

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 Firearm Owners Identification Card Act is
5 amended by changing Section 1.1 as follows:

6 (430 ILCS 65/1.1) (from Ch. 38, par. 83-1.1)

7 Sec. 1.1. For purposes of this Act:

8 "Addicted to narcotics" means a person who has been:

9 (1) convicted of an offense involving the use or
10 possession of cannabis, a controlled substance, or
11 methamphetamine within the past year; or

12 (2) determined by the Illinois State Police to be
13 addicted to narcotics based upon federal law or federal
14 guidelines.

15 "Addicted to narcotics" does not include possession or use
16 of a prescribed controlled substance under the direction and
17 authority of a physician or other person authorized to
18 prescribe the controlled substance when the controlled
19 substance is used in the prescribed manner.

20 "Adjudicated as a person with a mental disability" means
21 the person is the subject of a determination by a court, board,
22 commission or other lawful authority that the person, as a
23 result of marked subnormal intelligence, or mental illness,

1 mental impairment, incompetency, condition, or disease:

2 (1) presents a clear and present danger to himself,
3 herself, or to others;

4 (2) lacks the mental capacity to manage his or her own
5 affairs or is adjudicated a person with a disability as
6 defined in Section 11a-2 of the Probate Act of 1975;

7 (3) is not guilty in a criminal case by reason of
8 insanity, mental disease or defect;

9 (3.5) is guilty but mentally ill, as provided in
10 Section 5-2-6 of the Unified Code of Corrections;

11 (4) is incompetent to stand trial in a criminal case;

12 (5) is not guilty by reason of lack of mental
13 responsibility under Articles 50a and 72b of the Uniform
14 Code of Military Justice, 10 U.S.C. 850a, 876b;

15 (6) is a sexually violent person under subsection (f)
16 of Section 5 of the Sexually Violent Persons Commitment
17 Act;

18 (7) is a sexually dangerous person under the Sexually
19 Dangerous Persons Act;

20 (8) is unfit to stand trial under the Juvenile Court
21 Act of 1987;

22 (9) is not guilty by reason of insanity under the
23 Juvenile Court Act of 1987;

24 (10) is subject to involuntary admission as an
25 inpatient as defined in Section 1-119 of the Mental Health
26 and Developmental Disabilities Code;

1 (11) is subject to involuntary admission as an
2 outpatient as defined in Section 1-119.1 of the Mental
3 Health and Developmental Disabilities Code;

4 (12) is subject to judicial admission as set forth in
5 Section 4-500 of the Mental Health and Developmental
6 Disabilities Code; or

7 (13) is subject to the provisions of the Interstate
8 Agreements on Sexually Dangerous Persons Act.

9 "Clear and present danger" means a person who:

10 (1) communicates a serious threat of physical violence
11 against a reasonably identifiable victim or poses a clear
12 and imminent risk of serious physical injury to himself,
13 herself, or another person as determined by a physician,
14 clinical psychologist, or qualified examiner; or

15 (2) demonstrates threatening physical or verbal
16 behavior, such as violent, suicidal, or assaultive
17 threats, actions, or other behavior, as determined by a
18 physician, clinical psychologist, qualified examiner,
19 school administrator, or law enforcement official.

20 "Clinical psychologist" has the meaning provided in
21 Section 1-103 of the Mental Health and Developmental
22 Disabilities Code.

23 "Controlled substance" means a controlled substance or
24 controlled substance analog as defined in the Illinois
25 Controlled Substances Act.

26 "Counterfeit" means to copy or imitate, without legal

1 authority, with intent to deceive.

2 "Federally licensed firearm dealer" means a person who is
3 licensed as a federal firearms dealer under Section 923 of the
4 federal Gun Control Act of 1968 (18 U.S.C. 923).

5 "Firearm" means any device, by whatever name known, which
6 is designed to expel a projectile or projectiles by the action
7 of an explosion, expansion of gas or escape of gas; excluding,
8 however:

9 (1) any pneumatic gun, spring gun, paint ball gun, or
10 B-B gun which expels a single globular projectile not
11 exceeding .18 inch in diameter or which has a maximum
12 muzzle velocity of less than 700 feet per second;

13 (1.1) any pneumatic gun, spring gun, paint ball gun,
14 or B-B gun which expels breakable paint balls containing
15 washable marking colors;

16 (2) any device used exclusively for signaling or
17 safety and required or recommended by the United States
18 Coast Guard or the Interstate Commerce Commission;

19 (3) any device used exclusively for the firing of stud
20 cartridges, explosive rivets or similar industrial
21 ammunition; and

22 (4) an antique firearm (other than a machine-gun)
23 which, although designed as a weapon, the Illinois State
24 Police finds by reason of the date of its manufacture,
25 value, design, and other characteristics is primarily a
26 collector's item and is not likely to be used as a weapon.

1 "Firearm ammunition" means any self-contained cartridge or
2 shotgun shell, by whatever name known, which is designed to be
3 used or adaptable to use in a firearm; excluding, however:

4 (1) any ammunition exclusively designed for use with a
5 device used exclusively for signaling ~~signalling~~ or safety
6 and required or recommended by the United States Coast
7 Guard or the Interstate Commerce Commission; and

8 (2) any ammunition designed exclusively for use with a
9 stud or rivet driver or other similar industrial
10 ammunition.

11 "Gun show" means an event or function:

12 (1) at which the sale and transfer of firearms is the
13 regular and normal course of business and where 50 or more
14 firearms are displayed, offered, or exhibited for sale,
15 transfer, or exchange; or

16 (2) at which not less than 10 gun show vendors
17 display, offer, or exhibit for sale, sell, transfer, or
18 exchange firearms.

19 "Gun show" includes the entire premises provided for an
20 event or function, including parking areas for the event or
21 function, that is sponsored to facilitate the purchase, sale,
22 transfer, or exchange of firearms as described in this
23 Section. Nothing in this definition shall be construed to
24 exclude a gun show held in conjunction with competitive
25 shooting events at the World Shooting Complex sanctioned by a
26 national governing body in which the sale or transfer of

1 firearms is authorized under subparagraph (5) of paragraph (g)
2 of subsection (A) of Section 24-3 of the Criminal Code of 2012.

3 Unless otherwise expressly stated, "gun show" does not
4 include training or safety classes, competitive shooting
5 events, such as rifle, shotgun, or handgun matches, trap,
6 skeet, or sporting clays shoots, dinners, banquets, raffles,
7 or any other event where the sale or transfer of firearms is
8 not the primary course of business.

9 "Gun show promoter" means a person who organizes or
10 operates a gun show.

11 "Gun show vendor" means a person who exhibits, sells,
12 offers for sale, transfers, or exchanges any firearms at a gun
13 show, regardless of whether the person arranges with a gun
14 show promoter for a fixed location from which to exhibit,
15 sell, offer for sale, transfer, or exchange any firearm.

16 "Involuntarily admitted" has the meaning as prescribed in
17 Sections 1-119 and 1-119.1 of the Mental Health and
18 Developmental Disabilities Code.

19 "Mental health facility" means any licensed private
20 hospital or hospital affiliate, institution, or facility, or
21 part thereof, and any facility, or part thereof, operated by
22 the State or a political subdivision thereof which provides
23 ~~provide~~ treatment of persons with mental illness and includes
24 all hospitals, institutions, clinics, evaluation facilities,
25 mental health centers, colleges, universities, long-term care
26 facilities, and nursing homes, or parts thereof, which provide

1 treatment of persons with mental illness whether or not the
2 primary purpose is to provide treatment of persons with mental
3 illness.

4 "National governing body" means a group of persons who
5 adopt rules and formulate policy on behalf of a national
6 firearm sporting organization.

7 "Patient" means:

8 (1) a person who is admitted as an inpatient or
9 resident of a public or private mental health facility for
10 mental health treatment under Chapter III of the Mental
11 Health and Developmental Disabilities Code as an informal
12 admission, a voluntary admission, a minor admission, an
13 emergency admission, or an involuntary admission, unless
14 the treatment was solely for an alcohol abuse disorder; or

15 (2) a person who voluntarily or involuntarily receives
16 mental health treatment as an out-patient or is otherwise
17 provided services by a public or private mental health
18 facility~~7~~ and who poses a clear and present danger to
19 himself, herself, or ~~to~~ others.

20 "Person with a developmental disability" means a person
21 with a disability which is attributable to any other condition
22 which results in impairment similar to that caused by an
23 intellectual disability and which requires services similar to
24 those required by persons with intellectual disabilities. The
25 disability must originate before the age of 18 years, be
26 expected to continue indefinitely, and constitute a

1 substantial disability. This disability results, in the
2 professional opinion of a physician, clinical psychologist, or
3 qualified examiner, in significant functional limitations in 3
4 or more of the following areas of major life activity:

- 5 (i) self-care;
6 (ii) receptive and expressive language;
7 (iii) learning;
8 (iv) mobility; or
9 (v) self-direction.

10 "Person with an intellectual disability" means a person
11 with a significantly subaverage general intellectual
12 functioning which exists concurrently with impairment in
13 adaptive behavior and which originates before the age of 18
14 years.

15 "Physician" has the meaning as defined in Section 1-120 of
16 the Mental Health and Developmental Disabilities Code.

17 "Protective order" means any orders of protection issued
18 under the Illinois Domestic Violence Act of 1986, stalking no
19 contact orders issued under the Stalking No Contact Order Act,
20 civil no contact orders issued under the Civil No Contact
21 Order Act, and firearms restraining orders issued under the
22 Firearms Restraining Order Act or a substantially similar
23 order issued by the court of another state, tribe, or United
24 States territory or military tribunal.

25 "Qualified examiner" has the meaning provided in Section
26 1-122 of the Mental Health and Developmental Disabilities

1 Code.

2 "Sanctioned competitive shooting event" means a shooting
3 contest officially recognized by a national or state shooting
4 sport association, and includes any sight-in or practice
5 conducted in conjunction with the event.

6 "School administrator" means the person required to report
7 under the School Administrator Reporting of Mental Health
8 Clear and Present Danger Determinations Law.

9 "Stun gun or taser" has the meaning ascribed to it in
10 Section 24-1 of the Criminal Code of 2012.

11 (Source: P.A. 102-237, eff. 1-1-22; 102-538, eff. 8-20-21;
12 revised 10-6-21.)

13 Section 10. The Code of Criminal Procedure of 1963 is
14 amended by changing Sections 112A-4.5, 112A-23, and 112A-28 as
15 follows:

16 (725 ILCS 5/112A-4.5)

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

18 (a) A petition for a domestic violence order of protection
19 may be filed:

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

22 (2) by any person or by the State's Attorney on behalf
23 of a named victim who is a minor child or an adult who has
24 been abused by a family or household member and who,

1 because of age, health, disability, or inaccessibility,
2 cannot file the petition;

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

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

9 (i) a foster parent of that child if the child has
10 been placed in the foster parent's home by the
11 Department of Children and Family Services or by
12 another state's public child welfare agency;

13 (ii) a legally appointed guardian or legally
14 appointed custodian of that child;

15 (iii) an adoptive parent of that child;

16 (iv) a prospective adoptive parent of that child
17 if the child has been placed in the prospective
18 adoptive parent's home pursuant to the Adoption Act or
19 pursuant to another state's law.

20 For purposes of this paragraph (a)(4), individuals who
21 would have been considered "family or household members" of
22 the child under paragraph (3) of subsection (b) of Section
23 112A-3 before a termination of the parental rights with
24 respect to the child continue to meet the definition of
25 "family or household members" of the child.

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

1 (1) by any person who is a named victim of
2 non-consensual sexual conduct or non-consensual sexual
3 penetration, including a single incident of non-consensual
4 sexual conduct or non-consensual sexual penetration;

5 (2) by a person or by the State's Attorney on behalf of
6 a named victim who is a minor child or an adult who is a
7 victim of non-consensual sexual conduct or non-consensual
8 sexual penetration but, because of age, disability,
9 health, or inaccessibility, cannot file the petition; ~~or~~

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

14 (4) by a service member of the Illinois National Guard
15 or any reserve military component serving within the State
16 who is a victim of non-consensual sexual conduct who has
17 also received a Military Protective Order; or

18 (5) by the Staff Judge Advocate of the Illinois
19 National Guard or any reserve military component serving
20 in the State on behalf of a named victim who is a victim of
21 non-consensual sexual conduct who has also received a
22 Military Protective Order.

23 (c) A petition for a stalking no contact order may be
24 filed:

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

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

1 a named victim who is a minor child or an adult who is a
2 victim of stalking but, because of age, disability,
3 health, or inaccessibility, cannot file the petition; ~~or~~

4 (3) by a State's Attorney on behalf of any minor child
5 who is a family or household member of the named victim, if
6 the named victim does not file a petition or request the
7 State's Attorney file the petition ;

8 (4) by a service member of the Illinois National Guard
9 or any reserve military component serving within the State
10 who is a victim of non-consensual sexual conduct who has
11 also received a Military Protective Order; or

12 (5) by the Staff Judge Advocate of the Illinois
13 National Guard or any reserve military component serving
14 in the State on behalf of a named victim who is a victim of
15 non-consensual sexual conduct who has also received a
16 Military Protective Order.

17 (d) The State's Attorney shall file a petition on behalf
18 of any person who may file a petition under subsections (a),
19 (b), or (c) of this Section if the person requests the State's
20 Attorney to file a petition on the person's behalf, unless the
21 State's Attorney has a good faith basis to delay filing the
22 petition. The State's Attorney shall inform the person that
23 the State's Attorney will not be filing the petition at that
24 time and that the person may file a petition or may retain an
25 attorney to file the petition. The State's Attorney may file
26 the petition at a later date.

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

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

11 (e) Any petition properly filed under this Article may
12 seek protection for any additional persons protected by this
13 Article.

14 (Source: P.A. 100-199, eff. 1-1-18; 100-597, eff. 6-29-18;
15 100-639, eff. 1-1-19; 101-81, eff. 7-12-19.)

16 (725 ILCS 5/112A-23) (from Ch. 38, par. 112A-23)

17 (Text of Section before amendment by P.A. 101-652)

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

19 (a) When violation is crime. A violation of any protective
20 order, whether issued in a civil, quasi-criminal proceeding or
21 by a military tribunal, shall be enforced by a criminal court
22 when:

23 (1) The respondent commits the crime of violation of a
24 domestic violence order of protection pursuant to Section
25 12-3.4 or 12-30 of the Criminal Code of 1961 or the

1 Criminal Code of 2012, by having knowingly violated:

2 (i) remedies described in paragraph ~~paragraphs~~
3 (1), (2), (3), (14), or (14.5) of subsection (b) of
4 Section 112A-14 of this Code,

5 (ii) a remedy, which is substantially similar to
6 the remedies authorized under paragraph ~~paragraphs~~
7 (1), (2), (3), (14), or (14.5) of subsection (b) of
8 Section 214 of the Illinois Domestic Violence Act of
9 1986, in a valid order of protection, which is
10 authorized under the laws of another state, tribe, or
11 United States territory, or

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

15 Prosecution for a violation of a domestic violence
16 order of protection shall not bar concurrent prosecution
17 for any other crime, including any crime that may have
18 been committed at the time of the violation of the
19 domestic violence order of protection; or

20 (2) The respondent commits the crime of child
21 abduction pursuant to Section 10-5 of the Criminal Code of
22 1961 or the Criminal Code of 2012, by having knowingly
23 violated:

24 (i) remedies described in paragraph ~~paragraphs~~
25 (5), (6), or (8) of subsection (b) of Section 112A-14
26 of this Code, or

1 (ii) a remedy, which is substantially similar to
2 the remedies authorized under paragraph ~~paragraphs~~
3 (1), (5), (6), or (8) of subsection (b) of Section 214
4 of the Illinois Domestic Violence Act of 1986, in a
5 valid domestic violence order of protection, which is
6 authorized under the laws of another state, tribe, or
7 United States territory.

8 (3) The respondent commits the crime of violation of a
9 civil no contact order when the respondent violates
10 Section 12-3.8 of the Criminal Code of 2012. Prosecution
11 for a violation of a civil no contact order shall not bar
12 concurrent prosecution for any other crime, including any
13 crime that may have been committed at the time of the
14 violation of the civil no contact order.

15 (4) The respondent commits the crime of violation of a
16 stalking no contact order when the respondent violates
17 Section 12-3.9 of the Criminal Code of 2012. Prosecution
18 for a violation of a stalking no contact order shall not
19 bar concurrent prosecution for any other crime, including
20 any crime that may have been committed at the time of the
21 violation of the stalking no contact order.

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

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

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

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

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

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

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

10 (1) (Blank).

11 (2) (Blank).

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

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

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

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

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

23 (e-5) If a civil no contact order entered under subsection
24 (6) of Section 112A-20 of the Code of Criminal Procedure of
25 1963 conflicts with an order issued pursuant to the Juvenile
26 Court Act of 1987 or the Illinois Marriage and Dissolution of

1 Marriage Act, the conflicting order issued under subsection
2 (6) of Section 112A-20 of the Code of Criminal Procedure of
3 1963 shall be void.

4 (f) Circumstances. The court, when determining whether or
5 not a violation of a protective order has occurred, shall not
6 require physical manifestations of abuse on the person of the
7 victim.

8 (g) Penalties.

9 (1) Except as provided in paragraph (3) of this
10 subsection (g), where the court finds the commission of a
11 crime or contempt of court under subsection ~~subsections~~
12 (a) or (b) of this Section, the penalty shall be the
13 penalty that generally applies in such criminal or
14 contempt proceedings, and may include one or more of the
15 following: incarceration, payment of restitution, a fine,
16 payment of attorneys' fees and costs, or community
17 service.

18 (2) The court shall hear and take into account
19 evidence of any factors in aggravation or mitigation
20 before deciding an appropriate penalty under paragraph (1)
21 of this subsection (g).

22 (3) To the extent permitted by law, the court is
23 encouraged to:

24 (i) increase the penalty for the knowing violation
25 of any protective order over any penalty previously
26 imposed by any court for respondent's violation of any

1 protective order or penal statute involving petitioner
2 as victim and respondent as defendant;

3 (ii) impose a minimum penalty of 24 hours
4 imprisonment for respondent's first violation of any
5 protective order; and

6 (iii) impose a minimum penalty of 48 hours
7 imprisonment for respondent's second or subsequent
8 violation of a protective order

9 unless the court explicitly finds that an increased
10 penalty or that period of imprisonment would be manifestly
11 unjust.

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

15 (i) to increase, revoke, or modify the bail bond
16 on an underlying criminal charge pursuant to Section
17 110-6 of this Code;

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

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

24 (Source: P.A. 102-184, eff. 1-1-22; 102-558, eff. 8-20-21.)

25 (Text of Section after amendment by P.A. 101-652)

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

2 (a) When violation is crime. A violation of any protective
3 order, whether issued in a civil, quasi-criminal proceeding or
4 by a military tribunal, shall be enforced by a criminal court
5 when:

6 (1) The respondent commits the crime of violation of a
7 domestic violence order of protection pursuant to Section
8 12-3.4 or 12-30 of the Criminal Code of 1961 or the
9 Criminal Code of 2012, by having knowingly violated:

10 (i) remedies described in paragraph ~~paragraphs~~
11 (1), (2), (3), (14), or (14.5) of subsection (b) of
12 Section 112A-14 of this Code,

13 (ii) a remedy, which is substantially similar to
14 the remedies authorized under paragraph ~~paragraphs~~
15 (1), (2), (3), (14), or (14.5) of subsection (b) of
16 Section 214 of the Illinois Domestic Violence Act of
17 1986, in a valid order of protection, which is
18 authorized under the laws of another state, tribe, or
19 United States territory, or

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

23 Prosecution for a violation of a domestic violence
24 order of protection shall not bar concurrent prosecution
25 for any other crime, including any crime that may have
26 been committed at the time of the violation of the

1 domestic violence order of protection; or

2 (2) The respondent commits the crime of child
3 abduction pursuant to Section 10-5 of the Criminal Code of
4 1961 or the Criminal Code of 2012, by having knowingly
5 violated:

6 (i) remedies described in paragraph ~~paragraphs~~
7 (5), (6), or (8) of subsection (b) of Section 112A-14
8 of this Code, or

9 (ii) a remedy, which is substantially similar to
10 the remedies authorized under paragraph ~~paragraphs~~
11 (1), (5), (6), or (8) of subsection (b) of Section 214
12 of the Illinois Domestic Violence Act of 1986, in a
13 valid domestic violence order of protection, which is
14 authorized under the laws of another state, tribe, or
15 United States territory.

16 (3) The respondent commits the crime of violation of a
17 civil no contact order when the respondent violates
18 Section 12-3.8 of the Criminal Code of 2012. Prosecution
19 for a violation of a civil no contact order shall not bar
20 concurrent prosecution for any other crime, including any
21 crime that may have been committed at the time of the
22 violation of the civil no contact order.

23 (4) The respondent commits the crime of violation of a
24 stalking no contact order when the respondent violates
25 Section 12-3.9 of the Criminal Code of 2012. Prosecution
26 for a violation of a stalking no contact order shall not

1 bar concurrent prosecution for any other crime, including
2 any crime that may have been committed at the time of the
3 violation of the stalking no contact order.

4 (b) When violation is contempt of court. A violation of
5 any valid protective order, whether issued in a civil or
6 criminal proceeding or by a military tribunal, may be enforced
7 through civil or criminal contempt procedures, as appropriate,
8 by any court with jurisdiction, regardless where the act or
9 acts which violated the protective order were committed, to
10 the extent consistent with the venue provisions of this
11 Article. Nothing in this Article shall preclude any Illinois
12 court from enforcing any valid protective order issued in
13 another state. Illinois courts may enforce protective orders
14 through both criminal prosecution and contempt proceedings,
15 unless the action which is second in time is barred by
16 collateral estoppel or the constitutional prohibition against
17 double jeopardy.

18 (1) In a contempt proceeding where the petition for a
19 rule to show cause sets forth facts evidencing an
20 immediate danger that the respondent will flee the
21 jurisdiction, conceal a child, or inflict physical abuse
22 on the petitioner or minor children or on dependent adults
23 in petitioner's care, the court may order the attachment
24 of the respondent without prior service of the rule to
25 show cause or the petition for a rule to show cause. Bond
26 shall be set unless specifically denied in writing.

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

4 (c) Violation of custody, allocation of parental
5 responsibility, or support orders. A violation of remedies
6 described in ~~paragraph~~ ~~paragraphs~~ (5), (6), (8), or (9) of
7 subsection (b) of Section 112A-14 of this Code may be enforced
8 by any remedy provided by Section 607.5 of the Illinois
9 Marriage and Dissolution of Marriage Act. The court may
10 enforce any order for support issued under paragraph (12) of
11 subsection (b) of Section 112A-14 of this Code in the manner
12 provided for under Parts V and VII of the Illinois Marriage and
13 Dissolution of Marriage Act.

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

18 (1) (Blank).

19 (2) (Blank).

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

22 (4) By other means demonstrating actual knowledge of
23 the contents of the order.

24 (e) The enforcement of a protective order in civil or
25 criminal court shall not be affected by either of the
26 following:

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

3 (2) Any finding or order entered in a conjoined
4 criminal proceeding.

5 (e-5) If a civil no contact order entered under subsection
6 (6) of Section 112A-20 of the Code of Criminal Procedure of
7 1963 conflicts with an order issued pursuant to the Juvenile
8 Court Act of 1987 or the Illinois Marriage and Dissolution of
9 Marriage Act, the conflicting order issued under subsection
10 (6) of Section 112A-20 of the Code of Criminal Procedure of
11 1963 shall be void.

12 (f) Circumstances. The court, when determining whether or
13 not a violation of a protective order has occurred, shall not
14 require physical manifestations of abuse on the person of the
15 victim.

16 (g) Penalties.

17 (1) Except as provided in paragraph (3) of this
18 subsection (g), where the court finds the commission of a
19 crime or contempt of court under subsection ~~subsections~~
20 (a) or (b) of this Section, the penalty shall be the
21 penalty that generally applies in such criminal or
22 contempt proceedings, and may include one or more of the
23 following: incarceration, payment of restitution, a fine,
24 payment of attorneys' fees and costs, or community
25 service.

26 (2) The court shall hear and take into account

1 evidence of any factors in aggravation or mitigation
2 before deciding an appropriate penalty under paragraph (1)
3 of this subsection (g).

4 (3) To the extent permitted by law, the court is
5 encouraged to:

6 (i) increase the penalty for the knowing violation
7 of any protective order over any penalty previously
8 imposed by any court for respondent's violation of any
9 protective order or penal statute involving petitioner
10 as victim and respondent as defendant;

11 (ii) impose a minimum penalty of 24 hours
12 imprisonment for respondent's first violation of any
13 protective order; and

14 (iii) impose a minimum penalty of 48 hours
15 imprisonment for respondent's second or subsequent
16 violation of a protective order

17 unless the court explicitly finds that an increased
18 penalty or that period of imprisonment would be manifestly
19 unjust.

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

23 (i) to modify the conditions of pretrial release
24 on an underlying criminal charge pursuant to Section
25 110-6 of this Code;

26 (ii) to revoke or modify an order of probation,

1 conditional discharge, or supervision, pursuant to
2 Section 5-6-4 of the Unified Code of Corrections;

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

6 (Source: P.A. 101-652, eff. 1-1-23; 102-184, eff. 1-1-22;
7 102-558, eff. 8-20-21; revised 10-12-21.)

8 (725 ILCS 5/112A-28) (from Ch. 38, par. 112A-28)

9 Sec. 112A-28. Data maintenance by law enforcement
10 agencies.

11 (a) All sheriffs shall furnish to the Illinois State
12 Police, daily, in the form and detail the Illinois State
13 Police Department requires, copies of any recorded protective
14 orders issued by the court, and any foreign protective orders,
15 including, but not limited to, an order of protection issued
16 by a military tribunal, filed by the clerk of the court, and
17 transmitted to the sheriff by the clerk of the court. Each
18 protective order shall be entered in the Law Enforcement
19 Agencies Data System on the same day it is issued by the court.

20 (b) The Illinois State Police shall maintain a complete
21 and systematic record and index of all valid and recorded
22 protective orders issued or filed under this Act. The data
23 shall be used to inform all dispatchers and law enforcement
24 officers at the scene of an alleged incident of abuse or
25 violation of a protective order of any recorded prior incident

1 of abuse involving the abused party and the effective dates
2 and terms of any recorded protective order.

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

5 (1) any valid emergency, interim or plenary domestic
6 violence order of protection, civil no contact or stalking
7 no contact order issued in a civil proceeding; and

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

11 (Source: P.A. 102-538, eff. 8-20-21.)

12 Section 15. The Illinois Domestic Violence Act of 1986 is
13 amended by changing Sections 222.5, 223, and 302 as follows:

14 (750 ILCS 60/222.5)

15 Sec. 222.5. Filing of an order of protection issued in
16 another state or other jurisdiction.

17 (a) A person entitled to protection under an order of
18 protection issued by the court of another state, tribe, or
19 United States territory or military tribunal may file a
20 certified copy of the order of protection with the clerk of the
21 court in a judicial circuit in which the person believes that
22 enforcement may be necessary.

23 (a-5) The Illinois National Guard shall file a certified
24 copy of any military order of protection with the clerk of the

1 court in a judicial circuit in which the person entitled to
2 protection resides or if the person entitled to protection is
3 not a State resident, in a judicial circuit in which it is
4 believed that enforcement may be necessary.

5 (b) The clerk shall:

6 (1) treat the foreign order of protection, including,
7 but not limited to, an order of protection issued by a
8 military tribunal, in the same manner as a judgment of the
9 circuit court for any county of this State in accordance
10 with the provisions of the Uniform Enforcement of Foreign
11 Judgments Act, except that the clerk shall not mail notice
12 of the filing of the foreign order to the respondent named
13 in the order; and

14 (2) on the same day that a foreign order of protection
15 is filed, file a certified copy of that order with the
16 sheriff or other law enforcement officials charged with
17 maintaining Illinois State Police records as set forth in
18 Section 222 of this Act.

19 (c) Neither residence in this State nor filing of a
20 foreign order of protection, including, but not limited to, an
21 order of protection issued by a military tribunal, shall be
22 required for enforcement of the order by this State. Failure
23 to file the foreign order shall not be an impediment to its
24 treatment in all respects as an Illinois order of protection.

25 (d) The clerk shall not charge a fee to file a foreign
26 order of protection under this Section.

1 (e) The sheriff shall inform the Illinois State Police as
2 set forth in Section 302 of this Act.

3 (Source: P.A. 102-538, eff. 8-20-21.)

4 (750 ILCS 60/223) (from Ch. 40, par. 2312-23)

5 (Text of Section before amendment by P.A. 101-652)

6 Sec. 223. Enforcement of orders of protection.

7 (a) When violation is crime. A violation of any order of
8 protection, whether issued in a civil or criminal proceeding
9 or by a military tribunal, shall be enforced by a criminal
10 court when:

11 (1) The respondent commits the crime of violation of
12 an order of protection pursuant to Section 12-3.4 or 12-30
13 of the Criminal Code of 1961 or the Criminal Code of 2012,
14 by having knowingly violated:

15 (i) remedies described in paragraphs (1), (2),
16 (3), (14), or (14.5) of subsection (b) of Section 214
17 of this Act; or

18 (ii) a remedy, which is substantially similar to
19 the remedies authorized under paragraphs (1), (2),
20 (3), (14), and (14.5) of subsection (b) of Section 214
21 of this Act, in a valid order of protection which is
22 authorized under the laws of another state, tribe, or
23 United States territory; or

24 (iii) any other remedy when the act constitutes a
25 crime against the protected parties as defined by the

1 Criminal Code of 1961 or the Criminal Code of 2012.

2 Prosecution for a violation of an order of protection
3 shall not bar concurrent prosecution for any other crime,
4 including any crime that may have been committed at the
5 time of the violation of the order of protection; or

6 (2) The respondent commits the crime of child
7 abduction pursuant to Section 10-5 of the Criminal Code of
8 1961 or the Criminal Code of 2012, by having knowingly
9 violated:

10 (i) remedies described in paragraphs (5), (6) or
11 (8) of subsection (b) of Section 214 of this Act; or

12 (ii) a remedy, which is substantially similar to
13 the remedies authorized under paragraphs (5), (6), or
14 (8) of subsection (b) of Section 214 of this Act, in a
15 valid order of protection which is authorized under
16 the laws of another state, tribe, or United States
17 territory.

18 (b) When violation is contempt of court. A violation of
19 any valid Illinois order of protection, whether issued in a
20 civil or criminal proceeding or by a military tribunal, may be
21 enforced through civil or criminal contempt procedures, as
22 appropriate, by any court with jurisdiction, regardless where
23 the act or acts which violated the order of protection were
24 committed, to the extent consistent with the venue provisions
25 of this Act. Nothing in this Act shall preclude any Illinois
26 court from enforcing any valid order of protection issued in

1 another state. Illinois courts may enforce orders of
2 protection through both criminal prosecution and contempt
3 proceedings, unless the action which is second in time is
4 barred by collateral estoppel or the constitutional
5 prohibition against double jeopardy.

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

15 (2) A petition for a rule to show cause for violation
16 of an order of protection shall be treated as an expedited
17 proceeding.

18 (b-1) The court shall not hold a school district or
19 private or non-public school or any of its employees in civil
20 or criminal contempt unless the school district or private or
21 non-public school has been allowed to intervene.

22 (b-2) The court may hold the parents, guardian, or legal
23 custodian of a minor respondent in civil or criminal contempt
24 for a violation of any provision of any order entered under
25 this Act for conduct of the minor respondent in violation of
26 this Act if the parents, guardian, or legal custodian

1 directed, encouraged, or assisted the respondent minor in such
2 conduct.

3 (c) Violation of custody or support orders or temporary or
4 final judgments allocating parental responsibilities. A
5 violation of remedies described in paragraphs (5), (6), (8),
6 or (9) of subsection (b) of Section 214 of this Act may be
7 enforced by any remedy provided by Section 607.5 of the
8 Illinois Marriage and Dissolution of Marriage Act. The court
9 may enforce any order for support issued under paragraph (12)
10 of subsection (b) of Section 214 in the manner provided for
11 under Parts V and VII of the Illinois Marriage and Dissolution
12 of Marriage Act.

13 (d) Actual knowledge. An order of protection may be
14 enforced pursuant to this Section if the respondent violates
15 the order after the respondent has actual knowledge of its
16 contents as shown through one of the following means:

- 17 (1) By service, delivery, or notice under Section 210.
18 (2) By notice under Section 210.1 or 211.
19 (3) By service of an order of protection under Section
20 222.
21 (4) By other means demonstrating actual knowledge of
22 the contents of the order.

23 (e) The enforcement of an order of protection in civil or
24 criminal court shall not be affected by either of the
25 following:

- 26 (1) The existence of a separate, correlative order,

1 entered under Section 215.

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

4 (f) Circumstances. The court, when determining whether or
5 not a violation of an order of protection has occurred, shall
6 not require physical manifestations of abuse on the person of
7 the victim.

8 (g) Penalties.

9 (1) Except as provided in paragraph (3) of this
10 subsection, where the court finds the commission of a
11 crime or contempt of court under subsections (a) or (b) of
12 this Section, the penalty shall be the penalty that
13 generally applies in such criminal or contempt
14 proceedings, and may include one or more of the following:
15 incarceration, payment of restitution, a fine, payment of
16 attorneys' fees and costs, or community service.

17 (2) The court shall hear and take into account
18 evidence of any factors in aggravation or mitigation
19 before deciding an appropriate penalty under paragraph (1)
20 of this subsection.

21 (3) To the extent permitted by law, the court is
22 encouraged to:

23 (i) increase the penalty for the knowing violation
24 of any order of protection over any penalty previously
25 imposed by any court for respondent's violation of any
26 order of protection or penal statute involving

1 petitioner as victim and respondent as defendant;

2 (ii) impose a minimum penalty of 24 hours
3 imprisonment for respondent's first violation of any
4 order of protection; and

5 (iii) impose a minimum penalty of 48 hours
6 imprisonment for respondent's second or subsequent
7 violation of an order of protection

8 unless the court explicitly finds that an increased
9 penalty or that period of imprisonment would be manifestly
10 unjust.

11 (4) In addition to any other penalties imposed for a
12 violation of an order of protection, a criminal court may
13 consider evidence of any violations of an order of
14 protection:

15 (i) to increase, revoke or modify the bail bond on
16 an underlying criminal charge pursuant to Section
17 110-6 of the Code of Criminal Procedure of 1963;

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

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

24 (5) In addition to any other penalties, the court
25 shall impose an additional fine of \$20 as authorized by
26 Section 5-9-1.11 of the Unified Code of Corrections upon

1 any person convicted of or placed on supervision for a
2 violation of an order of protection. The additional fine
3 shall be imposed for each violation of this Section.

4 (Source: P.A. 99-90, eff. 1-1-16.)

5 (Text of Section after amendment by P.A. 101-652)

6 Sec. 223. Enforcement of orders of protection.

7 (a) When violation is crime. A violation of any order of
8 protection, whether issued in a civil or criminal proceeding
9 or by a military tribunal, shall be enforced by a criminal
10 court when:

11 (1) The respondent commits the crime of violation of
12 an order of protection pursuant to Section 12-3.4 or 12-30
13 of the Criminal Code of 1961 or the Criminal Code of 2012,
14 by having knowingly violated:

15 (i) remedies described in paragraphs (1), (2),
16 (3), (14), or (14.5) of subsection (b) of Section 214
17 of this Act; or

18 (ii) a remedy, which is substantially similar to
19 the remedies authorized under paragraphs (1), (2),
20 (3), (14), and (14.5) of subsection (b) of Section 214
21 of this Act, in a valid order of protection which is
22 authorized under the laws of another state, tribe, or
23 United States territory; or

24 (iii) any other remedy when the act constitutes a
25 crime against the protected parties as defined by the

1 Criminal Code of 1961 or the Criminal Code of 2012.

2 Prosecution for a violation of an order of protection
3 shall not bar concurrent prosecution for any other crime,
4 including any crime that may have been committed at the
5 time of the violation of the order of protection; or

6 (2) The respondent commits the crime of child
7 abduction pursuant to Section 10-5 of the Criminal Code of
8 1961 or the Criminal Code of 2012, by having knowingly
9 violated:

10 (i) remedies described in paragraphs (5), (6) or
11 (8) of subsection (b) of Section 214 of this Act; or

12 (ii) a remedy, which is substantially similar to
13 the remedies authorized under paragraphs (5), (6), or
14 (8) of subsection (b) of Section 214 of this Act, in a
15 valid order of protection which is authorized under
16 the laws of another state, tribe, or United States
17 territory.

18 (b) When violation is contempt of court. A violation of
19 any valid Illinois order of protection, whether issued in a
20 civil or criminal proceeding or by a military tribunal, may be
21 enforced through civil or criminal contempt procedures, as
22 appropriate, by any court with jurisdiction, regardless where
23 the act or acts which violated the order of protection were
24 committed, to the extent consistent with the venue provisions
25 of this Act. Nothing in this Act shall preclude any Illinois
26 court from enforcing any valid order of protection issued in

1 another state. Illinois courts may enforce orders of
2 protection through both criminal prosecution and contempt
3 proceedings, unless the action which is second in time is
4 barred by collateral estoppel or the constitutional
5 prohibition against double jeopardy.

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

16 (2) A petition for a rule to show cause for violation
17 of an order of protection shall be treated as an expedited
18 proceeding.

19 (b-1) The court shall not hold a school district or
20 private or non-public school or any of its employees in civil
21 or criminal contempt unless the school district or private or
22 non-public school has been allowed to intervene.

23 (b-2) The court may hold the parents, guardian, or legal
24 custodian of a minor respondent in civil or criminal contempt
25 for a violation of any provision of any order entered under
26 this Act for conduct of the minor respondent in violation of

1 this Act if the parents, guardian, or legal custodian
2 directed, encouraged, or assisted the respondent minor in such
3 conduct.

4 (c) Violation of custody or support orders or temporary or
5 final judgments allocating parental responsibilities. A
6 violation of remedies described in paragraphs (5), (6), (8),
7 or (9) of subsection (b) of Section 214 of this Act may be
8 enforced by any remedy provided by Section 607.5 of the
9 Illinois Marriage and Dissolution of Marriage Act. The court
10 may enforce any order for support issued under paragraph (12)
11 of subsection (b) of Section 214 in the manner provided for
12 under Parts V and VII of the Illinois Marriage and Dissolution
13 of Marriage Act.

14 (d) Actual knowledge. An order of protection may be
15 enforced pursuant to this Section if the respondent violates
16 the order after the respondent has actual knowledge of its
17 contents as shown through one of the following means:

- 18 (1) By service, delivery, or notice under Section 210.
- 19 (2) By notice under Section 210.1 or 211.
- 20 (3) By service of an order of protection under Section
21 222.
- 22 (4) By other means demonstrating actual knowledge of
23 the contents of the order.

24 (e) The enforcement of an order of protection in civil or
25 criminal court shall not be affected by either of the
26 following:

1 (1) The existence of a separate, correlative order,
2 entered under Section 215.

3 (2) Any finding or order entered in a conjoined
4 criminal proceeding.

5 (f) Circumstances. The court, when determining whether or
6 not a violation of an order of protection has occurred, shall
7 not require physical manifestations of abuse on the person of
8 the victim.

9 (g) Penalties.

10 (1) Except as provided in paragraph (3) of this
11 subsection, where the court finds the commission of a
12 crime or contempt of court under subsections (a) or (b) of
13 this Section, the penalty shall be the penalty that
14 generally applies in such criminal or contempt
15 proceedings, and may include one or more of the following:
16 incarceration, payment of restitution, a fine, payment of
17 attorneys' fees and costs, or community service.

18 (2) The court shall hear and take into account
19 evidence of any factors in aggravation or mitigation
20 before deciding an appropriate penalty under paragraph (1)
21 of this subsection.

22 (3) To the extent permitted by law, the court is
23 encouraged to:

24 (i) increase the penalty for the knowing violation
25 of any order of protection over any penalty previously
26 imposed by any court for respondent's violation of any

1 order of protection or penal statute involving
2 petitioner as victim and respondent as defendant;

3 (ii) impose a minimum penalty of 24 hours
4 imprisonment for respondent's first violation of any
5 order of protection; and

6 (iii) impose a minimum penalty of 48 hours
7 imprisonment for respondent's second or subsequent
8 violation of an order of protection

9 unless the court explicitly finds that an increased
10 penalty or that period of imprisonment would be manifestly
11 unjust.

12 (4) In addition to any other penalties imposed for a
13 violation of an order of protection, a criminal court may
14 consider evidence of any violations of an order of
15 protection:

16 (i) to increase, revoke or modify the conditions
17 of pretrial release on an underlying criminal charge
18 pursuant to Section 110-6 of the Code of Criminal
19 Procedure of 1963;

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

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

26 (5) In addition to any other penalties, the court

1 shall impose an additional fine of \$20 as authorized by
2 Section 5-9-1.11 of the Unified Code of Corrections upon
3 any person convicted of or placed on supervision for a
4 violation of an order of protection. The additional fine
5 shall be imposed for each violation of this Section.

6 (Source: P.A. 101-652, eff. 1-1-23.)

7 (750 ILCS 60/302) (from Ch. 40, par. 2313-2)

8 Sec. 302. Data maintenance by law enforcement agencies.

9 (a) All sheriffs shall furnish to the Illinois State
10 Police, on the same day as received, in the form and detail the
11 Illinois State Police Department requires, copies of any
12 recorded emergency, interim, or plenary orders of protection
13 issued by the court, and any foreign orders of protection,
14 including, but not limited to, an order of protection issued
15 by a military tribunal, filed by the clerk of the court, and
16 transmitted to the sheriff by the clerk of the court pursuant
17 to subsection (b) of Section 222 of this Act. Each order of
18 protection shall be entered in the Law Enforcement Agencies
19 Data System on the same day it is issued by the court. If an
20 emergency order of protection was issued in accordance with
21 subsection (c) of Section 217, the order shall be entered in
22 the Law Enforcement Agencies Data System as soon as possible
23 after receipt from the clerk.

24 (b) The Illinois State Police shall maintain a complete
25 and systematic record and index of all valid and recorded

1 orders of protection issued pursuant to this Act. The data
2 shall be used to inform all dispatchers and law enforcement
3 officers at the scene of an alleged incident of abuse,
4 neglect, or exploitation or violation of an order of
5 protection of any recorded prior incident of abuse, neglect,
6 or exploitation involving the abused, neglected, or exploited
7 party and the effective dates and terms of any recorded order
8 of protection.

9 (c) The data, records and transmittals required under this
10 Section shall pertain to any valid emergency, interim or
11 plenary order of protection, whether issued in a civil or
12 criminal proceeding or authorized under the laws of another
13 state, tribe, or United States territory.

14 (Source: P.A. 102-538, eff. 8-20-21.)

15 Section 20. The Victims' Economic Security and Safety Act
16 is amended by changing Sections 20 and 30 as follows:

17 (820 ILCS 180/20)

18 Sec. 20. Entitlement to leave due to domestic violence,
19 sexual violence, gender violence, or any other crime of
20 violence.

21 (a) Leave requirement.

22 (1) Basis. An employee who is a victim of domestic
23 violence, sexual violence, gender violence, or any other
24 crime of violence or an employee who has a family or

1 household member who is a victim of domestic violence,
2 sexual violence, gender violence, or any other crime of
3 violence whose interests are not adverse to the employee
4 as it relates to the domestic violence, sexual violence,
5 gender violence, or any other crime of violence may take
6 unpaid leave from work if the employee or employee's
7 family or household member is experiencing an incident of
8 domestic violence, sexual violence, gender violence, or
9 any other crime of violence or to address domestic
10 violence, sexual violence, gender violence, or any other
11 crime of violence by:

12 (A) seeking medical attention for, or recovering
13 from, physical or psychological injuries caused by
14 domestic violence, sexual violence, gender violence,
15 or any other crime of violence to the employee or the
16 employee's family or household member;

17 (B) obtaining services from a victim services
18 organization for the employee or the employee's family
19 or household member;

20 (C) obtaining psychological or other counseling
21 for the employee or the employee's family or household
22 member;

23 (D) participating in safety planning, temporarily
24 or permanently relocating, or taking other actions to
25 increase the safety of the employee or the employee's
26 family or household member from future domestic

1 violence, sexual violence, gender violence, or any
2 other crime of violence or ensure economic security;
3 or

4 (E) seeking legal assistance or remedies to ensure
5 the health and safety of the employee or the
6 employee's family or household member, including
7 preparing for or participating in any civil, ~~or~~
8 criminal, or military legal proceeding related to or
9 derived from domestic violence, sexual violence,
10 gender violence, or any other crime of violence.

11 (2) Period. Subject to subsection (c), an employee
12 working for an employer that employs at least 50 employees
13 shall be entitled to a total of 12 workweeks of leave
14 during any 12-month period. Subject to subsection (c), an
15 employee working for an employer that employs at least 15
16 but not more than 49 employees shall be entitled to a total
17 of 8 workweeks of leave during any 12-month period.
18 Subject to subsection (c), an employee working for an
19 employer that employs at least one but not more than 14
20 employees shall be entitled to a total of 4 workweeks of
21 leave during any 12-month period. The total number of
22 workweeks to which an employee is entitled shall not
23 decrease during the relevant 12-month period. This Act
24 does not create a right for an employee to take unpaid
25 leave that exceeds the unpaid leave time allowed under, or
26 is in addition to the unpaid leave time permitted by, the

1 federal Family and Medical Leave Act of 1993 (29 U.S.C.
2 2601 et seq.).

3 (3) Schedule. Leave described in paragraph (1) may be
4 taken consecutively, intermittently, or on a reduced work
5 schedule.

6 (b) Notice. The employee shall provide the employer with
7 at least 48 hours' advance notice of the employee's intention
8 to take the leave, unless providing such notice is not
9 practicable. When an unscheduled absence occurs, the employer
10 may not take any action against the employee if the employee,
11 upon request of the employer and within a reasonable period
12 after the absence, provides certification under subsection
13 (c).

14 (c) Certification.

15 (1) In general. The employer may require the employee
16 to provide certification to the employer that:

17 (A) the employee or the employee's family or
18 household member is a victim of domestic violence,
19 sexual violence, gender violence, or any other crime
20 of violence; and

21 (B) the leave is for one of the purposes
22 enumerated in paragraph (a) (1).

23 The employee shall provide such certification to the
24 employer within a reasonable period after the employer
25 requests certification.

26 (2) Contents. An employee may satisfy the

1 certification requirement of paragraph (1) by providing to
2 the employer a sworn statement of the employee, and if the
3 employee has possession of such document, the employee
4 shall provide one of the following documents:

5 (A) documentation from an employee, agent, or
6 volunteer of a victim services organization, an
7 attorney, a member of the clergy, or a medical or other
8 professional from whom the employee or the employee's
9 family or household member has sought assistance in
10 addressing domestic violence, sexual violence, gender
11 violence, or any other crime of violence and the
12 effects of the violence;

13 (B) a police, ~~or~~ court, or military record; or

14 (C) other corroborating evidence.

15 The employee shall choose which document to submit,
16 and the employer shall not request or require more than
17 one document to be submitted during the same 12-month
18 period leave is requested or taken if the reason for leave
19 is related to the same incident or incidents of violence
20 or the same perpetrator or perpetrators of the violence.

21 (d) Confidentiality. All information provided to the
22 employer pursuant to subsection (b) or (c), including a
23 statement of the employee or any other documentation, record,
24 or corroborating evidence, and the fact that the employee has
25 requested or obtained leave pursuant to this Section, shall be
26 retained in the strictest confidence by the employer, except

1 to the extent that disclosure is:

2 (1) requested or consented to in writing by the
3 employee; or

4 (2) otherwise required by applicable federal or State
5 law.

6 (e) Employment and benefits.

7 (1) Restoration to position.

8 (A) In general. Any employee who takes leave under
9 this Section for the intended purpose of the leave
10 shall be entitled, on return from such leave:

11 (i) to be restored by the employer to the
12 position of employment held by the employee when
13 the leave commenced; or

14 (ii) to be restored to an equivalent position
15 with equivalent employment benefits, pay, and
16 other terms and conditions of employment.

17 (B) Loss of benefits. The taking of leave under
18 this Section shall not result in the loss of any
19 employment benefit accrued prior to the date on which
20 the leave commenced.

21 (C) Limitations. Nothing in this subsection shall
22 be construed to entitle any restored employee to:

23 (i) the accrual of any seniority or employment
24 benefits during any period of leave; or

25 (ii) any right, benefit, or position of
26 employment other than any right, benefit, or

1 position to which the employee would have been
2 entitled had the employee not taken the leave.

3 (D) Construction. Nothing in this paragraph shall
4 be construed to prohibit an employer from requiring an
5 employee on leave under this Section to report
6 periodically to the employer on the status and
7 intention of the employee to return to work.

8 (2) Maintenance of health benefits.

9 (A) Coverage. Except as provided in subparagraph
10 (B), during any period that an employee takes leave
11 under this Section, the employer shall maintain
12 coverage for the employee and any family or household
13 member under any group health plan for the duration of
14 such leave at the level and under the conditions
15 coverage would have been provided if the employee had
16 continued in employment continuously for the duration
17 of such leave.

18 (B) Failure to return from leave. The employer may
19 recover the premium that the employer paid for
20 maintaining coverage for the employee and the
21 employee's family or household member under such group
22 health plan during any period of leave under this
23 Section if:

24 (i) the employee fails to return from leave
25 under this Section after the period of leave to
26 which the employee is entitled has expired; and

1 (ii) the employee fails to return to work for
2 a reason other than:

3 (I) the continuation, recurrence, or onset
4 of domestic violence, sexual violence, gender
5 violence, or any other crime of violence that
6 entitles the employee to leave pursuant to
7 this Section; or

8 (II) other circumstances beyond the
9 control of the employee.

10 (C) Certification.

11 (i) Issuance. An employer may require an
12 employee who claims that the employee is unable to
13 return to work because of a reason described in
14 subclause (I) or (II) of subparagraph (B) (ii) to
15 provide, within a reasonable period after making
16 the claim, certification to the employer that the
17 employee is unable to return to work because of
18 that reason.

19 (ii) Contents. An employee may satisfy the
20 certification requirement of clause (i) by
21 providing to the employer:

22 (I) a sworn statement of the employee;

23 (II) documentation from an employee,
24 agent, or volunteer of a victim services
25 organization, an attorney, a member of the
26 clergy, or a medical or other professional

1 from whom the employee has sought assistance
2 in addressing domestic violence, sexual
3 violence, gender violence, or any other crime
4 of violence and the effects of that violence;

5 (III) a police, ~~or~~ court, or military
6 record; or

7 (IV) other corroborating evidence.

8 The employee shall choose which document to
9 submit, and the employer shall not request or require
10 more than one document to be submitted.

11 (D) Confidentiality. All information provided to
12 the employer pursuant to subparagraph (C), including a
13 statement of the employee or any other documentation,
14 record, or corroborating evidence, and the fact that
15 the employee is not returning to work because of a
16 reason described in subclause (I) or (II) of
17 subparagraph (B)(ii) shall be retained in the
18 strictest confidence by the employer, except to the
19 extent that disclosure is:

20 (i) requested or consented to in writing by
21 the employee; or

22 (ii) otherwise required by applicable federal
23 or State law.

24 (f) Prohibited acts.

25 (1) Interference with rights.

26 (A) Exercise of rights. It shall be unlawful for

1 any employer to interfere with, restrain, or deny the
2 exercise of or the attempt to exercise any right
3 provided under this Section.

4 (B) Employer discrimination. It shall be unlawful
5 for any employer to discharge or harass any
6 individual, or otherwise discriminate against any
7 individual with respect to compensation, terms,
8 conditions, or privileges of employment of the
9 individual (including retaliation in any form or
10 manner) because the individual:

11 (i) exercised any right provided under this
12 Section; or

13 (ii) opposed any practice made unlawful by
14 this Section.

15 (C) Public agency sanctions. It shall be unlawful
16 for any public agency to deny, reduce, or terminate
17 the benefits of, otherwise sanction, or harass any
18 individual, or otherwise discriminate against any
19 individual with respect to the amount, terms, or
20 conditions of public assistance of the individual
21 (including retaliation in any form or manner) because
22 the individual:

23 (i) exercised any right provided under this
24 Section; or

25 (ii) opposed any practice made unlawful by
26 this Section.

1 (2) Interference with proceedings or inquiries. It
2 shall be unlawful for any person to discharge or in any
3 other manner discriminate (as described in subparagraph
4 (B) or (C) of paragraph (1)) against any individual
5 because such individual:

6 (A) has filed any charge, or has instituted or
7 caused to be instituted any proceeding, under or
8 related to this Section;

9 (B) has given, or is about to give, any
10 information in connection with any inquiry or
11 proceeding relating to any right provided under this
12 Section; or

13 (C) has testified, or is about to testify, in any
14 inquiry or proceeding relating to any right provided
15 under this Section.

16 (Source: P.A. 101-221, eff. 1-1-20; 102-487, eff. 1-1-22.)

17 (820 ILCS 180/30)

18 Sec. 30. Victims' employment sustainability; prohibited
19 discriminatory acts.

20 (a) An employer shall not fail to hire, refuse to hire,
21 discharge, constructively discharge, or harass any individual,
22 otherwise discriminate against any individual with respect to
23 the compensation, terms, conditions, or privileges of
24 employment of the individual, or retaliate against an
25 individual in any form or manner, and a public agency shall not

1 deny, reduce, or terminate the benefits of, otherwise
2 sanction, or harass any individual, otherwise discriminate
3 against any individual with respect to the amount, terms, or
4 conditions of public assistance of the individual, or
5 retaliate against an individual in any form or manner,
6 because:

7 (1) the individual involved:

8 (A) is or is perceived to be a victim of domestic
9 violence, sexual violence, gender violence, or any
10 criminal violence;

11 (B) attended, participated in, prepared for, or
12 requested leave to attend, participate in, or prepare
13 for a criminal or civil court proceeding relating to
14 an incident of domestic violence, sexual violence,
15 gender violence, or any criminal violence of which the
16 individual or a family or household member of the
17 individual was a victim, or requested or took leave
18 for any other reason provided under Section 20, or
19 attended, participated in, prepared for, requested
20 leave to attend, participate in, or prepare for a
21 court-martial or nonjudicial punishment proceeding
22 pursuant to the Uniform Code of Military Justice
23 relating to an incident of domestic violence, sexual
24 violence, gender violence, or any criminal violence of
25 which the individual or a family or household member
26 of the individual was a victim, or requested or took

1 leave for any other reason provided under Section 20;

2 (C) requested an adjustment to a job structure,
3 workplace facility, or work requirement, including a
4 transfer, reassignment, or modified schedule, leave, a
5 changed telephone number or seating assignment,
6 installation of a lock, or implementation of a safety
7 procedure in response to actual or threatened domestic
8 violence, sexual violence, gender violence, or any
9 other crime of violence, regardless of whether the
10 request was granted; or

11 (D) is an employee whose employer is subject to
12 Section 21 of the Workplace Violence Prevention Act;
13 or

14 (2) the workplace is disrupted or threatened by the
15 action of a person whom the individual states has
16 committed or threatened to commit domestic violence,
17 sexual violence, gender violence, or any other crime of
18 violence against the individual or the individual's family
19 or household member.

20 (b) In this Section:

21 (1) "Discriminate", used with respect to the terms,
22 conditions, or privileges of employment or with respect to
23 the terms or conditions of public assistance, includes not
24 making a reasonable accommodation to the known limitations
25 resulting from circumstances relating to being a victim of
26 domestic violence, sexual violence, gender violence, or

1 any criminal violence or a family or household member
2 being a victim of domestic violence, sexual violence,
3 gender violence, or any other crime of violence of an
4 otherwise qualified individual:

5 (A) who is:

6 (i) an applicant or employee of the employer
7 (including a public agency); or

8 (ii) an applicant for or recipient of public
9 assistance from a public agency; and

10 (B) who is:

11 (i) or is perceived to be a victim of domestic
12 violence, sexual violence, gender violence, or any
13 other crime of violence; or

14 (ii) with a family or household member who is
15 or is perceived to be a victim of domestic
16 violence, sexual violence, gender violence, or any
17 other crime of violence whose interests are not
18 adverse to the individual in subparagraph (A) as
19 it relates to the domestic violence, sexual
20 violence, gender violence, or any other crime of
21 violence;

22 unless the employer or public agency can demonstrate that
23 the accommodation would impose an undue hardship on the
24 operation of the employer or public agency.

25 A reasonable accommodation must be made in a timely
26 fashion. Any exigent circumstances or danger facing the

1 employee or his or her family or household member shall be
2 considered in determining whether the accommodation is
3 reasonable.

4 (2) "Qualified individual" means:

5 (A) in the case of an applicant or employee
6 described in paragraph (1)(A)(i), an individual who,
7 but for being a victim of domestic violence, sexual
8 violence, gender violence, or any other crime of
9 violence or with a family or household member who is a
10 victim of domestic violence, sexual violence, gender
11 violence, or any other crime of violence, can perform
12 the essential functions of the employment position
13 that such individual holds or desires; or

14 (B) in the case of an applicant or recipient
15 described in paragraph (1)(A)(ii), an individual who,
16 but for being a victim of domestic violence, sexual
17 violence, gender violence, or any other crime of
18 violence or with a family or household member who is a
19 victim of domestic violence, sexual violence, gender
20 violence, or any other crime of violence, can satisfy
21 the essential requirements of the program providing
22 the public assistance that the individual receives or
23 desires.

24 (3) "Reasonable accommodation" may include an
25 adjustment to a job structure, workplace facility, or work
26 requirement, including a transfer, reassignment, or

1 modified schedule, leave, a changed telephone number or
2 seating assignment, installation of a lock, or
3 implementation of a safety procedure, or assistance in
4 documenting domestic violence, sexual violence, gender
5 violence, or any other crime of violence that occurs at
6 the workplace or in work-related settings, or any other
7 reasonable accommodation in response to actual or
8 threatened domestic violence, sexual violence, gender
9 violence, or any other crime of violence.

10 (4) Undue hardship.

11 (A) In general. "Undue hardship" means an action
12 requiring significant difficulty or expense, when
13 considered in light of the factors set forth in
14 subparagraph (B).

15 (B) Factors to be considered. In determining
16 whether a reasonable accommodation would impose an
17 undue hardship on the operation of an employer or
18 public agency, factors to be considered include:

19 (i) the nature and cost of the reasonable
20 accommodation needed under this Section;

21 (ii) the overall financial resources of the
22 facility involved in the provision of the
23 reasonable accommodation, the number of persons
24 employed at such facility, the effect on expenses
25 and resources, or the impact otherwise of such
26 accommodation on the operation of the facility;

1 (iii) the overall financial resources of the
2 employer or public agency, the overall size of the
3 business of an employer or public agency with
4 respect to the number of employees of the employer
5 or public agency, and the number, type, and
6 location of the facilities of an employer or
7 public agency; and

8 (iv) the type of operation of the employer or
9 public agency, including the composition,
10 structure, and functions of the workforce of the
11 employer or public agency, the geographic
12 separateness of the facility from the employer or
13 public agency, and the administrative or fiscal
14 relationship of the facility to the employer or
15 public agency.

16 (c) An employer subject to Section 21 of the Workplace
17 Violence Prevention Act shall not violate any provisions of
18 the Workplace Violence Prevention Act.

19 (d) Confidentiality. All information provided to the
20 employer pursuant to this Section including a statement of the
21 employee or any other documentation, record, or corroborating
22 evidence, and the fact that the employee has requested or
23 obtained an accommodation pursuant to this Section shall be
24 retained in the strictest confidence by the employer, except
25 to the extent that disclosure is:

26 (1) requested or consented to in writing by the

1 employee; or

2 (2) otherwise required by applicable federal or State
3 law.

4 (Source: P.A. 101-221, eff. 1-1-20; 102-487, eff. 1-1-22.)

5 Section 95. No acceleration or delay. Where this Act makes
6 changes in a statute that is represented in this Act by text
7 that is not yet or no longer in effect (for example, a Section
8 represented by multiple versions), the use of that text does
9 not accelerate or delay the taking effect of (i) the changes
10 made by this Act or (ii) provisions derived from any other
11 Public Act.

12 Section 99. Effective date. This Act takes effect upon
13 becoming law.