



## 102ND GENERAL ASSEMBLY

### State of Illinois

2021 and 2022

HB4225

Introduced 1/5/2022, by Rep. Terra Costa Howard

#### SYNOPSIS AS INTRODUCED:

820 ILCS 275/5  
820 ILCS 275/10  
820 ILCS 275/15  
820 ILCS 275/15.1 new  
820 ILCS 275/20  
820 ILCS 275/25  
820 ILCS 275/50  
820 ILCS 275/70  
820 ILCS 275/75

Amends the Workplace Violence Prevention Act. Expands the purpose of the Act to include protecting employees from unlawful violence and harassment at the workplace or because of an employee's employment duties or place of employment. Permits an employee to seek a workplace protection restraining order in certain circumstances, including, but not limited to, if: (i) the employee has suffered unlawful violence and the respondent has made a credible threat of violence to be carried out at the employee's workplace; and (ii) the employee believes that the respondent has made a credible threat of violence to be carried out at the employee's workplace or otherwise to be carried out against the same employee outside of the workplace because of the employee's employment duties or place of employment. Provides that an employee may not seek, and the court may not issue, a workplace protection restraining order if the employee otherwise qualifies for a protective order under the Illinois Domestic Violence Act of 1986, the Civil No Contact Order Act, or the Stalking No Contact Order Act. Makes changes to the definition of "credible threat of violence" and "petitioner". Makes other changes.

LRB102 21276 KTG 30387 b

1 AN ACT concerning employment.

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

4 Section 5. The Workplace Violence Prevention Act is  
5 amended by changing Sections 5, 10, 15, 20, 25, 50, 70, and 75  
6 and by adding Section 15.1 as follows:

7 (820 ILCS 275/5)

8 Sec. 5. Purpose. This Act is intended to assist employers  
9 in protecting their workforces, customers, guests, and  
10 property by limiting access to workplace venues by potentially  
11 violent individuals and to assist employees in protecting  
12 themselves from unlawful violence and harassment at the  
13 workplace or because of an employee's employment duties or  
14 place of employment.

15 (Source: P.A. 98-430, eff. 1-1-14; 99-78, eff. 7-20-15.)

16 (820 ILCS 275/10)

17 Sec. 10. Definitions. As used in this Act:

18 "Credible threat of violence" means a statement or course  
19 of conduct that is intended to cause, and does in fact cause,  
20 ~~causes~~ a reasonable person to fear that the person or others at  
21 the person's workplace will suffer bodily harm at the person's  
22 ~~for the person's safety at his or her workplace or for the~~

1 ~~safety of others at his or her~~ workplace.

2 "Employee" means:

3 (1) a person employed or permitted to work or perform  
4 a service for remuneration;

5 (2) a member of a board of directors of any  
6 organization;

7 (3) an elected or appointed public officer; and

8 (4) a volunteer, independent contractor, agency  
9 worker, or any other person who performs services for an  
10 employer at the employer's place of work.

11 "Employer" means an individual, partnership, association,  
12 limited liability company, corporation, business trust, the  
13 State, a governmental agency, or a political subdivision that  
14 has at least 15 employees during any work week.

15 "Petitioner" means any employer or employee who commences  
16 a proceeding for a workplace protection restraining order.

17 "Respondent" means a person against whom a workplace  
18 protection restraining order proceeding has been commenced.

19 "Workplace" or "place of work" means any property that is  
20 owned or leased by the employer and at which the official  
21 business of the petitioner is conducted.

22 "Unlawful violence" means any act of violence, harassment,  
23 or stalking as defined by the Criminal Code of 2012.

24 (Source: P.A. 98-430, eff. 1-1-14; 98-766, eff. 7-16-14.)

1           Sec. 15. Employer's right to a workplace protection  
2           restraining order. An employer may seek a workplace protection  
3           restraining order to prohibit further violence or threats of  
4           violence by the respondent if:

5                   (1) an employee has suffered unlawful violence and the  
6                   respondent has made a credible threat of violence to be  
7                   carried out at the employee's workplace;

8                   (2) an employee believes that the respondent has made  
9                   a credible threat of violence to be carried out at the  
10                  employee's workplace or otherwise to be carried out  
11                  against the employee outside of the workplace because of  
12                  the employee's employment duties or place of employment;

13                  or

14                  (3) an unlawful act of violence has been carried out  
15                  at the workplace or the respondent has made a credible  
16                  threat of violence at the workplace against an employee,  
17                  customer, or guest.

18           (Source: P.A. 98-430, eff. 1-1-14; 98-766, eff. 7-16-14.)

19                   (820 ILCS 275/15.1 new)

20                  Sec. 15.1. Employee's right to a workplace protection  
21                  restraining order.

22                  (a) An employee may seek a workplace protection  
23                  restraining order to prohibit further violence or threats of  
24                  violence by the respondent if:

25                   (1) the employee has suffered unlawful violence and

1 the respondent has made a credible threat of violence to  
2 be carried out at the employee's workplace;

3 (2) the employee believes that the respondent has made  
4 a credible threat of violence to be carried out at the  
5 employee's workplace or otherwise to be carried out  
6 against the same employee outside of the workplace because  
7 of the employee's employment duties or place of  
8 employment; or

9 (3) an unlawful act of violence has been carried out  
10 at the workplace against the employee or the respondent  
11 has made a credible threat of violence at the workplace  
12 against the employee.

13 (b) An employee may not seek, and the court may not issue,  
14 a workplace protection restraining order if the employee  
15 otherwise qualifies for a protective order under the Illinois  
16 Domestic Violence Act of 1986, the Civil No Contact Order Act,  
17 or the Stalking No Contact Order Act. The court may not order a  
18 workplace protection restraining order if there is a pending  
19 or currently active protective order pertaining to the same  
20 parties under the Illinois Domestic Violence Act of 1986, the  
21 Civil No Contact Order Act, or the Stalking No Contact Order  
22 Act.

23 (820 ILCS 275/20)

24 Sec. 20. Affidavit. An employer or employee may obtain a  
25 workplace protection restraining order if the employer or

1 employee files an affidavit that shows by a preponderance of  
2 the evidence that:

3 (1) the conditions of Sections ~~Section~~ 15, 15.1, and  
4 21 of this Act have been met, as applicable;

5 (2) if the petitioner is seeking an emergency order,  
6 great or irreparable harm has been suffered, will be  
7 suffered, or is likely to be suffered by an employee at the  
8 workplace;

9 (3) if the employer is seeking a workplace protection  
10 restraining order involving an employee who is a victim of  
11 unlawful violence by a family or household member as  
12 defined by item (6) of Section 103 of the Illinois  
13 Domestic Violence Act of 1986, the conditions of Section  
14 21 of this Act have been met.

15 (Source: P.A. 98-430, eff. 1-1-14; 98-766, eff. 7-16-14.)

16 (820 ILCS 275/25)

17 Sec. 25. Remedies. Remedies ~~Employer remedies~~ under this  
18 Act are limited to a workplace protection restraining order.  
19 Nothing in this Act, however, waives, reduces, or diminishes  
20 any other civil or criminal remedy available to an employer or  
21 employee. A workplace protection restraining order issued by  
22 the court may:

23 (1) Prohibit the respondent's unlawful violence in the  
24 workplace, including ordering the respondent to stay away  
25 from the workplace. When the respondent is employed at the

1 workplace location, the court, when issuing a workplace  
2 protection restraining order, shall consider the severity  
3 of the act and any continuing physical danger or emotional  
4 distress to any employee in the workplace.

5 (2) Upon notice to the respondent, order the  
6 respondent to pay the petitioner for property losses  
7 suffered as a direct result of the actions of the  
8 respondent. Such losses include, but are not limited to,  
9 repair or replacement of property damaged or taken,  
10 reasonable attorney's fees, and court costs to recover the  
11 property losses.

12 The remedies provided in this Section are in addition to  
13 other civil or criminal remedies available to the employer or  
14 employee.

15 (Source: P.A. 98-430, eff. 1-1-14; 98-766, eff. 7-16-14.)

16 (820 ILCS 275/50)

17 Sec. 50. Process.

18 (a) Any action for a workplace protection restraining  
19 order requires that a separate summons be issued and served.  
20 The summons shall require the respondent to answer and appear  
21 within 7 days. Attachments to the summons or notice shall  
22 include the petition for a workplace protection restraining  
23 order, supporting affidavits, if any, and any emergency  
24 workplace protection restraining order that has been issued.

25 (b) The summons shall be served by the sheriff or other law

1 enforcement officer at the earliest time possible and shall  
2 take precedence over other summonses except those of a similar  
3 emergency nature. A special process server may be appointed at  
4 any time, and the appointment of a special process server  
5 shall not affect the responsibilities and authority of the  
6 sheriff or other official process servers.

7 (c) Service of summons on a member of the respondent's  
8 household or by publication is adequate if: (1) the petitioner  
9 has made all reasonable efforts to accomplish actual service  
10 of process personally upon the respondent, but the respondent  
11 cannot be found to effect the service; and (2) the petitioner  
12 files an affidavit or presents sworn testimony describing  
13 those efforts.

14 (d) A plenary workplace protection restraining order may  
15 be entered by default for the remedy sought in the petition if  
16 the respondent has been served in accordance with subsection  
17 (a) of this Section or given notice and if the respondent then  
18 fails to appear as directed or fails to appear on any  
19 subsequent appearance or hearing date agreed to by the parties  
20 or set by the court.

21 (e) An employee who has been a victim of unlawful ~~domestic~~  
22 violence by the respondent is not required to and the court may  
23 not order the employee to testify, participate in, or appear  
24 in this process for any purpose.

25 (Source: P.A. 98-766, eff. 7-16-14.)



1 (820 ILCS 275/70)

2 Sec. 70. Emergency order.

3 (a) The court shall issue an emergency workplace  
4 protection restraining order if the petitioner establishes  
5 that:

6 (1) the court has jurisdiction under Section 40 of  
7 this Act;

8 (2) the requirements of Sections 15, 15.1, and 21 of  
9 this Act are satisfied, as applicable; and

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

16 An emergency workplace protection restraining order shall  
17 be issued by the court if it appears from the contents of the  
18 petition and the examination of the petitioner that the  
19 averments are sufficient to indicate irreparable harm under  
20 Section 20 of this Act by the respondent and to support the  
21 granting of relief through the issuance of the emergency  
22 workplace protection restraining order.

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  
26 emergency order, governed by this Section. Notwithstanding the

1 requirements of this Section, if all requirements of Section  
2 75 of this Act have been met, the court may issue a plenary  
3 order.

4 (c) If the court is unavailable at the close of business,  
5 the petitioner may file a petition for a 21-day emergency  
6 order before any available judge who may grant relief under  
7 this Act. If the judge finds that there is an immediate and  
8 present danger of irreparable harm and that the petitioner has  
9 satisfied the prerequisites set forth in subsection (a) of  
10 this Section, that judge may issue an emergency workplace  
11 protection restraining order.

12 (d) The chief judge of the circuit court may designate for  
13 each county in the circuit at least one judge to be reasonably  
14 available to issue orally, by telephone, by facsimile, by  
15 electronic means that comply with procedures established by  
16 the court, or otherwise, an emergency workplace protection  
17 restraining order at all times, whether or not the court is in  
18 session.

19 (e) 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 the  
22 court shall immediately assign a case number, file the  
23 petition, order, and other documents with the court, and enter  
24 the order of record and file it with the sheriff for service in  
25 accordance with Section 85 of this Act. Filing the petition  
26 shall commence proceedings for further relief under Section 30

1 of this Act. Failure to comply with the requirements of this  
2 subsection (e) does not affect the validity of the order.

3 (Source: P.A. 98-766, eff. 7-16-14.)

4 (820 ILCS 275/75)

5 Sec. 75. Plenary order. The court shall issue a plenary  
6 workplace protection restraining order if the petitioner has  
7 served notice of the hearing for that order on the respondent  
8 in accordance with Section 55 of this Section and establishes  
9 that:

10 (1) the court has jurisdiction under Section 40 of  
11 this Act;

12 (2) the requirements of Sections 15, 15.1, and 21 of  
13 this Act are satisfied, as applicable;

14 (3) a general appearance was made or filed by or for  
15 the respondent or process was served on the respondent in  
16 the manner required by Section 50 of this Act; and

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

18 (Source: P.A. 98-766, eff. 7-16-14.)