

HB1039



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB1039

Introduced 2/17/2021, by Rep. Emanuel Chris Welch

SYNOPSIS AS INTRODUCED:

740 ILCS 22/103

Amends the Civil No Contact Order Act. Makes a technical change to a Section concerning definitions.

LRB102 03052 LNS 13065 b

A BILL FOR

1 AN ACT concerning civil law.

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

4 Section 5. The Civil No Contact Order Act is amended by
5 changing Section 103 as follows:

6 (740 ILCS 22/103)

7 Sec. 103. Definitions. As used in this Act:

8 "Civil no contact order" means an emergency order or
9 plenary order granted under this Act, which includes a remedy
10 authorized by Section 213 of this Act.

11 "Family or household members" include spouses, parents,
12 children, stepchildren, and ~~and~~ persons who share a common
13 dwelling.

14 "Non-consensual" means a lack of freely given agreement.

15 "Petitioner" may mean not only any named petitioner for
16 the civil no contact order and any named victim of
17 non-consensual sexual conduct or non-consensual sexual
18 penetration on whose behalf the petition is brought, but also
19 any other person sought to be protected by this Act.

20 "Respondent" in a petition for a civil no contact order
21 may mean not only the person alleged to have committed an act
22 of non-consensual sexual conduct or non-consensual sexual
23 penetration against the petitioner, but also any other named

1 person alleged to have aided and abetted such an act of
2 non-consensual sexual conduct or non-consensual sexual
3 penetration.

4 "Sexual conduct" means any intentional or knowing touching
5 or fondling by the petitioner or the respondent, either
6 directly or through clothing, of the sex organs, anus, or
7 breast of the petitioner or the respondent, or any part of the
8 body of a child under 13 years of age, or any transfer or
9 transmission of semen by the respondent upon any part of the
10 clothed or unclothed body of the petitioner, for the purpose
11 of sexual gratification or arousal of the petitioner or the
12 respondent.

13 "Sexual penetration" means any contact, however slight,
14 between the sex organ or anus of one person by an object, the
15 sex organ, mouth or anus of another person, or any intrusion,
16 however slight, of any part of the body of one person or of any
17 animal or object into the sex organ or anus of another person,
18 including but not limited to cunnilingus, fellatio or anal
19 penetration. Evidence of emission of semen is not required to
20 prove sexual penetration.

21 "Stay away" means to refrain from both physical presence
22 and nonphysical contact with the petitioner directly,
23 indirectly, or through third parties who may or may not know of
24 the order. "Nonphysical contact" includes, but is not limited
25 to, telephone calls, mail, e-mail, fax, and written notes.

26 (Source: P.A. 96-311, eff. 1-1-10.)