



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB3686

Introduced 2/22/2021, by Rep. Brad Halbrook

SYNOPSIS AS INTRODUCED:

720 ILCS 5/24-6	from Ch. 38, par. 24-6
725 ILCS 5/112A-14	from Ch. 38, par. 112A-14
750 ILCS 60/214	from Ch. 40, par. 2312-14
765 ILCS 1030/2	from Ch. 141, par. 142

Amends the Criminal Code of 2012. Provides that after the disposition of a criminal case or in any criminal case where a final judgment in the case was not entered due to the death of the defendant, and when a confiscated weapon is no longer needed for evidentiary purposes, and when in due course no legitimate claim has been made for the weapon, a weapon transferred to a law enforcement agency may be sold by the law enforcement agency at public auction under the Law Enforcement Disposition of Property Act. Amends the Domestic Violence: Order of Protection Article of the Code of Criminal Procedure of 1963 and the Illinois Domestic Violence Act of 1986. Provides that upon expiration of the period of safekeeping of a firearm of a respondent against whom an order of protection was issued, if the firearms or Firearm Owner's Identification Card cannot be returned to respondent because the respondent cannot be located, fails to respond to requests to retrieve the firearms, or is not lawfully eligible to possess a firearm, upon petition from the local law enforcement agency, the court may order the local law enforcement agency to sell the firearm at public auction under the provisions of the Law Enforcement Disposition of Property Act. Amends the Law Enforcement Disposition of Property Act. Provides that weapons that have been confiscated as a result of having been abandoned or illegally possessed may be sold at public auction under the Act.

LRB102 14582 KMF 19935 b

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 Criminal Code of 2012 is amended by
5 changing Section 24-6 as follows:

6 (720 ILCS 5/24-6) (from Ch. 38, par. 24-6)

7 Sec. 24-6. Confiscation and disposition of weapons.

8 (a) Upon conviction of an offense in which a weapon was
9 used or possessed by the offender, any weapon seized shall be
10 confiscated by the trial court.

11 (b) Any stolen weapon so confiscated, when no longer
12 needed for evidentiary purposes, shall be returned to the
13 person entitled to possession, if known. After the disposition
14 of a criminal case or in any criminal case where a final
15 judgment in the case was not entered due to the death of the
16 defendant, and when a confiscated weapon is no longer needed
17 for evidentiary purposes, and when in due course no legitimate
18 claim has been made for the weapon, the court may transfer the
19 weapon to the sheriff of the county who may proceed to destroy
20 it, or may in its discretion order the weapon preserved as
21 property of the governmental body whose police agency seized
22 the weapon, or may in its discretion order the weapon to be
23 transferred to the Department of State Police for use by the

1 crime laboratory system, for training purposes, or for any
2 other application as deemed appropriate by the Department. A
3 weapon transferred to a law enforcement agency under this
4 Section may be sold by the law enforcement agency at public
5 auction under Section 3 of the Law Enforcement Disposition of
6 Property Act. If, after the disposition of a criminal case, a
7 need still exists for the use of the confiscated weapon for
8 evidentiary purposes, the court may transfer the weapon to the
9 custody of the State Department of Corrections for
10 preservation. The court may not order the transfer of the
11 weapon to any private individual or private organization other
12 than to return a stolen weapon to its rightful owner.

13 The provisions of this Section shall not apply to
14 violations of the Fish and Aquatic Life Code or the Wildlife
15 Code. Confiscation of weapons for Fish and Aquatic Life Code
16 and Wildlife Code violations shall be only as provided in
17 those Codes.

18 (c) Any mental hospital that admits a person as an
19 inpatient pursuant to any of the provisions of the Mental
20 Health and Developmental Disabilities Code shall confiscate
21 any firearms in the possession of that person at the time of
22 admission, or at any time the firearms are discovered in the
23 person's possession during the course of hospitalization. The
24 hospital shall, as soon as possible following confiscation,
25 transfer custody of the firearms to the appropriate law
26 enforcement agency. The hospital shall give written notice to

1 the person from whom the firearm was confiscated of the
2 identity and address of the law enforcement agency to which it
3 has given the firearm.

4 The law enforcement agency shall maintain possession of
5 any firearm it obtains pursuant to this subsection for a
6 minimum of 90 days. Thereafter, the firearm may be disposed of
7 pursuant to the provisions of subsection (b) of this Section.

8 (Source: P.A. 91-696, eff. 4-13-00.)

9 Section 10. The Code of Criminal Procedure of 1963 is
10 amended by changing Section 112A-14 as follows:

11 (725 ILCS 5/112A-14) (from Ch. 38, par. 112A-14)

12 Sec. 112A-14. Domestic violence order of protection;
13 remedies.

14 (a) (Blank).

15 (b) The court may order any of the remedies listed in this
16 subsection (b). The remedies listed in this subsection (b)
17 shall be in addition to other civil or criminal remedies
18 available to petitioner.

19 (1) Prohibition of abuse. Prohibit respondent's
20 harassment, interference with personal liberty,
21 intimidation of a dependent, physical abuse, or willful
22 deprivation, as defined in this Article, if such abuse has
23 occurred or otherwise appears likely to occur if not
24 prohibited.

1 (2) Grant of exclusive possession of residence.
2 Prohibit respondent from entering or remaining in any
3 residence, household, or premises of the petitioner,
4 including one owned or leased by respondent, if petitioner
5 has a right to occupancy thereof. The grant of exclusive
6 possession of the residence, household, or premises shall
7 not affect title to real property, nor shall the court be
8 limited by the standard set forth in subsection (c-2) of
9 Section 501 of the Illinois Marriage and Dissolution of
10 Marriage Act.

11 (A) Right to occupancy. A party has a right to
12 occupancy of a residence or household if it is solely
13 or jointly owned or leased by that party, that party's
14 spouse, a person with a legal duty to support that
15 party or a minor child in that party's care, or by any
16 person or entity other than the opposing party that
17 authorizes that party's occupancy (e.g., a domestic
18 violence shelter). Standards set forth in subparagraph
19 (B) shall not preclude equitable relief.

20 (B) Presumption of hardships. If petitioner and
21 respondent each has the right to occupancy of a
22 residence or household, the court shall balance (i)
23 the hardships to respondent and any minor child or
24 dependent adult in respondent's care resulting from
25 entry of this remedy with (ii) the hardships to
26 petitioner and any minor child or dependent adult in

1 petitioner's care resulting from continued exposure to
2 the risk of abuse (should petitioner remain at the
3 residence or household) or from loss of possession of
4 the residence or household (should petitioner leave to
5 avoid the risk of abuse). When determining the balance
6 of hardships, the court shall also take into account
7 the accessibility of the residence or household.
8 Hardships need not be balanced if respondent does not
9 have a right to occupancy.

10 The balance of hardships is presumed to favor
11 possession by petitioner unless the presumption is
12 rebutted by a preponderance of the evidence, showing
13 that the hardships to respondent substantially
14 outweigh the hardships to petitioner and any minor
15 child or dependent adult in petitioner's care. The
16 court, on the request of petitioner or on its own
17 motion, may order respondent to provide suitable,
18 accessible, alternate housing for petitioner instead
19 of excluding respondent from a mutual residence or
20 household.

21 (3) Stay away order and additional prohibitions. Order
22 respondent to stay away from petitioner or any other
23 person protected by the domestic violence order of
24 protection, or prohibit respondent from entering or
25 remaining present at petitioner's school, place of
26 employment, or other specified places at times when

1 petitioner is present, or both, if reasonable, given the
2 balance of hardships. Hardships need not be balanced for
3 the court to enter a stay away order or prohibit entry if
4 respondent has no right to enter the premises.

5 (A) If a domestic violence order of protection
6 grants petitioner exclusive possession of the
7 residence, prohibits respondent from entering the
8 residence, or orders respondent to stay away from
9 petitioner or other protected persons, then the court
10 may allow respondent access to the residence to remove
11 items of clothing and personal adornment used
12 exclusively by respondent, medications, and other
13 items as the court directs. The right to access shall
14 be exercised on only one occasion as the court directs
15 and in the presence of an agreed-upon adult third
16 party or law enforcement officer.

17 (B) When the petitioner and the respondent attend
18 the same public, private, or non-public elementary,
19 middle, or high school, the court when issuing a
20 domestic violence order of protection and providing
21 relief shall consider the severity of the act, any
22 continuing physical danger or emotional distress to
23 the petitioner, the educational rights guaranteed to
24 the petitioner and respondent under federal and State
25 law, the availability of a transfer of the respondent
26 to another school, a change of placement or a change of

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

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

17 (C) The court may order the parents, guardian, or
18 legal custodian of a minor respondent to take certain
19 actions or to refrain from taking certain actions to
20 ensure that the respondent complies with the order. If
21 the court orders a transfer of the respondent to
22 another school, the parents, guardian, or legal
23 custodian of the respondent is responsible for
24 transportation and other costs associated with the
25 change of school by the respondent.

26 (4) Counseling. Require or recommend the respondent to

1 undergo counseling for a specified duration with a social
2 worker, psychologist, clinical psychologist,
3 psychiatrist, family service agency, alcohol or substance
4 abuse program, mental health center guidance counselor,
5 agency providing services to elders, program designed for
6 domestic violence abusers, or any other guidance service
7 the court deems appropriate. The court may order the
8 respondent in any intimate partner relationship to report
9 to an Illinois Department of Human Services protocol
10 approved partner abuse intervention program for an
11 assessment and to follow all recommended treatment.

12 (5) Physical care and possession of the minor child.
13 In order to protect the minor child from abuse, neglect,
14 or unwarranted separation from the person who has been the
15 minor child's primary caretaker, or to otherwise protect
16 the well-being of the minor child, the court may do either
17 or both of the following: (i) grant petitioner physical
18 care or possession of the minor child, or both, or (ii)
19 order respondent to return a minor child to, or not remove
20 a minor child from, the physical care of a parent or person
21 in loco parentis.

22 If the respondent is charged with abuse (as defined in
23 Section 112A-3 of this Code) of a minor child, there shall
24 be a rebuttable presumption that awarding physical care to
25 respondent would not be in the minor child's best
26 interest.

1 (6) Temporary allocation of parental responsibilities
2 and significant decision-making responsibilities. Award
3 temporary significant decision-making responsibility to
4 petitioner in accordance with this Section, the Illinois
5 Marriage and Dissolution of Marriage Act, the Illinois
6 Parentage Act of 2015, and this State's Uniform
7 Child-Custody Jurisdiction and Enforcement Act.

8 If the respondent is charged with abuse (as defined in
9 Section 112A-3 of this Code) of a minor child, there shall
10 be a rebuttable presumption that awarding temporary
11 significant decision-making responsibility to respondent
12 would not be in the child's best interest.

13 (7) Parenting time. Determine the parenting time, if
14 any, of respondent in any case in which the court awards
15 physical care or temporary significant decision-making
16 responsibility of a minor child to petitioner. The court
17 shall restrict or deny respondent's parenting time with a
18 minor child if the court finds that respondent has done or
19 is likely to do any of the following:

20 (i) abuse or endanger the minor child during
21 parenting time;

22 (ii) use the parenting time as an opportunity to
23 abuse or harass petitioner or petitioner's family or
24 household members;

25 (iii) improperly conceal or detain the minor
26 child; or

1 (iv) otherwise act in a manner that is not in the
2 best interests of the minor child.

3 The court shall not be limited by the standards set
4 forth in Section 603.10 of the Illinois Marriage and
5 Dissolution of Marriage Act. If the court grants parenting
6 time, the order shall specify dates and times for the
7 parenting time to take place or other specific parameters
8 or conditions that are appropriate. No order for parenting
9 time shall refer merely to the term "reasonable parenting
10 time". Petitioner may deny respondent access to the minor
11 child if, when respondent arrives for parenting time,
12 respondent is under the influence of drugs or alcohol and
13 constitutes a threat to the safety and well-being of
14 petitioner or petitioner's minor children or is behaving
15 in a violent or abusive manner. If necessary to protect
16 any member of petitioner's family or household from future
17 abuse, respondent shall be prohibited from coming to
18 petitioner's residence to meet the minor child for
19 parenting time, and the petitioner and respondent shall
20 submit to the court their recommendations for reasonable
21 alternative arrangements for parenting time. A person may
22 be approved to supervise parenting time only after filing
23 an affidavit accepting that responsibility and
24 acknowledging accountability to the court.

25 (8) Removal or concealment of minor child. Prohibit
26 respondent from removing a minor child from the State or

1 concealing the child within the State.

2 (9) Order to appear. Order the respondent to appear in
3 court, alone or with a minor child, to prevent abuse,
4 neglect, removal or concealment of the child, to return
5 the child to the custody or care of the petitioner, or to
6 permit any court-ordered interview or examination of the
7 child or the respondent.

8 (10) Possession of personal property. Grant petitioner
9 exclusive possession of personal property and, if
10 respondent has possession or control, direct respondent to
11 promptly make it available to petitioner, if:

12 (i) petitioner, but not respondent, owns the
13 property; or

14 (ii) the petitioner and respondent own the
15 property jointly; sharing it would risk abuse of
16 petitioner by respondent or is impracticable; and the
17 balance of hardships favors temporary possession by
18 petitioner.

19 If petitioner's sole claim to ownership of the
20 property is that it is marital property, the court may
21 award petitioner temporary possession thereof under the
22 standards of subparagraph (ii) of this paragraph only if a
23 proper proceeding has been filed under the Illinois
24 Marriage and Dissolution of Marriage Act, as now or
25 hereafter amended.

26 No order under this provision shall affect title to

1 property.

2 (11) Protection of property. Forbid the respondent
3 from taking, transferring, encumbering, concealing,
4 damaging, or otherwise disposing of any real or personal
5 property, except as explicitly authorized by the court,
6 if:

7 (i) petitioner, but not respondent, owns the
8 property; or

9 (ii) the petitioner and respondent own the
10 property jointly, and the balance of hardships favors
11 granting this remedy.

12 If petitioner's sole claim to ownership of the
13 property is that it is marital property, the court may
14 grant petitioner relief under subparagraph (ii) of this
15 paragraph only if a proper proceeding has been filed under
16 the Illinois Marriage and Dissolution of Marriage Act, as
17 now or hereafter amended.

18 The court may further prohibit respondent from
19 improperly using the financial or other resources of an
20 aged member of the family or household for the profit or
21 advantage of respondent or of any other person.

22 (11.5) Protection of animals. Grant the petitioner the
23 exclusive care, custody, or control of any animal owned,
24 possessed, leased, kept, or held by either the petitioner
25 or the respondent or a minor child residing in the
26 residence or household of either the petitioner or the

1 respondent and order the respondent to stay away from the
2 animal and forbid the respondent from taking,
3 transferring, encumbering, concealing, harming, or
4 otherwise disposing of the animal.

5 (12) Order for payment of support. Order respondent to
6 pay temporary support for the petitioner or any child in
7 the petitioner's care or over whom the petitioner has been
8 allocated parental responsibility, when the respondent has
9 a legal obligation to support that person, in accordance
10 with the Illinois Marriage and Dissolution of Marriage
11 Act, which shall govern, among other matters, the amount
12 of support, payment through the clerk and withholding of
13 income to secure payment. An order for child support may
14 be granted to a petitioner with lawful physical care of a
15 child, or an order or agreement for physical care of a
16 child, prior to entry of an order allocating significant
17 decision-making responsibility. Such a support order shall
18 expire upon entry of a valid order allocating parental
19 responsibility differently and vacating petitioner's
20 significant decision-making responsibility unless
21 otherwise provided in the order.

22 (13) Order for payment of losses. Order respondent to
23 pay petitioner for losses suffered as a direct result of
24 the abuse. Such losses shall include, but not be limited
25 to, medical expenses, lost earnings or other support,
26 repair or replacement of property damaged or taken,

1 reasonable attorney's fees, court costs, and moving or
2 other travel expenses, including additional reasonable
3 expenses for temporary shelter and restaurant meals.

4 (i) Losses affecting family needs. If a party is
5 entitled to seek maintenance, child support, or
6 property distribution from the other party under the
7 Illinois Marriage and Dissolution of Marriage Act, as
8 now or hereafter amended, the court may order
9 respondent to reimburse petitioner's actual losses, to
10 the extent that such reimbursement would be
11 "appropriate temporary relief", as authorized by
12 subsection (a) (3) of Section 501 of that Act.

13 (ii) Recovery of expenses. In the case of an
14 improper concealment or removal of a minor child, the
15 court may order respondent to pay the reasonable
16 expenses incurred or to be incurred in the search for
17 and recovery of the minor child, including, but not
18 limited to, legal fees, court costs, private
19 investigator fees, and travel costs.

20 (14) Prohibition of entry. Prohibit the respondent
21 from entering or remaining in the residence or household
22 while the respondent is under the influence of alcohol or
23 drugs and constitutes a threat to the safety and
24 well-being of the petitioner or the petitioner's children.

25 (14.5) Prohibition of firearm possession.

26 (A) A person who is subject to an existing

1 domestic violence order of protection issued under
2 this Code may not lawfully possess weapons under
3 Section 8.2 of the Firearm Owners Identification Card
4 Act.

5 (B) Any firearms in the possession of the
6 respondent, except as provided in subparagraph (C) of
7 this paragraph (14.5), shall be ordered by the court
8 to be turned over to a person with a valid Firearm
9 Owner's Identification Card for safekeeping. The court
10 shall issue an order that the respondent's Firearm
11 Owner's Identification Card be turned over to the
12 local law enforcement agency, which in turn shall
13 immediately mail the card to the Department of State
14 Police Firearm Owner's Identification Card Office for
15 safekeeping. The period of safekeeping shall be for
16 the duration of the domestic violence order of
17 protection. The firearm or firearms and Firearm
18 Owner's Identification Card, if unexpired, shall at
19 the respondent's request be returned to the respondent
20 at expiration of the domestic violence order of
21 protection.

22 (C) If the respondent is a peace officer as
23 defined in Section 2-13 of the Criminal Code of 2012,
24 the court shall order that any firearms used by the
25 respondent in the performance of his or her duties as a
26 peace officer be surrendered to the chief law

1 enforcement executive of the agency in which the
2 respondent is employed, who shall retain the firearms
3 for safekeeping for the duration of the domestic
4 violence order of protection.

5 (D) Upon expiration of the period of safekeeping,
6 if the firearms or Firearm Owner's Identification Card
7 cannot be returned to respondent because respondent
8 cannot be located, fails to respond to requests to
9 retrieve the firearms, or is not lawfully eligible to
10 possess a firearm, upon petition from the local law
11 enforcement agency, the court may order the local law
12 enforcement agency to destroy the firearms, use the
13 firearms for training purposes, or for any other
14 application as deemed appropriate by the local law
15 enforcement agency, including a sale at public auction
16 under the provisions of the Law Enforcement
17 Disposition of Property Act; or that the firearms be
18 turned over to a third party who is lawfully eligible
19 to possess firearms, and who does not reside with
20 respondent.

21 (15) Prohibition of access to records. If a domestic
22 violence order of protection prohibits respondent from
23 having contact with the minor child, or if petitioner's
24 address is omitted under subsection (b) of Section 112A-5
25 of this Code, or if necessary to prevent abuse or wrongful
26 removal or concealment of a minor child, the order shall

1 deny respondent access to, and prohibit respondent from
2 inspecting, obtaining, or attempting to inspect or obtain,
3 school or any other records of the minor child who is in
4 the care of petitioner.

5 (16) Order for payment of shelter services. Order
6 respondent to reimburse a shelter providing temporary
7 housing and counseling services to the petitioner for the
8 cost of the services, as certified by the shelter and
9 deemed reasonable by the court.

10 (17) Order for injunctive relief. Enter injunctive
11 relief necessary or appropriate to prevent further abuse
12 of a family or household member or to effectuate one of the
13 granted remedies, if supported by the balance of
14 hardships. If the harm to be prevented by the injunction
15 is abuse or any other harm that one of the remedies listed
16 in paragraphs (1) through (16) of this subsection is
17 designed to prevent, no further evidence is necessary to
18 establish that the harm is an irreparable injury.

19 (18) Telephone services.

20 (A) Unless a condition described in subparagraph
21 (B) of this paragraph exists, the court may, upon
22 request by the petitioner, order a wireless telephone
23 service provider to transfer to the petitioner the
24 right to continue to use a telephone number or numbers
25 indicated by the petitioner and the financial
26 responsibility associated with the number or numbers,

1 as set forth in subparagraph (C) of this paragraph. In
2 this paragraph (18), the term "wireless telephone
3 service provider" means a provider of commercial
4 mobile service as defined in 47 U.S.C. 332. The
5 petitioner may request the transfer of each telephone
6 number that the petitioner, or a minor child in his or
7 her custody, uses. The clerk of the court shall serve
8 the order on the wireless telephone service provider's
9 agent for service of process provided to the Illinois
10 Commerce Commission. The order shall contain all of
11 the following:

12 (i) The name and billing telephone number of
13 the account holder including the name of the
14 wireless telephone service provider that serves
15 the account.

16 (ii) Each telephone number that will be
17 transferred.

18 (iii) A statement that the provider transfers
19 to the petitioner all financial responsibility for
20 and right to the use of any telephone number
21 transferred under this paragraph.

22 (B) A wireless telephone service provider shall
23 terminate the respondent's use of, and shall transfer
24 to the petitioner use of, the telephone number or
25 numbers indicated in subparagraph (A) of this
26 paragraph unless it notifies the petitioner, within 72

1 hours after it receives the order, that one of the
2 following applies:

3 (i) The account holder named in the order has
4 terminated the account.

5 (ii) A difference in network technology would
6 prevent or impair the functionality of a device on
7 a network if the transfer occurs.

8 (iii) The transfer would cause a geographic or
9 other limitation on network or service provision
10 to the petitioner.

11 (iv) Another technological or operational
12 issue would prevent or impair the use of the
13 telephone number if the transfer occurs.

14 (C) The petitioner assumes all financial
15 responsibility for and right to the use of any
16 telephone number transferred under this paragraph. In
17 this paragraph, "financial responsibility" includes
18 monthly service costs and costs associated with any
19 mobile device associated with the number.

20 (D) A wireless telephone service provider may
21 apply to the petitioner its routine and customary
22 requirements for establishing an account or
23 transferring a number, including requiring the
24 petitioner to provide proof of identification,
25 financial information, and customer preferences.

26 (E) Except for willful or wanton misconduct, a

1 wireless telephone service provider is immune from
2 civil liability for its actions taken in compliance
3 with a court order issued under this paragraph.

4 (F) All wireless service providers that provide
5 services to residential customers shall provide to the
6 Illinois Commerce Commission the name and address of
7 an agent for service of orders entered under this
8 paragraph (18). Any change in status of the registered
9 agent must be reported to the Illinois Commerce
10 Commission within 30 days of such change.

11 (G) The Illinois Commerce Commission shall
12 maintain the list of registered agents for service for
13 each wireless telephone service provider on the
14 Commission's website. The Commission may consult with
15 wireless telephone service providers and the Circuit
16 Court Clerks on the manner in which this information
17 is provided and displayed.

18 (c) Relevant factors; findings.

19 (1) In determining whether to grant a specific remedy,
20 other than payment of support, the court shall consider
21 relevant factors, including, but not limited to, the
22 following:

23 (i) the nature, frequency, severity, pattern, and
24 consequences of the respondent's past abuse of the
25 petitioner or any family or household member,
26 including the concealment of his or her location in

1 order to evade service of process or notice, and the
2 likelihood of danger of future abuse to petitioner or
3 any member of petitioner's or respondent's family or
4 household; and

5 (ii) the danger that any minor child will be
6 abused or neglected or improperly relocated from the
7 jurisdiction, improperly concealed within the State,
8 or improperly separated from the child's primary
9 caretaker.

10 (2) In comparing relative hardships resulting to the
11 parties from loss of possession of the family home, the
12 court shall consider relevant factors, including, but not
13 limited to, the following:

14 (i) availability, accessibility, cost, safety,
15 adequacy, location, and other characteristics of
16 alternate housing for each party and any minor child
17 or dependent adult in the party's care;

18 (ii) the effect on the party's employment; and

19 (iii) the effect on the relationship of the party,
20 and any minor child or dependent adult in the party's
21 care, to family, school, church, and community.

22 (3) Subject to the exceptions set forth in paragraph
23 (4) of this subsection (c), the court shall make its
24 findings in an official record or in writing, and shall at
25 a minimum set forth the following:

26 (i) That the court has considered the applicable

1 relevant factors described in paragraphs (1) and (2)
2 of this subsection (c).

3 (ii) Whether the conduct or actions of respondent,
4 unless prohibited, will likely cause irreparable harm
5 or continued abuse.

6 (iii) Whether it is necessary to grant the
7 requested relief in order to protect petitioner or
8 other alleged abused persons.

9 (4) (Blank).

10 (5) Never married parties. No rights or
11 responsibilities for a minor child born outside of
12 marriage attach to a putative father until a father and
13 child relationship has been established under the Illinois
14 Parentage Act of 1984, the Illinois Parentage Act of 2015,
15 the Illinois Public Aid Code, Section 12 of the Vital
16 Records Act, the Juvenile Court Act of 1987, the Probate
17 Act of 1975, the Uniform Interstate Family Support Act,
18 the Expedited Child Support Act of 1990, any judicial,
19 administrative, or other act of another state or
20 territory, any other statute of this State, or by any
21 foreign nation establishing the father and child
22 relationship, any other proceeding substantially in
23 conformity with the federal Personal Responsibility and
24 Work Opportunity Reconciliation Act of 1996, or when both
25 parties appeared in open court or at an administrative
26 hearing acknowledging under oath or admitting by

1 affirmation the existence of a father and child
2 relationship. Absent such an adjudication, no putative
3 father shall be granted temporary allocation of parental
4 responsibilities, including parenting time with the minor
5 child, or physical care and possession of the minor child,
6 nor shall an order of payment for support of the minor
7 child be entered.

8 (d) Balance of hardships; findings. If the court finds
9 that the balance of hardships does not support the granting of
10 a remedy governed by paragraph (2), (3), (10), (11), or (16) of
11 subsection (b) of this Section, which may require such
12 balancing, the court's findings shall so indicate and shall
13 include a finding as to whether granting the remedy will
14 result in hardship to respondent that would substantially
15 outweigh the hardship to petitioner from denial of the remedy.
16 The findings shall be an official record or in writing.

17 (e) Denial of remedies. Denial of any remedy shall not be
18 based, in whole or in part, on evidence that:

19 (1) respondent has cause for any use of force, unless
20 that cause satisfies the standards for justifiable use of
21 force provided by Article 7 of the Criminal Code of 2012;

22 (2) respondent was voluntarily intoxicated;

23 (3) petitioner acted in self-defense or defense of
24 another, provided that, if petitioner utilized force, such
25 force was justifiable under Article 7 of the Criminal Code
26 of 2012;

1 (4) petitioner did not act in self-defense or defense
2 of another;

3 (5) petitioner left the residence or household to
4 avoid further abuse by respondent;

5 (6) petitioner did not leave the residence or
6 household to avoid further abuse by respondent; or

7 (7) conduct by any family or household member excused
8 the abuse by respondent, unless that same conduct would
9 have excused such abuse if the parties had not been family
10 or household members.

11 (Source: P.A. 100-199, eff. 1-1-18; 100-388, eff. 1-1-18;
12 100-597, eff. 6-29-18; 100-863, eff. 8-14-18; 100-923, eff.
13 1-1-19; 101-81, eff. 7-12-19.)

14 Section 15. The Illinois Domestic Violence Act of 1986 is
15 amended by changing Section 214 as follows:

16 (750 ILCS 60/214) (from Ch. 40, par. 2312-14)

17 Sec. 214. Order of protection; remedies.

18 (a) Issuance of order. If the court finds that petitioner
19 has been abused by a family or household member or that
20 petitioner is a high-risk adult who has been abused,
21 neglected, or exploited, as defined in this Act, an order of
22 protection prohibiting the abuse, neglect, or exploitation
23 shall issue; provided that petitioner must also satisfy the
24 requirements of one of the following Sections, as appropriate:

1 Section 217 on emergency orders, Section 218 on interim
2 orders, or Section 219 on plenary orders. Petitioner shall not
3 be denied an order of protection because petitioner or
4 respondent is a minor. The court, when determining whether or
5 not to issue an order of protection, shall not require
6 physical manifestations of abuse on the person of the victim.
7 Modification and extension of prior orders of protection shall
8 be in accordance with this Act.

9 (b) Remedies and standards. The remedies to be included in
10 an order of protection shall be determined in accordance with
11 this Section and one of the following Sections, as
12 appropriate: Section 217 on emergency orders, Section 218 on
13 interim orders, and Section 219 on plenary orders. The
14 remedies listed in this subsection shall be in addition to
15 other civil or criminal remedies available to petitioner.

16 (1) Prohibition of abuse, neglect, or exploitation.
17 Prohibit respondent's harassment, interference with
18 personal liberty, intimidation of a dependent, physical
19 abuse, or willful deprivation, neglect or exploitation, as
20 defined in this Act, or stalking of the petitioner, as
21 defined in Section 12-7.3 of the Criminal Code of 2012, if
22 such abuse, neglect, exploitation, or stalking has
23 occurred or otherwise appears likely to occur if not
24 prohibited.

25 (2) Grant of exclusive possession of residence.
26 Prohibit respondent from entering or remaining in any

1 residence, household, or premises of the petitioner,
2 including one owned or leased by respondent, if petitioner
3 has a right to occupancy thereof. The grant of exclusive
4 possession of the residence, household, or premises shall
5 not affect title to real property, nor shall the court be
6 limited by the standard set forth in subsection (c-2) of
7 Section 501 of the Illinois Marriage and Dissolution of
8 Marriage Act.

9 (A) Right to occupancy. A party has a right to
10 occupancy of a residence or household if it is solely
11 or jointly owned or leased by that party, that party's
12 spouse, a person with a legal duty to support that
13 party or a minor child in that party's care, or by any
14 person or entity other than the opposing party that
15 authorizes that party's occupancy (e.g., a domestic
16 violence shelter). Standards set forth in subparagraph
17 (B) shall not preclude equitable relief.

18 (B) Presumption of hardships. If petitioner and
19 respondent each has the right to occupancy of a
20 residence or household, the court shall balance (i)
21 the hardships to respondent and any minor child or
22 dependent adult in respondent's care resulting from
23 entry of this remedy with (ii) the hardships to
24 petitioner and any minor child or dependent adult in
25 petitioner's care resulting from continued exposure to
26 the risk of abuse (should petitioner remain at the

1 residence or household) or from loss of possession of
2 the residence or household (should petitioner leave to
3 avoid the risk of abuse). When determining the balance
4 of hardships, the court shall also take into account
5 the accessibility of the residence or household.
6 Hardships need not be balanced if respondent does not
7 have a right to occupancy.

8 The balance of hardships is presumed to favor
9 possession by petitioner unless the presumption is
10 rebutted by a preponderance of the evidence, showing
11 that the hardships to respondent substantially
12 outweigh the hardships to petitioner and any minor
13 child or dependent adult in petitioner's care. The
14 court, on the request of petitioner or on its own
15 motion, may order respondent to provide suitable,
16 accessible, alternate housing for petitioner instead
17 of excluding respondent from a mutual residence or
18 household.

19 (3) Stay away order and additional prohibitions. Order
20 respondent to stay away from petitioner or any other
21 person protected by the order of protection, or prohibit
22 respondent from entering or remaining present at
23 petitioner's school, place of employment, or other
24 specified places at times when petitioner is present, or
25 both, if reasonable, given the balance of hardships.
26 Hardships need not be balanced for the court to enter a

1 stay away order or prohibit entry if respondent has no
2 right to enter the premises.

3 (A) If an order of protection grants petitioner
4 exclusive possession of the residence, or prohibits
5 respondent from entering the residence, or orders
6 respondent to stay away from petitioner or other
7 protected persons, then the court may allow respondent
8 access to the residence to remove items of clothing
9 and personal adornment used exclusively by respondent,
10 medications, and other items as the court directs. The
11 right to access shall be exercised on only one
12 occasion as the court directs and in the presence of an
13 agreed-upon adult third party or law enforcement
14 officer.

15 (B) When the petitioner and the respondent attend
16 the same public, private, or non-public elementary,
17 middle, or high school, the court when issuing an
18 order of protection and providing relief shall
19 consider the severity of the act, any continuing
20 physical danger or emotional distress to the
21 petitioner, the educational rights guaranteed to the
22 petitioner and respondent under federal and State law,
23 the availability of a transfer of the respondent to
24 another school, a change of placement or a change of
25 program of the respondent, the expense, difficulty,
26 and educational disruption that would be caused by a

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

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

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

24 (4) Counseling. Require or recommend the respondent to
25 undergo counseling for a specified duration with a social
26 worker, psychologist, clinical psychologist,

1 psychiatrist, family service agency, alcohol or substance
2 abuse program, mental health center guidance counselor,
3 agency providing services to elders, program designed for
4 domestic violence abusers or any other guidance service
5 the court deems appropriate. The Court may order the
6 respondent in any intimate partner relationship to report
7 to an Illinois Department of Human Services protocol
8 approved partner abuse intervention program for an
9 assessment and to follow all recommended treatment.

10 (5) Physical care and possession of the minor child.
11 In order to protect the minor child from abuse, neglect,
12 or unwarranted separation from the person who has been the
13 minor child's primary caretaker, or to otherwise protect
14 the well-being of the minor child, the court may do either
15 or both of the following: (i) grant petitioner physical
16 care or possession of the minor child, or both, or (ii)
17 order respondent to return a minor child to, or not remove
18 a minor child from, the physical care of a parent or person
19 in loco parentis.

20 If a court finds, after a hearing, that respondent has
21 committed abuse (as defined in Section 103) of a minor
22 child, there shall be a rebuttable presumption that
23 awarding physical care to respondent would not be in the
24 minor child's best interest.

25 (6) Temporary allocation of parental responsibilities:
26 significant decision-making. Award temporary

1 decision-making responsibility to petitioner in accordance
2 with this Section, the Illinois Marriage and Dissolution
3 of Marriage Act, the Illinois Parentage Act of 2015, and
4 this State's Uniform Child-Custody Jurisdiction and
5 Enforcement Act.

6 If a court finds, after a hearing, that respondent has
7 committed abuse (as defined in Section 103) of a minor
8 child, there shall be a rebuttable presumption that
9 awarding temporary significant decision-making
10 responsibility to respondent would not be in the child's
11 best interest.

12 (7) Parenting time. Determine the parenting time, if
13 any, of respondent in any case in which the court awards
14 physical care or allocates temporary significant
15 decision-making responsibility of a minor child to
16 petitioner. The court shall restrict or deny respondent's
17 parenting time with a minor child if the court finds that
18 respondent has done or is likely to do any of the
19 following: (i) abuse or endanger the minor child during
20 parenting time; (ii) use the parenting time as an
21 opportunity to abuse or harass petitioner or petitioner's
22 family or household members; (iii) improperly conceal or
23 detain the minor child; or (iv) otherwise act in a manner
24 that is not in the best interests of the minor child. The
25 court shall not be limited by the standards set forth in
26 Section 603.10 of the Illinois Marriage and Dissolution of

1 Marriage Act. If the court grants parenting time, the
2 order shall specify dates and times for the parenting time
3 to take place or other specific parameters or conditions
4 that are appropriate. No order for parenting time shall
5 refer merely to the term "reasonable parenting time".

6 Petitioner may deny respondent access to the minor
7 child if, when respondent arrives for parenting time,
8 respondent is under the influence of drugs or alcohol and
9 constitutes a threat to the safety and well-being of
10 petitioner or petitioner's minor children or is behaving
11 in a violent or abusive manner.

12 If necessary to protect any member of petitioner's
13 family or household from future abuse, respondent shall be
14 prohibited from coming to petitioner's residence to meet
15 the minor child for parenting time, and the parties shall
16 submit to the court their recommendations for reasonable
17 alternative arrangements for parenting time. A person may
18 be approved to supervise parenting time only after filing
19 an affidavit accepting that responsibility and
20 acknowledging accountability to the court.

21 (8) Removal or concealment of minor child. Prohibit
22 respondent from removing a minor child from the State or
23 concealing the child within the State.

24 (9) Order to appear. Order the respondent to appear in
25 court, alone or with a minor child, to prevent abuse,
26 neglect, removal or concealment of the child, to return

1 the child to the custody or care of the petitioner or to
2 permit any court-ordered interview or examination of the
3 child or the respondent.

4 (10) Possession of personal property. Grant petitioner
5 exclusive possession of personal property and, if
6 respondent has possession or control, direct respondent to
7 promptly make it available to petitioner, if:

8 (i) petitioner, but not respondent, owns the
9 property; or

10 (ii) the parties own the property jointly; sharing
11 it would risk abuse of petitioner by respondent or is
12 impracticable; and the balance of hardships favors
13 temporary possession by petitioner.

14 If petitioner's sole claim to ownership of the
15 property is that it is marital property, the court may
16 award petitioner temporary possession thereof under the
17 standards of subparagraph (ii) of this paragraph only if a
18 proper proceeding has been filed under the Illinois
19 Marriage and Dissolution of Marriage Act, as now or
20 hereafter amended.

21 No order under this provision shall affect title to
22 property.

23 (11) Protection of property. Forbid the respondent
24 from taking, transferring, encumbering, concealing,
25 damaging or otherwise disposing of any real or personal
26 property, except as explicitly authorized by the court,

1 if:

2 (i) petitioner, but not respondent, owns the
3 property; or

4 (ii) the parties own the property jointly, and the
5 balance of hardships favors granting this remedy.

6 If petitioner's sole claim to ownership of the
7 property is that it is marital property, the court may
8 grant petitioner relief under subparagraph (ii) of this
9 paragraph only if a proper proceeding has been filed under
10 the Illinois Marriage and Dissolution of Marriage Act, as
11 now or hereafter amended.

12 The court may further prohibit respondent from
13 improperly using the financial or other resources of an
14 aged member of the family or household for the profit or
15 advantage of respondent or of any other person.

16 (11.5) Protection of animals. Grant the petitioner the
17 exclusive care, custody, or control of any animal owned,
18 possessed, leased, kept, or held by either the petitioner
19 or the respondent or a minor child residing in the
20 residence or household of either the petitioner or the
21 respondent and order the respondent to stay away from the
22 animal and forbid the respondent from taking,
23 transferring, encumbering, concealing, harming, or
24 otherwise disposing of the animal.

25 (12) Order for payment of support. Order respondent to
26 pay temporary support for the petitioner or any child in

1 the petitioner's care or over whom the petitioner has been
2 allocated parental responsibility, when the respondent has
3 a legal obligation to support that person, in accordance
4 with the Illinois Marriage and Dissolution of Marriage
5 Act, which shall govern, among other matters, the amount
6 of support, payment through the clerk and withholding of
7 income to secure payment. An order for child support may
8 be granted to a petitioner with lawful physical care of a
9 child, or an order or agreement for physical care of a
10 child, prior to entry of an order allocating significant
11 decision-making responsibility. Such a support order shall
12 expire upon entry of a valid order allocating parental
13 responsibility differently and vacating the petitioner's
14 significant decision-making authority, unless otherwise
15 provided in the order.

16 (13) Order for payment of losses. Order respondent to
17 pay petitioner for losses suffered as a direct result of
18 the abuse, neglect, or exploitation. Such losses shall
19 include, but not be limited to, medical expenses, lost
20 earnings or other support, repair or replacement of
21 property damaged or taken, reasonable attorney's fees,
22 court costs and moving or other travel expenses, including
23 additional reasonable expenses for temporary shelter and
24 restaurant meals.

25 (i) Losses affecting family needs. If a party is
26 entitled to seek maintenance, child support or

1 property distribution from the other party under the
2 Illinois Marriage and Dissolution of Marriage Act, as
3 now or hereafter amended, the court may order
4 respondent to reimburse petitioner's actual losses, to
5 the extent that such reimbursement would be
6 "appropriate temporary relief", as authorized by
7 subsection (a) (3) of Section 501 of that Act.

8 (ii) Recovery of expenses. In the case of an
9 improper concealment or removal of a minor child, the
10 court may order respondent to pay the reasonable
11 expenses incurred or to be incurred in the search for
12 and recovery of the minor child, including but not
13 limited to legal fees, court costs, private
14 investigator fees, and travel costs.

15 (14) Prohibition of entry. Prohibit the respondent
16 from entering or remaining in the residence or household
17 while the respondent is under the influence of alcohol or
18 drugs and constitutes a threat to the safety and
19 well-being of the petitioner or the petitioner's children.

20 (14.5) Prohibition of firearm possession.

21 (a) Prohibit a respondent against whom an order of
22 protection was issued from possessing any firearms
23 during the duration of the order if the order:

24 (1) was issued after a hearing of which such
25 person received actual notice, and at which such
26 person had an opportunity to participate;

1 (2) restrains such person from harassing,
2 stalking, or threatening an intimate partner of
3 such person or child of such intimate partner or
4 person, or engaging in other conduct that would
5 place an intimate partner in reasonable fear of
6 bodily injury to the partner or child; and

7 (3) (i) includes a finding that such person
8 represents a credible threat to the physical
9 safety of such intimate partner or child; or (ii)
10 by its terms explicitly prohibits the use,
11 attempted use, or threatened use of physical force
12 against such intimate partner or child that would
13 reasonably be expected to cause bodily injury.

14 Any Firearm Owner's Identification Card in the
15 possession of the respondent, except as provided in
16 subsection (b), shall be ordered by the court to be
17 turned over to the local law enforcement agency. The
18 local law enforcement agency shall immediately mail
19 the card to the Department of State Police Firearm
20 Owner's Identification Card Office for safekeeping.
21 The court shall issue a warrant for seizure of any
22 firearm in the possession of the respondent, to be
23 kept by the local law enforcement agency for
24 safekeeping, except as provided in subsection (b). The
25 period of safekeeping shall be for the duration of the
26 order of protection. The firearm or firearms and

1 Firearm Owner's Identification Card, if unexpired,
2 shall at the respondent's request, be returned to the
3 respondent at the end of the order of protection. It is
4 the respondent's responsibility to notify the
5 Department of State Police Firearm Owner's
6 Identification Card Office.

7 (b) If the respondent is a peace officer as
8 defined in Section 2-13 of the Criminal Code of 2012,
9 the court shall order that any firearms used by the
10 respondent in the performance of his or her duties as a
11 peace officer be surrendered to the chief law
12 enforcement executive of the agency in which the
13 respondent is employed, who shall retain the firearms
14 for safekeeping for the duration of the order of
15 protection.

16 (c) Upon expiration of the period of safekeeping,
17 if the firearms or Firearm Owner's Identification Card
18 cannot be returned to respondent because respondent
19 cannot be located, fails to respond to requests to
20 retrieve the firearms, or is not lawfully eligible to
21 possess a firearm, upon petition from the local law
22 enforcement agency, the court may order the local law
23 enforcement agency to destroy the firearms, use the
24 firearms for training purposes, or for any other
25 application as deemed appropriate by the local law
26 enforcement agency, including a sale at public auction

1 under the provisions of the Law Enforcement
2 Disposition of Property Act; or that the firearms be
3 turned over to a third party who is lawfully eligible
4 to possess firearms, and who does not reside with
5 respondent.

6 (15) Prohibition of access to records. If an order of
7 protection prohibits respondent from having contact with
8 the minor child, or if petitioner's address is omitted
9 under subsection (b) of Section 203, or if necessary to
10 prevent abuse or wrongful removal or concealment of a
11 minor child, the order shall deny respondent access to,
12 and prohibit respondent from inspecting, obtaining, or
13 attempting to inspect or obtain, school or any other
14 records of the minor child who is in the care of
15 petitioner.

16 (16) Order for payment of shelter services. Order
17 respondent to reimburse a shelter providing temporary
18 housing and counseling services to the petitioner for the
19 cost of the services, as certified by the shelter and
20 deemed reasonable by the court.

21 (17) Order for injunctive relief. Enter injunctive
22 relief necessary or appropriate to prevent further abuse
23 of a family or household member or further abuse, neglect,
24 or exploitation of a high-risk adult with disabilities or
25 to effectuate one of the granted remedies, if supported by
26 the balance of hardships. If the harm to be prevented by

1 the injunction is abuse or any other harm that one of the
2 remedies listed in paragraphs (1) through (16) of this
3 subsection is designed to prevent, no further evidence is
4 necessary that the harm is an irreparable injury.

5 (18) Telephone services.

6 (A) Unless a condition described in subparagraph
7 (B) of this paragraph exists, the court may, upon
8 request by the petitioner, order a wireless telephone
9 service provider to transfer to the petitioner the
10 right to continue to use a telephone number or numbers
11 indicated by the petitioner and the financial
12 responsibility associated with the number or numbers,
13 as set forth in subparagraph (C) of this paragraph.
14 For purposes of this paragraph (18), the term
15 "wireless telephone service provider" means a provider
16 of commercial mobile service as defined in 47 U.S.C.
17 332. The petitioner may request the transfer of each
18 telephone number that the petitioner, or a minor child
19 in his or her custody, uses. The clerk of the court
20 shall serve the order on the wireless telephone
21 service provider's agent for service of process
22 provided to the Illinois Commerce Commission. The
23 order shall contain all of the following:

24 (i) The name and billing telephone number of
25 the account holder including the name of the
26 wireless telephone service provider that serves

1 the account.

2 (ii) Each telephone number that will be
3 transferred.

4 (iii) A statement that the provider transfers
5 to the petitioner all financial responsibility for
6 and right to the use of any telephone number
7 transferred under this paragraph.

8 (B) A wireless telephone service provider shall
9 terminate the respondent's use of, and shall transfer
10 to the petitioner use of, the telephone number or
11 numbers indicated in subparagraph (A) of this
12 paragraph unless it notifies the petitioner, within 72
13 hours after it receives the order, that one of the
14 following applies:

15 (i) The account holder named in the order has
16 terminated the account.

17 (ii) A difference in network technology would
18 prevent or impair the functionality of a device on
19 a network if the transfer occurs.

20 (iii) The transfer would cause a geographic or
21 other limitation on network or service provision
22 to the petitioner.

23 (iv) Another technological or operational
24 issue would prevent or impair the use of the
25 telephone number if the transfer occurs.

26 (C) The petitioner assumes all financial

1 responsibility for and right to the use of any
2 telephone number transferred under this paragraph. In
3 this paragraph, "financial responsibility" includes
4 monthly service costs and costs associated with any
5 mobile device associated with the number.

6 (D) A wireless telephone service provider may
7 apply to the petitioner its routine and customary
8 requirements for establishing an account or
9 transferring a number, including requiring the
10 petitioner to provide proof of identification,
11 financial information, and customer preferences.

12 (E) Except for willful or wanton misconduct, a
13 wireless telephone service provider is immune from
14 civil liability for its actions taken in compliance
15 with a court order issued under this paragraph.

16 (F) All wireless service providers that provide
17 services to residential customers shall provide to the
18 Illinois Commerce Commission the name and address of
19 an agent for service of orders entered under this
20 paragraph (18). Any change in status of the registered
21 agent must be reported to the Illinois Commerce
22 Commission within 30 days of such change.

23 (G) The Illinois Commerce Commission shall
24 maintain the list of registered agents for service for
25 each wireless telephone service provider on the
26 Commission's website. The Commission may consult with

1 wireless telephone service providers and the Circuit
2 Court Clerks on the manner in which this information
3 is provided and displayed.

4 (c) Relevant factors; findings.

5 (1) In determining whether to grant a specific remedy,
6 other than payment of support, the court shall consider
7 relevant factors, including but not limited to the
8 following:

9 (i) the nature, frequency, severity, pattern and
10 consequences of the respondent's past abuse, neglect
11 or exploitation of the petitioner or any family or
12 household member, including the concealment of his or
13 her location in order to evade service of process or
14 notice, and the likelihood of danger of future abuse,
15 neglect, or exploitation to petitioner or any member
16 of petitioner's or respondent's family or household;
17 and

18 (ii) the danger that any minor child will be
19 abused or neglected or improperly relocated from the
20 jurisdiction, improperly concealed within the State or
21 improperly separated from the child's primary
22 caretaker.

23 (2) In comparing relative hardships resulting to the
24 parties from loss of possession of the family home, the
25 court shall consider relevant factors, including but not
26 limited to the following:

1 (i) availability, accessibility, cost, safety,
2 adequacy, location and other characteristics of
3 alternate housing for each party and any minor child
4 or dependent adult in the party's care;

5 (ii) the effect on the party's employment; and

6 (iii) the effect on the relationship of the party,
7 and any minor child or dependent adult in the party's
8 care, to family, school, church and community.

9 (3) Subject to the exceptions set forth in paragraph
10 (4) of this subsection, the court shall make its findings
11 in an official record or in writing, and shall at a minimum
12 set forth the following:

13 (i) That the court has considered the applicable
14 relevant factors described in paragraphs (1) and (2)
15 of this subsection.

16 (ii) Whether the conduct or actions of respondent,
17 unless prohibited, will likely cause irreparable harm
18 or continued abuse.

19 (iii) Whether it is necessary to grant the
20 requested relief in order to protect petitioner or
21 other alleged abused persons.

22 (4) For purposes of issuing an ex parte emergency
23 order of protection, the court, as an alternative to or as
24 a supplement to making the findings described in
25 paragraphs (c)(3)(i) through (c)(3)(iii) of this
26 subsection, may use the following procedure:

1 When a verified petition for an emergency order of
2 protection in accordance with the requirements of Sections
3 203 and 217 is presented to the court, the court shall
4 examine petitioner on oath or affirmation. An emergency
5 order of protection shall be issued by the court if it
6 appears from the contents of the petition and the
7 examination of petitioner that the averments are
8 sufficient to indicate abuse by respondent and to support
9 the granting of relief under the issuance of the emergency
10 order of protection.

11 (5) Never married parties. No rights or
12 responsibilities for a minor child born outside of
13 marriage attach to a putative father until a father and
14 child relationship has been established under the Illinois
15 Parentage Act of 1984, the Illinois Parentage Act of 2015,
16 the Illinois Public Aid Code, Section 12 of the Vital
17 Records Act, the Juvenile Court Act of 1987, the Probate
18 Act of 1975, the Revised Uniform Reciprocal Enforcement of
19 Support Act, the Uniform Interstate Family Support Act,
20 the Expedited Child Support Act of 1990, any judicial,
21 administrative, or other act of another state or
22 territory, any other Illinois statute, or by any foreign
23 nation establishing the father and child relationship, any
24 other proceeding substantially in conformity with the
25 Personal Responsibility and Work Opportunity
26 Reconciliation Act of 1996 (Pub. L. 104-193), or where

1 both parties appeared in open court or at an
2 administrative hearing acknowledging under oath or
3 admitting by affirmation the existence of a father and
4 child relationship. Absent such an adjudication, finding,
5 or acknowledgment, no putative father shall be granted
6 temporary allocation of parental responsibilities,
7 including parenting time with the minor child, or physical
8 care and possession of the minor child, nor shall an order
9 of payment for support of the minor child be entered.

10 (d) Balance of hardships; findings. If the court finds
11 that the balance of hardships does not support the granting of
12 a remedy governed by paragraph (2), (3), (10), (11), or (16) of
13 subsection (b) of this Section, which may require such
14 balancing, the court's findings shall so indicate and shall
15 include a finding as to whether granting the remedy will
16 result in hardship to respondent that would substantially
17 outweigh the hardship to petitioner from denial of the remedy.
18 The findings shall be an official record or in writing.

19 (e) Denial of remedies. Denial of any remedy shall not be
20 based, in whole or in part, on evidence that:

21 (1) Respondent has cause for any use of force, unless
22 that cause satisfies the standards for justifiable use of
23 force provided by Article 7 of the Criminal Code of 2012;

24 (2) Respondent was voluntarily intoxicated;

25 (3) Petitioner acted in self-defense or defense of
26 another, provided that, if petitioner utilized force, such

1 force was justifiable under Article 7 of the Criminal Code
2 of 2012;

3 (4) Petitioner did not act in self-defense or defense
4 of another;

5 (5) Petitioner left the residence or household to
6 avoid further abuse, neglect, or exploitation by
7 respondent;

8 (6) Petitioner did not leave the residence or
9 household to avoid further abuse, neglect, or exploitation
10 by respondent;

11 (7) Conduct by any family or household member excused
12 the abuse, neglect, or exploitation by respondent, unless
13 that same conduct would have excused such abuse, neglect,
14 or exploitation if the parties had not been family or
15 household members.

16 (Source: P.A. 99-85, eff. 1-1-16; 99-90, eff. 1-1-16; 99-642,
17 eff. 7-28-16; 100-388, eff. 1-1-18; 100-863, eff. 8-14-18;
18 100-923, eff. 1-1-19.)

19 Section 20. The Law Enforcement Disposition of Property
20 Act is amended by changing Section 2 as follows:

21 (765 ILCS 1030/2) (from Ch. 141, par. 142)

22 Sec. 2. (a) Such property believed to be abandoned, lost
23 or stolen or otherwise illegally possessed shall be retained
24 in custody by the sheriff, chief of police or other principal

1 official of the law enforcement agency, which shall make
2 reasonable inquiry and efforts to identify and notify the
3 owner or other person entitled to possession thereof, and
4 shall return the property after such person provides
5 reasonable and satisfactory proof of his ownership or right to
6 possession and reimburses the agency for all reasonable
7 expenses of such custody.

8 (b) Weapons that have been confiscated as a result of
9 having been abandoned or illegally possessed may be sold at
10 public auction under Section 3 of this Act; or transferred to
11 the Department of State Police for use by the crime laboratory
12 system, for training purposes, or for any other application as
13 deemed appropriate by the Department, if no legitimate claim
14 is made for the confiscated weapon within 6 months of the date
15 of confiscation, or within 6 months of final court disposition
16 if such confiscated weapon was used for evidentiary purposes.

17 (Source: P.A. 85-632.)