

**SB3617**



**101ST GENERAL ASSEMBLY**

**State of Illinois**

**2019 and 2020**

**SB3617**

Introduced 2/14/2020, by Sen. Steve Stadelman

**SYNOPSIS AS INTRODUCED:**

725 ILCS 5/112A-20

from Ch. 38, par. 112A-20

Amends the Code of Criminal Procedure of 1963. Provides that the duration of a civil no contact order is permanent if a judgment of conviction for criminal sexual assault is entered.

LRB101 19176 RLC 68639 b

**A BILL FOR**

1 AN ACT concerning criminal law.

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

4 Section 5. The Code of Criminal Procedure of 1963 is  
5 amended by changing Section 112A-20 as follows:

6 (725 ILCS 5/112A-20) (from Ch. 38, par. 112A-20)

7 Sec. 112A-20. Duration and extension of final protective  
8 orders.

9 (a) (Blank).

10 (b) A final protective order shall remain in effect as  
11 follows:

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

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

23 (3) until 2 years after the expiration of any

1 supervision, conditional discharge, probation, periodic  
2 imprisonment, parole, aftercare release, or mandatory  
3 supervised release for domestic violence orders of  
4 protection and civil no contact orders; or

5 (4) until 2 years after the date set by the court for  
6 expiration of any sentence of imprisonment and subsequent  
7 parole, aftercare release, or mandatory supervised release  
8 for domestic violence orders of protection and civil no  
9 contact orders; ~~and~~

10 (5) permanent for a stalking no contact order if a  
11 judgment of conviction for stalking is entered; ~~and~~.

12 (6) permanent for a civil no contact order if a  
13 judgment of conviction for criminal sexual assault is  
14 entered.

15 (c) Computation of time. The duration of a domestic  
16 violence order of protection shall not be reduced by the  
17 duration of any prior domestic violence order of protection.

18 (d) Law enforcement records. When a protective order  
19 expires upon the occurrence of a specified event, rather than  
20 upon a specified date as provided in subsection (b), no  
21 expiration date shall be entered in Department of State Police  
22 records. To remove the protective order from those records,  
23 either the petitioner or the respondent shall request the clerk  
24 of the court to file a certified copy of an order stating that  
25 the specified event has occurred or that the protective order  
26 has been vacated or modified with the sheriff, and the sheriff

1 shall direct that law enforcement records shall be promptly  
2 corrected in accordance with the filed order.

3 (e) Extension of Orders. Any domestic violence order of  
4 protection or civil no contact order that expires 2 years after  
5 the expiration of the defendant's sentence under paragraph (2),  
6 (3), or (4) of subsection (b) of Section 112A-20 of this  
7 Article may be extended one or more times, as required. The  
8 petitioner, petitioner's counsel, or the State's Attorney on  
9 the petitioner's behalf shall file the motion for an extension  
10 of the final protective order in the criminal case and serve  
11 the motion in accordance with Supreme Court Rules 11 and 12.  
12 The court shall transfer the motion to the appropriate court or  
13 division for consideration under subsection (e) of Section 220  
14 of the Illinois Domestic Violence Act of 1986, subsection (c)  
15 of Section 216 of the Civil No Contact Order Act, or subsection  
16 (c) of Section 105 of the Stalking No Contact Order as  
17 appropriate.

18 (f) Termination date. Any final protective order which  
19 would expire on a court holiday shall instead expire at the  
20 close of the next court business day.

21 (g) Statement of purpose. The practice of dismissing or  
22 suspending a criminal prosecution in exchange for issuing a  
23 protective order undermines the purposes of this Article. This  
24 Section shall not be construed as encouraging that practice.

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