bargaining agreements, and the terms to be
7 included in those agreements.

8 (8) "Stalking no contact order" means an ex parte or
9 final order granted under this Article, which includes a
10 remedy authorized by Section 112A-14.7 of this Code.

11 (e) For the purposes of offenses involving sexual
12 harassment:

13 The following terms have the meanings provided in
14 Section 10 of the Sexual Harassment No Contact Order Act:
15 "contact", "course of conduct", "emotional distress",
16 "petitioner", "reasonable person", "sexual harassment",
17 and "sexual harassment no contact order".

18 "Offense involving sexual harassment" means any
19 violation of any the following Sections of the Criminal
20 Code of 2012 in which the defendant engaged in a course of
21 conduct directed at the victim that would cause a
22 reasonable person emotional distress:

23 (i) Section 12-1 (assault);

24 (ii) Section 12-2 (aggravated assault);

25 (iii) Section 12-3 (battery);

26 (iv) Section 12-3.05 (aggravated battery);

1 (v) Section 26-4 (unauthorized video recording or
2 live video transmission);

3 (vi) Section 26.5-1 (transmission of obscene
4 messages);

5 (vii) Section 26.5-2 (harassment by telephone); or

6 (viii) Section 26.5-3 (harassment through
7 electronic communications).

8 (Source: P.A. 100-199, eff. 1-1-18; 100-597, eff. 6-29-18.)

9 (725 ILCS 5/112A-4) (from Ch. 38, par. 112A-4)

10 Sec. 112A-4. Persons protected by this Article.

11 (a) The following persons are protected by this Article in
12 cases involving domestic violence:

13 (1) any person abused by a family or household member;

14 (2) any minor child or dependent adult in the care of
15 such person;

16 (3) any person residing or employed at a private home
17 or public shelter which is housing an abused family or
18 household member; and

19 (4) any of the following persons if the person is
20 abused by a family or household member of a child:

21 (i) a foster parent of that child if the child has
22 been placed in the foster parent's home by the
23 Department of Children and Family Services or by
24 another state's public child welfare agency;

25 (ii) a legally appointed guardian or legally

1 appointed custodian of that child;

2 (iii) an adoptive parent of that child; or

3 (iv) a prospective adoptive parent of that child if
4 the child has been placed in the prospective adoptive
5 parent's home pursuant to the Adoption Act or pursuant
6 to another state's law.

7 For purposes of this paragraph (a)(4), individuals who
8 would have been considered "family or household members" of
9 the child under paragraph (3) of subsection (b) of Section
10 112A-3 before a termination of the parental rights with
11 respect to the child continue to meet the definition of
12 "family or household members" of the child.

13 (a-5) The following persons are protected by this Article
14 in cases involving sexual offenses:

15 (1) any victim of non-consensual sexual conduct or
16 non-consensual sexual penetration on whose behalf the
17 petition is brought;

18 (2) any family or household member of the named victim;
19 and

20 (3) any employee of or volunteer at a rape crisis
21 center.

22 (a-10) The following persons are protected by this Article
23 in cases involving stalking offenses:

24 (1) any victim of stalking; and

25 (2) any family or household member of the named victim.

26 (a-15) A victim of an offense involving sexual harassment

1 is protected by this Article.

2 (b) (Blank).

3 (Source: P.A. 100-199, eff. 1-1-18; 100-639, eff. 1-1-19.)

4 (725 ILCS 5/112A-4.5)

5 Sec. 112A-4.5. Who may file petition.

6 (a) A petition for a domestic violence order of protection
7 may be filed:

8 (1) by a named victim who has been abused by a family
9 or household member;

10 (2) by any person or by the State's Attorney on behalf
11 of a named victim who is a minor child or an adult who has
12 been abused by a family or household member and who,
13 because of age, health, disability, or inaccessibility,
14 cannot file the petition; ~~or~~

15 (3) by a State's Attorney on behalf of any minor child
16 or dependent adult in the care of the named victim, if the
17 named victim does not file a petition or request the
18 State's Attorney file the petition; or

19 (4) ~~(3)~~ any of the following persons if the person is
20 abused by a family or household member of a child:

21 (i) a foster parent of that child if the child has
22 been placed in the foster parent's home by the
23 Department of Children and Family Services or by
24 another state's public child welfare agency;

25 (ii) a legally appointed guardian or legally

- 1 appointed custodian of that child;
- 2 (iii) an adoptive parent of that child;
- 3 (iv) a prospective adoptive parent of that child if
- 4 the child has been placed in the prospective adoptive
- 5 parent's home pursuant to the Adoption Act or pursuant
- 6 to another state's law.

7 For purposes of this paragraph (a) (4) ~~(3)~~, individuals who

8 would have been considered "family or household members" of the

9 child under paragraph (3) of subsection (b) of Section 112A-3

10 before a termination of the parental rights with respect to the

11 child continue to meet the definition of "family or household

12 members" of the child.

13 (b) A petition for a civil no contact order may be filed:

14 (1) by any person who is a named victim of

15 non-consensual sexual conduct or non-consensual sexual

16 penetration, including a single incident of non-consensual

17 sexual conduct or non-consensual sexual penetration;

18 (2) by a person or by the State's Attorney on behalf of

19 a named victim who is a minor child or an adult who is a

20 victim of non-consensual sexual conduct or non-consensual

21 sexual penetration but, because of age, disability,

22 health, or inaccessibility, cannot file the petition; or

23 (3) by a State's Attorney on behalf of any minor child

24 who is a family or household member of the named victim, if

25 the named victim does not file a petition or request the

26 State's Attorney file the petition.

1 (c) A petition for a stalking no contact order may be
2 filed:

3 (1) by any person who is a named victim of stalking;

4 (2) by a person or by the State's Attorney on behalf of
5 a named victim who is a minor child or an adult who is a
6 victim of stalking but, because of age, disability, health,
7 or inaccessibility, cannot file the petition; or

8 (3) by a State's Attorney on behalf of any minor child
9 who is a family or household member of the named victim, if
10 the named victim does not file a petition or request the
11 State's Attorney file the petition.

12 (c-5) A petition for a sexual harassment no contact order
13 may be filed:

14 (1) by any person who is a victim of sexual harassment;

15 or

16 (2) by a person on behalf of a minor child or an adult
17 who is a victim of sexual harassment but, because of age,
18 disability, health, or inaccessibility, cannot file the
19 petition.

20 (d) The State's Attorney shall file a petition on behalf of
21 any person who may file a petition under subsection ~~subsections~~
22 (a), (b), ~~or~~ (c), or (c-5) of this Section if the person
23 requests the State's Attorney to file a petition on the
24 person's behalf, unless the State's Attorney has a good faith
25 basis to delay filing the petition. The State's Attorney shall
26 inform the person that the State's Attorney will not be filing

1 the petition at that time and that the person may file a
2 petition or may retain an attorney to file the petition. The
3 State's Attorney may file the petition at a later date.

4 (d-5) (1) A person eligible to file a petition under
5 subsection (a), (b), or (c) of this Section may retain an
6 attorney to represent the petitioner on the petitioner's
7 request for a protective order. The attorney's representation
8 is limited to matters related to the petition and relief
9 authorized under this Article.

10 (2) Advocates shall be allowed to accompany the petitioner
11 and confer with the victim, unless otherwise directed by the
12 court. Advocates are not engaged in the unauthorized practice
13 of law when providing assistance to the petitioner.

14 (e) Any petition properly filed under this Article may seek
15 protection for any additional persons protected by this
16 Article.

17 (Source: P.A. 100-199, eff. 1-1-18; 100-597, eff. 6-29-18;
18 100-639, eff. 1-1-19; revised 8-20-18.)

19 (725 ILCS 5/112A-11.5)

20 Sec. 112A-11.5. Issuance of protective order.

21 (a) Except as provided in subsection (a-5) of this Section,
22 the court shall grant the petition and enter a protective order
23 if the court finds prima facie evidence that a crime involving
24 domestic violence, a sexual offense, or a crime involving
25 stalking, or an offense involving sexual harassment has been

1 committed. The following shall be considered prima facie
2 evidence of the offense ~~crime~~:

3 (1) an information, complaint, indictment, or
4 delinquency petition, charging a crime of domestic
5 violence, a sexual offense, or stalking or charging an
6 attempt to commit a crime of domestic violence, a sexual
7 offense, or stalking;

8 (2) an adjudication of delinquency, a finding of guilt
9 based upon a plea, or a finding of guilt after a trial for
10 a crime of domestic battery, a sexual crime, or stalking or
11 an attempt to commit a crime of domestic violence, a sexual
12 offense, or stalking;

13 (3) any dispositional order issued under Section 5-710
14 of the Juvenile Court Act of 1987, the imposition of
15 supervision, conditional discharge, probation, periodic
16 imprisonment, parole, aftercare release, or mandatory
17 supervised release for a crime of domestic violence, a
18 sexual offense, or stalking or an attempt to commit a crime
19 of domestic violence, a sexual offense, or stalking, or
20 imprisonment in conjunction with a bond forfeiture
21 warrant; or

22 (4) the entry of a protective order in a separate civil
23 case brought by the petitioner against the respondent.

24 (a-5) The respondent may rebut prima facie evidence of the
25 crime under paragraph (1) of subsection (a) of this Section by
26 presenting evidence of a meritorious defense. The respondent

1 shall file a written notice alleging a meritorious defense
2 which shall be verified and supported by affidavit. The
3 verified notice and affidavit shall set forth the evidence that
4 will be presented at a hearing. If the court finds that the
5 evidence presented at the hearing establishes a meritorious
6 defense by a preponderance of the evidence, the court may
7 decide not to issue a protective order.

8 (b) The petitioner shall not be denied a protective order
9 because the petitioner or the respondent is a minor.

10 (c) The court, when determining whether or not to issue a
11 protective order, may not require physical injury on the person
12 of the victim.

13 (d) If the court issues a final protective order under this
14 Section, the court shall afford the petitioner and respondent
15 an opportunity to be heard on the remedies requested in the
16 petition.

17 (Source: P.A. 100-199, eff. 1-1-18; 100-597, eff. 6-29-18.)

18 (725 ILCS 5/112A-14.8 new)

19 Sec. 112A-14.8. Sexual harassment no contact order;
20 remedies.

21 (a) The court may order any of the remedies listed in this
22 Section. The remedies listed in this Section shall be in
23 addition to other civil or criminal remedies available to the
24 petitioner. A sexual harassment no contact order shall do one
25 or more of the following:

1 (1) prohibit the respondent from continued harassment
2 of the petitioner;

3 (2) order the respondent not to have any contact with
4 the petitioner or a third person specifically named by the
5 court;

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

15 (4) if there was a threat of force with a weapon,
16 prohibit the respondent from possessing a Firearm Owners
17 Identification Card or possessing or buying a firearm; and

18 (5) order other injunctive relief the court determines
19 to be necessary to protect the petitioner or third party
20 specifically named by the court.

21 (b) If the petitioner and the respondent attend the same
22 public, private, or nonpublic elementary, middle, or high
23 school, the court, when issuing a sexual harassment no contact
24 order and providing relief, shall consider the severity of the
25 act, any continuing physical danger or emotional distress to
26 the petitioner, the educational rights guaranteed to the

1 petitioner and respondent under federal and State law, the
2 availability of a transfer of the respondent to another school,
3 a change of placement or a change of program of the respondent,
4 the expense, difficulty, and educational disruption that would
5 be caused by a transfer of the respondent to another school,
6 and any other relevant facts of the case. The court may order
7 that the respondent not attend the public, private, or
8 nonpublic elementary, middle, or high school attended by the
9 petitioner, order that the respondent accept a change of
10 placement or program, as determined by the school district or
11 private or nonpublic school, or place restrictions on the
12 respondent's movements within the school attended by the
13 petitioner. The respondent bears the burden of proving by a
14 preponderance of the evidence that a transfer, change of
15 placement, or change of program of the respondent is not
16 available. The respondent also bears the burden of production
17 with respect to the expense, difficulty, and educational
18 disruption that would be caused by a transfer of the respondent
19 to another school. A transfer, change of placement, or change
20 of program is not unavailable to the respondent solely on the
21 ground that the respondent does not agree with the school
22 district's or private or nonpublic school's transfer, change of
23 placement, or change of program or solely on the ground that
24 the respondent fails or refuses to consent to or otherwise does
25 not take an action required to effectuate a transfer, change of
26 placement, or change of program. If a court orders a respondent

1 to stay away from the public, private, or nonpublic school
2 attended by the petitioner and the respondent requests a
3 transfer to another attendance center within the respondent's
4 school district or private or nonpublic school, the school
5 district or private or nonpublic school shall have sole
6 discretion to determine the attendance center to which the
7 respondent is transferred. If the court order results in a
8 transfer of the minor respondent to another attendance center,
9 a change in the respondent's placement, or a change of the
10 respondent's program, the parent, guardian, or legal custodian
11 of the respondent is responsible for transportation and other
12 costs associated with the transfer or change.

13 (c) The court may order the parent, guardian, or legal
14 custodian of a minor respondent to take certain actions or to
15 refrain from taking certain actions to ensure that the
16 respondent complies with the order. If the court orders a
17 transfer of the respondent to another school, the parent,
18 guardian, or legal custodian of the respondent is responsible
19 for transportation and other costs associated with the change
20 of school by the respondent.

21 (d) The court shall not hold a school district or private
22 or nonpublic school or any of its employees in civil or
23 criminal contempt unless the school district or private or
24 nonpublic school has been allowed to intervene.

25 (e) The court may hold a parent, guardian, or legal
26 custodian of a minor respondent in civil or criminal contempt

1 for a violation of any provision of any order entered under
2 this Act for conduct of the minor respondent in violation of
3 this Act if the parent, guardian, or legal custodian directed,
4 encouraged, or assisted the respondent minor in the conduct.

5 (f) The court may award the petitioner costs and attorney's
6 fees if a sexual harassment no contact order is granted.

7 (g) Monetary damages are not recoverable as a remedy.

8 (h) If the sexual harassment no contact order prohibits the
9 respondent from possessing a Firearm Owner's Identification
10 Card or possessing or buying firearms, the court shall
11 confiscate the respondent's Firearm Owner's Identification
12 Card and immediately return the card to the Department of State
13 Police Firearm Owner's Identification Card Office.

14 (725 ILCS 5/112A-21.8 new)

15 Sec. 112A-21.8. Contents of sexual harassment no contact
16 orders.

17 (a) A sexual harassment no contact order shall describe
18 each remedy granted by the court, in reasonable detail and not
19 by reference to any other document, so that the respondent may
20 clearly understand what he or she must do or refrain from
21 doing.

22 (b) A sexual harassment no contact order shall further
23 state the following:

24 (1) The name of each petitioner that the court finds
25 was the victim of sexual harassment by the respondent.

1 (2) The date and time the sexual harassment no contact
2 order was issued.

3 (c) A sexual harassment no contact order shall include the
4 following notice, printed in conspicuous type:

5 "An initial knowing violation of a sexual harassment no
6 contact order is a Class A misdemeanor. A second or subsequent
7 knowing violation is a Class 4 felony.

8 This Sexual Harassment No Contact Order is enforceable,
9 even without registration, in all 50 states, the District of
10 Columbia, tribal lands, and the U.S. territories under the
11 Violence Against Women Act (18 U.S.C. 2265)."

12 (725 ILCS 5/112A-23) (from Ch. 38, par. 112A-23)

13 Sec. 112A-23. Enforcement of protective orders.

14 (a) When violation is crime. A violation of any protective
15 order, whether issued in a civil, quasi-criminal proceeding,
16 shall be enforced by a criminal court when:

17 (1) The respondent commits the crime of violation of a
18 domestic violence order of protection pursuant to Section
19 12-3.4 or 12-30 of the Criminal Code of 1961 or the
20 Criminal Code of 2012, by having knowingly violated:

21 (i) remedies described in paragraphs (1), (2),
22 (3), (14), or (14.5) of subsection (b) of Section
23 112A-14 of this Code,

24 (ii) a remedy, which is substantially similar to
25 the remedies authorized under paragraphs (1), (2),

1 (3), (14), or (14.5) of subsection (b) of Section 214
2 of the Illinois Domestic Violence Act of 1986, in a
3 valid order of protection, which is authorized under
4 the laws of another state, tribe or United States
5 territory,

6 (iii) or any other remedy when the act constitutes
7 a crime against the protected parties as defined by the
8 Criminal Code of 1961 or the Criminal Code of 2012.

9 Prosecution for a violation of a domestic violence
10 order of protection shall not bar concurrent prosecution
11 for any other crime, including any crime that may have been
12 committed at the time of the violation of the domestic
13 violence order of protection; or

14 (2) The respondent commits the crime of child abduction
15 pursuant to Section 10-5 of the Criminal Code of 1961 or
16 the Criminal Code of 2012, by having knowingly violated:

17 (i) remedies described in paragraphs (5), (6), or
18 (8) of subsection (b) of Section 112A-14 of this Code,
19 or

20 (ii) a remedy, which is substantially similar to
21 the remedies authorized under paragraphs (1), (5),
22 (6), or (8) of subsection (b) of Section 214 of the
23 Illinois Domestic Violence Act of 1986, in a valid
24 domestic violence order of protection, which is
25 authorized under the laws of another state, tribe or
26 United States territory.

1 (3) The respondent commits the crime of violation of a
2 civil no contact order when the respondent violates Section
3 12-3.8 of the Criminal Code of 2012. Prosecution for a
4 violation of a civil no contact order shall not bar
5 concurrent prosecution for any other crime, including any
6 crime that may have been committed at the time of the
7 violation of the civil no contact order.

8 (4) The respondent commits the crime of violation of a
9 stalking no contact order when the respondent violates
10 Section 12-3.9 of the Criminal Code of 2012. Prosecution
11 for a violation of a stalking no contact order shall not
12 bar concurrent prosecution for any other crime, including
13 any crime that may have been committed at the time of the
14 violation of the stalking no contact order.

15 (5) The respondent commits the crime of violation of a
16 sexual harassment no contact order by violating Section 12-3.10
17 of the Criminal Code of 2012. Prosecution for a violation of a
18 sexual harassment no contact order shall not bar concurrent
19 prosecution for any other crime, including any crime that may
20 have been committed at the time of the violation of the sexual
21 harassment no contact order.

22 (b) When violation is contempt of court. A violation of any
23 valid protective order, whether issued in a civil or criminal
24 proceeding, may be enforced through civil or criminal contempt
25 procedures, as appropriate, by any court with jurisdiction,
26 regardless where the act or acts which violated the protective

1 order were committed, to the extent consistent with the venue
2 provisions of this Article. Nothing in this Article shall
3 preclude any Illinois court from enforcing any valid protective
4 order issued in another state. Illinois courts may enforce
5 protective orders through both criminal prosecution and
6 contempt proceedings, unless the action which is second in time
7 is barred by collateral estoppel or the constitutional
8 prohibition against double jeopardy.

9 (1) In a contempt proceeding where the petition for a
10 rule to show cause sets forth facts evidencing an immediate
11 danger that the respondent will flee the jurisdiction,
12 conceal a child, or inflict physical abuse on the
13 petitioner or minor children or on dependent adults in
14 petitioner's care, the court may order the attachment of
15 the respondent without prior service of the rule to show
16 cause or the petition for a rule to show cause. Bond shall
17 be set unless specifically denied in writing.

18 (2) A petition for a rule to show cause for violation
19 of a protective order shall be treated as an expedited
20 proceeding.

21 (c) Violation of custody, allocation of parental
22 responsibility, or support orders. A violation of remedies
23 described in paragraphs (5), (6), (8), or (9) of subsection (b)
24 of Section 112A-14 of this Code may be enforced by any remedy
25 provided by Section 607.5 of the Illinois Marriage and
26 Dissolution of Marriage Act. The court may enforce any order

1 for support issued under paragraph (12) of subsection (b) of
2 Section 112A-14 of this Code in the manner provided for under
3 Parts V and VII of the Illinois Marriage and Dissolution of
4 Marriage Act.

5 (d) Actual knowledge. A protective order may be enforced
6 pursuant to this Section if the respondent violates the order
7 after respondent has actual knowledge of its contents as shown
8 through one of the following means:

9 (1) (Blank).

10 (2) (Blank).

11 (3) By service of a protective order under subsection
12 (f) of Section 112A-17.5 or Section 112A-22 of this Code.

13 (4) By other means demonstrating actual knowledge of
14 the contents of the order.

15 (e) The enforcement of a protective order in civil or
16 criminal court shall not be affected by either of the
17 following:

18 (1) The existence of a separate, correlative order
19 entered under Section 112A-15 of this Code.

20 (2) Any finding or order entered in a conjoined
21 criminal proceeding.

22 (f) Circumstances. The court, when determining whether or
23 not a violation of a protective order has occurred, shall not
24 require physical manifestations of abuse on the person of the
25 victim.

26 (g) Penalties.

1 (1) Except as provided in paragraph (3) of this
2 subsection (g), where the court finds the commission of a
3 crime or contempt of court under subsections (a) or (b) of
4 this Section, the penalty shall be the penalty that
5 generally applies in such criminal or contempt
6 proceedings, and may include one or more of the following:
7 incarceration, payment of restitution, a fine, payment of
8 attorneys' fees and costs, or community service.

9 (2) The court shall hear and take into account evidence
10 of any factors in aggravation or mitigation before deciding
11 an appropriate penalty under paragraph (1) of this
12 subsection (g).

13 (3) To the extent permitted by law, the court is
14 encouraged to:

15 (i) increase the penalty for the knowing violation
16 of any protective order over any penalty previously
17 imposed by any court for respondent's violation of any
18 protective order or penal statute involving petitioner
19 as victim and respondent as defendant;

20 (ii) impose a minimum penalty of 24 hours
21 imprisonment for respondent's first violation of any
22 protective order; and

23 (iii) impose a minimum penalty of 48 hours
24 imprisonment for respondent's second or subsequent
25 violation of a protective order

26 unless the court explicitly finds that an increased penalty

1 or that period of imprisonment would be manifestly unjust.

2 (4) In addition to any other penalties imposed for a
3 violation of a protective order, a criminal court may
4 consider evidence of any violations of a protective order:

5 (i) to increase, revoke, or modify the bail bond on
6 an underlying criminal charge pursuant to Section
7 110-6 of this Code;

8 (ii) to revoke or modify an order of probation,
9 conditional discharge, or supervision, pursuant to
10 Section 5-6-4 of the Unified Code of Corrections;

11 (iii) to revoke or modify a sentence of periodic
12 imprisonment, pursuant to Section 5-7-2 of the Unified
13 Code of Corrections.

14 (Source: P.A. 99-90, eff. 1-1-16; 100-199, eff. 1-1-18;
15 100-597, eff. 6-29-18.)

16 (725 ILCS 5/112A-28) (from Ch. 38, par. 112A-28)

17 Sec. 112A-28. Data maintenance by law enforcement
18 agencies.

19 (a) All sheriffs shall furnish to the Department of State
20 Police, daily, in the form and detail the Department requires,
21 copies of any recorded protective orders issued by the court,
22 and any foreign protective orders filed by the clerk of the
23 court, and transmitted to the sheriff by the clerk of the
24 court. Each protective order shall be entered in the Law
25 Enforcement Agencies Data System on the same day it is issued

1 by the court.

2 (b) The Department of State Police shall maintain a
3 complete and systematic record and index of all valid and
4 recorded protective orders issued or filed under this Act. The
5 data shall be used to inform all dispatchers and law
6 enforcement officers at the scene of an alleged incident of
7 abuse or violation of a protective order of any recorded prior
8 incident of abuse involving the abused party and the effective
9 dates and terms of any recorded protective order.

10 (c) The data, records and transmittals required under this
11 Section shall pertain to:

12 (1) any valid emergency, interim, or plenary domestic
13 violence order of protection, civil no contact or stalking
14 no contact order, or sexual harassment no contact order
15 issued in a civil proceeding; and

16 (2) any valid ex parte or final protective order issued
17 in a criminal proceeding or authorized under the laws of
18 another state, tribe, or United States territory.

19 (Source: P.A. 100-199, eff. 1-1-18; 100-597, eff. 6-29-18.)

20 Section 999. Effective date. This Act takes effect upon
21 becoming law.

1 INDEX

2 Statutes amended in order of appearance

3 New Act

4 720 ILCS 5/13-10 new

5 725 ILCS 5/112A-1.5

6 725 ILCS 5/112A-2.5

7 725 ILCS 5/112A-3 from Ch. 38, par. 112A-3

8 725 ILCS 5/112A-4 from Ch. 38, par. 112A-4

9 725 ILCS 5/112A-4.5

10 725 ILCS 5/112A-5.5

11 725 ILCS 5/112A-11.5

12 725 ILCS 5/112A-14.8 new

13 725 ILCS 5/112A-21.8 new

14 725 ILCS 5/112A-23 from Ch. 38, par. 112A-23

15 725 ILCS 5/112A-28 from Ch. 38, par. 112A-28