



Rep. Stephanie A. Kifowit

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10200SB0257ham002

LRB102 04087 LNS 38310 a

1 AMENDMENT TO SENATE BILL 257

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 257, AS AMENDED,  
3 by replacing everything after the enacting clause with the  
4 following:

5 "Section 5. The Firearm Owners Identification Card Act is  
6 amended by changing Section 1.1 as follows:

7 (430 ILCS 65/1.1) (from Ch. 38, par. 83-1.1)

8 Sec. 1.1. For purposes of this Act:

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

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

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

16 "Addicted to narcotics" does not include possession or use

1 of a prescribed controlled substance under the direction and  
2 authority of a physician or other person authorized to  
3 prescribe the controlled substance when the controlled  
4 substance is used in the prescribed manner.

5 "Adjudicated as a person with a mental disability" means  
6 the person is the subject of a determination by a court, board,  
7 commission or other lawful authority that the person, as a  
8 result of marked subnormal intelligence, or mental illness,  
9 mental impairment, incompetency, condition, or disease:

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

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

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

17 (3.5) is guilty but mentally ill, as provided in  
18 Section 5-2-6 of the Unified Code of Corrections;

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

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

23 (6) is a sexually violent person under subsection (f)  
24 of Section 5 of the Sexually Violent Persons Commitment  
25 Act;

26 (7) is a sexually dangerous person under the Sexually

1 Dangerous Persons Act;

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

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

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

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

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

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

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

18 (1) communicates a serious threat of physical violence  
19 against a reasonably identifiable victim or poses a clear  
20 and imminent risk of serious physical injury to himself,  
21 herself, or another person as determined by a physician,  
22 clinical psychologist, or qualified examiner; or

23 (2) demonstrates threatening physical or verbal  
24 behavior, such as violent, suicidal, or assaultive  
25 threats, actions, or other behavior, as determined by a  
26 physician, clinical psychologist, qualified examiner,

1 school administrator, or law enforcement official.

2 "Clinical psychologist" has the meaning provided in  
3 Section 1-103 of the Mental Health and Developmental  
4 Disabilities Code.

5 "Controlled substance" means a controlled substance or  
6 controlled substance analog as defined in the Illinois  
7 Controlled Substances Act.

8 "Counterfeit" means to copy or imitate, without legal  
9 authority, with intent to deceive.

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

13 "Firearm" means any device, by whatever name known, which  
14 is designed to expel a projectile or projectiles by the action  
15 of an explosion, expansion of gas or escape of gas; excluding,  
16 however:

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

21 (1.1) any pneumatic gun, spring gun, paint ball gun,  
22 or B-B gun which expels breakable paint balls containing  
23 washable marking colors;

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

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

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

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

12 (1) any ammunition exclusively designed for use with a  
13 device used exclusively for signaling ~~signalling~~ or safety  
14 and required or recommended by the United States Coast  
15 Guard or the Interstate Commerce Commission; and

16 (2) any ammunition designed exclusively for use with a  
17 stud or rivet driver or other similar industrial  
18 ammunition.

19 "Gun show" means an event or function:

20 (1) at which the sale and transfer of firearms is the  
21 regular and normal course of business and where 50 or more  
22 firearms are displayed, offered, or exhibited for sale,  
23 transfer, or exchange; or

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

1 "Gun show" includes the entire premises provided for an  
2 event or function, including parking areas for the event or  
3 function, that is sponsored to facilitate the purchase, sale,  
4 transfer, or exchange of firearms as described in this  
5 Section. Nothing in this definition shall be construed to  
6 exclude a gun show held in conjunction with competitive  
7 shooting events at the World Shooting Complex sanctioned by a  
8 national governing body in which the sale or transfer of  
9 firearms is authorized under subparagraph (5) of paragraph (g)  
10 of subsection (A) of Section 24-3 of the Criminal Code of 2012.

11 Unless otherwise expressly stated, "gun show" does not  
12 include training or safety classes, competitive shooting  
13 events, such as rifle, shotgun, or handgun matches, trap,  
14 skeet, or sporting clays shoots, dinners, banquets, raffles,  
15 or any other event where the sale or transfer of firearms is  
16 not the primary course of business.

17 "Gun show promoter" means a person who organizes or  
18 operates a gun show.

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

24 "Involuntarily admitted" has the meaning as prescribed in  
25 Sections 1-119 and 1-119.1 of the Mental Health and  
26 Developmental Disabilities Code.

1 "Mental health facility" means any licensed private  
2 hospital or hospital affiliate, institution, or facility, or  
3 part thereof, and any facility, or part thereof, operated by  
4 the State or a political subdivision thereof which provides  
5 ~~provide~~ treatment of persons with mental illness and includes  
6 all hospitals, institutions, clinics, evaluation facilities,  
7 mental health centers, colleges, universities, long-term care  
8 facilities, and nursing homes, or parts thereof, which provide  
9 treatment of persons with mental illness whether or not the  
10 primary purpose is to provide treatment of persons with mental  
11 illness.

12 "National governing body" means a group of persons who  
13 adopt rules and formulate policy on behalf of a national  
14 firearm sporting organization.

15 "Patient" means:

16 (1) a person who is admitted as an inpatient or  
17 resident of a public or private mental health facility for  
18 mental health treatment under Chapter III of the Mental  
19 Health and Developmental Disabilities Code as an informal  
20 admission, a voluntary admission, a minor admission, an  
21 emergency admission, or an involuntary admission, unless  
22 the treatment was solely for an alcohol abuse disorder; or

23 (2) a person who voluntarily or involuntarily receives  
24 mental health treatment as an out-patient or is otherwise  
25 provided services by a public or private mental health  
26 facility~~7~~ and who poses a clear and present danger to

1           himself, herself, or ~~to~~ others.

2           "Person with a developmental disability" means a person  
3 with a disability which is attributable to any other condition  
4 which results in impairment similar to that caused by an  
5 intellectual disability and which requires services similar to  
6 those required by persons with intellectual disabilities. The  
7 disability must originate before the age of 18 years, be  
8 expected to continue indefinitely, and constitute a  
9 substantial disability. This disability results, in the  
10 professional opinion of a physician, clinical psychologist, or  
11 qualified examiner, in significant functional limitations in 3  
12 or more of the following areas of major life activity:

- 13           (i) self-care;  
14           (ii) receptive and expressive language;  
15           (iii) learning;  
16           (iv) mobility; or  
17           (v) self-direction.

18           "Person with an intellectual disability" means a person  
19 with a significantly subaverage general intellectual  
20 functioning which exists concurrently with impairment in  
21 adaptive behavior and which originates before the age of 18  
22 years.

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

25           "Protective order" means any orders of protection issued  
26 under the Illinois Domestic Violence Act of 1986, stalking no



1 contact orders issued under the Stalking No Contact Order Act,  
2 civil no contact orders issued under the Civil No Contact  
3 Order Act, and firearms restraining orders issued under the  
4 Firearms Restraining Order Act or a substantially similar  
5 order issued by the court of another state, tribe, or United  
6 States territory or military tribunal.

7 "Qualified examiner" has the meaning provided in Section  
8 1-122 of the Mental Health and Developmental Disabilities  
9 Code.

10 "Sanctioned competitive shooting event" means a shooting  
11 contest officially recognized by a national or state shooting  
12 sport association, and includes any sight-in or practice  
13 conducted in conjunction with the event.

14 "School administrator" means the person required to report  
15 under the School Administrator Reporting of Mental Health  
16 Clear and Present Danger Determinations Law.

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

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

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

24 (725 ILCS 5/112A-4.5)

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

2           (a) A petition for a domestic violence order of protection  
3 may be filed:

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

6           (2) by any person or by the State's Attorney on behalf  
7 of a named victim who is a minor child or an adult who has  
8 been abused by a family or household member and who,  
9 because of age, health, disability, or inaccessibility,  
10 cannot file the petition;

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

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

17           (i) a foster parent of that child if the child has  
18 been placed in the foster parent's home by the  
19 Department of Children and Family Services or by  
20 another state's public child welfare agency;

21           (ii) a legally appointed guardian or legally  
22 appointed custodian of that child;

23           (iii) an adoptive parent of that child;

24           (iv) a prospective adoptive parent of that child  
25 if the child has been placed in the prospective  
26 adoptive parent's home pursuant to the Adoption Act or

1           pursuant to another state's law.

2           For purposes of this paragraph (a)(4), individuals who  
3 would have been considered "family or household members" of  
4 the child under paragraph (3) of subsection (b) of Section  
5 112A-3 before a termination of the parental rights with  
6 respect to the child continue to meet the definition of  
7 "family or household members" of the child.

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

9           (1) by any person who is a named victim of  
10 non-consensual sexual conduct or non-consensual sexual  
11 penetration, including a single incident of non-consensual  
12 sexual conduct or non-consensual sexual penetration;

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

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

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

26           (5) by the Staff Judge Advocate of the Illinois

1       National Guard or any reserve military component serving  
2       in the State on behalf of a named victim who is a victim of  
3       non-consensual sexual conduct who has also received a  
4       Military Protective Order.

5       (c) A petition for a stalking no contact order may be  
6       filed:

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

8             (2) by a person or by the State's Attorney on behalf of  
9       a named victim who is a minor child or an adult who is a  
10       victim of stalking but, because of age, disability,  
11       health, or inaccessibility, cannot file the petition; ~~or~~

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

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

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

25       (d) The State's Attorney shall file a petition on behalf  
26       of any person who may file a petition under subsections (a),

1 (b), or (c) of this Section if the person requests the State's  
2 Attorney to file a petition on the person's behalf, unless the  
3 State's Attorney has a good faith basis to delay filing the  
4 petition. The State's Attorney shall inform the person that  
5 the State's Attorney will not be filing the petition at that  
6 time and that the person may file a petition or may retain an  
7 attorney to file the petition. The State's Attorney may file  
8 the petition at a later date.

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

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

19 (e) Any petition properly filed under this Article may  
20 seek protection for any additional persons protected by this  
21 Article.

22 (Source: P.A. 100-199, eff. 1-1-18; 100-597, eff. 6-29-18;  
23 100-639, eff. 1-1-19; 101-81, eff. 7-12-19.)

24 (725 ILCS 5/112A-23) (from Ch. 38, par. 112A-23)

25 (Text of Section before 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 increase, revoke, or modify the bail bond  
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. 102-184, eff. 1-1-22; 102-558, eff. 8-20-21.)

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

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

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

13 (1) The respondent commits the crime of violation of a  
14 domestic violence order of protection pursuant to Section  
15 12-3.4 or 12-30 of the Criminal Code of 1961 or the  
16 Criminal Code of 2012, by having knowingly violated:

17 (i) remedies described in paragraph ~~paragraphs~~  
18 (1), (2), (3), (14), or (14.5) of subsection (b) of  
19 Section 112A-14 of this Code,

20 (ii) a remedy, which is substantially similar to  
21 the remedies authorized under paragraph ~~paragraphs~~  
22 (1), (2), (3), (14), or (14.5) of subsection (b) of  
23 Section 214 of the Illinois Domestic Violence Act of  
24 1986, in a valid order of protection, which is  
25 authorized under the laws of another state, tribe, or

1 United States territory, or

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

5 Prosecution for a violation of a domestic violence  
6 order of protection shall not bar concurrent prosecution  
7 for any other crime, including any crime that may have  
8 been committed at the time of the violation of the  
9 domestic violence order of protection; or

10 (2) The respondent commits the crime of child  
11 abduction pursuant to Section 10-5 of the Criminal Code of  
12 1961 or the Criminal Code of 2012, by having knowingly  
13 violated:

14 (i) remedies described in paragraph ~~paragraphs~~  
15 (5), (6), or (8) of subsection (b) of Section 112A-14  
16 of this Code, or

17 (ii) a remedy, which is substantially similar to  
18 the remedies authorized under paragraph ~~paragraphs~~  
19 (1), (5), (6), or (8) of subsection (b) of Section 214  
20 of the Illinois Domestic Violence Act of 1986, in a  
21 valid domestic violence order of protection, which is  
22 authorized under the laws of another state, tribe, or  
23 United States territory.

24 (3) The respondent commits the crime of violation of a  
25 civil no contact order when the respondent violates  
26 Section 12-3.8 of the Criminal Code of 2012. Prosecution

1 for a violation of a civil no contact order shall not bar  
2 concurrent prosecution for any other crime, including any  
3 crime that may have been committed at the time of the  
4 violation of the civil no contact order.

5 (4) The respondent commits the crime of violation of a  
6 stalking no contact order when the respondent violates  
7 Section 12-3.9 of the Criminal Code of 2012. Prosecution  
8 for a violation of a stalking no contact order shall not  
9 bar concurrent prosecution for any other crime, including  
10 any crime that may have been committed at the time of the  
11 violation of the stalking no contact order.

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

26 (1) In a contempt proceeding where the petition for a

1 rule to show cause sets forth facts evidencing an  
2 immediate danger that the respondent will flee the  
3 jurisdiction, conceal a child, or inflict physical abuse  
4 on the petitioner or minor children or on dependent adults  
5 in petitioner's care, the court may order the attachment  
6 of the respondent without prior service of the rule to  
7 show cause or the petition for a rule to show cause. Bond  
8 shall be set unless specifically denied in writing.

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

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

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

26 (1) (Blank).

1 (2) (Blank).

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

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

6 (e) The enforcement of a protective order in civil or  
7 criminal court shall not be affected by either of the  
8 following:

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

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

13 (e-5) If a civil no contact order entered under subsection  
14 (6) of Section 112A-20 of the Code of Criminal Procedure of  
15 1963 conflicts with an order issued pursuant to the Juvenile  
16 Court Act of 1987 or the Illinois Marriage and Dissolution of  
17 Marriage Act, the conflicting order issued under subsection  
18 (6) of Section 112A-20 of the Code of Criminal Procedure of  
19 1963 shall be void.

20 (f) Circumstances. The court, when determining whether or  
21 not a violation of a protective order has occurred, shall not  
22 require physical manifestations of abuse on the person of the  
23 victim.

24 (g) Penalties.

25 (1) Except as provided in paragraph (3) of this  
26 subsection (g), where the court finds the commission of a



1 crime or contempt of court under subsection ~~subsections~~  
2 (a) or (b) of this Section, the penalty shall be the  
3 penalty that generally applies in such criminal or  
4 contempt proceedings, and may include one or more of the  
5 following: incarceration, payment of restitution, a fine,  
6 payment of attorneys' fees and costs, or community  
7 service.

8 (2) The court shall hear and take into account  
9 evidence of any factors in aggravation or mitigation  
10 before deciding an appropriate penalty under paragraph (1)  
11 of this subsection (g).

12 (3) To the extent permitted by law, the court is  
13 encouraged to:

14 (i) increase the penalty for the knowing violation  
15 of any protective order over any penalty previously  
16 imposed by any court for respondent's violation of any  
17 protective order or penal statute involving petitioner  
18 as victim and respondent as defendant;

19 (ii) impose a minimum penalty of 24 hours  
20 imprisonment for respondent's first violation of any  
21 protective order; and

22 (iii) impose a minimum penalty of 48 hours  
23 imprisonment for respondent's second or subsequent  
24 violation of a protective order

25 unless the court explicitly finds that an increased  
26 penalty or that period of imprisonment would be manifestly

1 unjust.

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

5 (i) to modify the conditions of pretrial release  
6 on an underlying criminal charge pursuant to Section  
7 110-6 of this Code;

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

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

14 (Source: P.A. 101-652, eff. 1-1-23; 102-184, eff. 1-1-22;  
15 102-558, eff. 8-20-21; revised 10-12-21.)

16 (725 ILCS 5/112A-28) (from Ch. 38, par. 112A-28)

17 Sec. 112A-28. Data maintenance by law enforcement  
18 agencies.

19 (a) All sheriffs shall furnish to the Illinois State  
20 Police, daily, in the form and detail the Illinois State  
21 Police Department requires, copies of any recorded protective  
22 orders issued by the court, and any foreign protective orders,  
23 including, but not limited to, an order of protection issued  
24 by a military tribunal, filed by the clerk of the court, and  
25 transmitted to the sheriff by the clerk of the court. Each

1 protective order shall be entered in the Law Enforcement  
2 Agencies Data System on the same day it is issued by the court.

3 (b) The Illinois State Police shall maintain a complete  
4 and systematic record and index of all valid and recorded  
5 protective orders issued or filed under this Act. The data  
6 shall be used to inform all dispatchers and law enforcement  
7 officers at the scene of an alleged incident of abuse or  
8 violation of a protective order of any recorded prior incident  
9 of abuse involving the abused party and the effective dates  
10 and terms of any recorded protective order.

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

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

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

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

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

22 (750 ILCS 60/222.5)

23 Sec. 222.5. Filing of an order of protection issued in  
24 another state or other jurisdiction.

1 (a) A person entitled to protection under an order of  
2 protection issued by the court of another state, tribe, or  
3 United States territory or military tribunal may file a  
4 certified copy of the order of protection with the clerk of the  
5 court in a judicial circuit in which the person believes that  
6 enforcement may be necessary.

7 (a-5) The Illinois National Guard shall file a certified  
8 copy of any military order of protection with the clerk of the  
9 court in a judicial circuit in which the person entitled to  
10 protection resides or if the person entitled to protection is  
11 not a State resident, in a judicial circuit in which it is  
12 believed that enforcement may be necessary.

13 (b) The clerk shall:

14 (1) treat the foreign order of protection, including,  
15 but not limited to, an order of protection issued by a  
16 military tribunal, in the same manner as a judgment of the  
17 circuit court for any county of this State in accordance  
18 with the provisions of the Uniform Enforcement of Foreign  
19 Judgments Act, except that the clerk shall not mail notice  
20 of the filing of the foreign order to the respondent named  
21 in the order; and

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

1 (c) Neither residence in this State nor filing of a  
2 foreign order of protection, including, but not limited to, an  
3 order of protection issued by a military tribunal, shall be  
4 required for enforcement of the order by this State. Failure  
5 to file the foreign order shall not be an impediment to its  
6 treatment in all respects as an Illinois order of protection.

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

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

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

12 (750 ILCS 60/223) (from Ch. 40, par. 2312-23)

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

14 Sec. 223. Enforcement of orders of protection.

15 (a) When violation is crime. A violation of any order of  
16 protection, whether issued in a civil or criminal proceeding  
17 or by a military tribunal, shall be enforced by a criminal  
18 court when:

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

23 (i) remedies described in paragraphs (1), (2),  
24 (3), (14), or (14.5) of subsection (b) of Section 214  
25 of this Act; or

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

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

10 Prosecution for a violation of an order of protection  
11 shall not bar concurrent prosecution for any other crime,  
12 including any crime that may have been committed at the  
13 time of the violation of the order of protection; or

14 (2) The respondent commits the crime of child  
15 abduction pursuant to Section 10-5 of the Criminal Code of  
16 1961 or the Criminal Code of 2012, by having knowingly  
17 violated:

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

20 (ii) a remedy, which is substantially similar to  
21 the remedies authorized under paragraphs (5), (6), or  
22 (8) of subsection (b) of Section 214 of this Act, in a  
23 valid order of protection which is authorized under  
24 the laws of another state, tribe, or United States  
25 territory.

26 (b) When violation is contempt of court. A violation of

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

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

23 (2) A petition for a rule to show cause for violation  
24 of an order of protection shall be treated as an expedited  
25 proceeding.

26 (b-1) The court shall not hold a school district or

1 private or non-public school or any of its employees in civil  
2 or criminal contempt unless the school district or private or  
3 non-public school has been allowed to intervene.

4 (b-2) The court may hold the parents, guardian, or legal  
5 custodian of a minor respondent in civil or criminal contempt  
6 for a violation of any provision of any order entered under  
7 this Act for conduct of the minor respondent in violation of  
8 this Act if the parents, guardian, or legal custodian  
9 directed, encouraged, or assisted the respondent minor in such  
10 conduct.

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

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

25 (1) By service, delivery, or notice under Section 210.

26 (2) By notice under Section 210.1 or 211.



1           (3) By service of an order of protection under Section  
2           222.

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

5           (e) The enforcement of an order of protection in civil or  
6           criminal court shall not be affected by either of the  
7           following:

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

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

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

16          (g) Penalties.

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

25          (2) The court shall hear and take into account  
26          evidence of any factors in aggravation or mitigation

1 before deciding an appropriate penalty under paragraph (1)  
2 of this subsection.

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

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

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

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

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

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

23 (i) to increase, revoke or modify the bail bond on  
24 an underlying criminal charge pursuant to Section  
25 110-6 of the Code of Criminal Procedure of 1963;

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 (5) In addition to any other penalties, the court  
7 shall impose an additional fine of \$20 as authorized by  
8 Section 5-9-1.11 of the Unified Code of Corrections upon  
9 any person convicted of or placed on supervision for a  
10 violation of an order of protection. The additional fine  
11 shall be imposed for each violation of this Section.

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

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

14 Sec. 223. Enforcement of orders of protection.

15 (a) When violation is crime. A violation of any order of  
16 protection, whether issued in a civil or criminal proceeding  
17 or by a military tribunal, shall be enforced by a criminal  
18 court when:

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

23 (i) remedies described in paragraphs (1), (2),  
24 (3), (14), or (14.5) of subsection (b) of Section 214  
25 of this Act; or

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

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

10           Prosecution for a violation of an order of protection  
11           shall not bar concurrent prosecution for any other crime,  
12           including any crime that may have been committed at the  
13           time of the violation of the order of protection; or

14           (2) The respondent commits the crime of child  
15           abduction pursuant to Section 10-5 of the Criminal Code of  
16           1961 or the Criminal Code of 2012, by having knowingly  
17           violated:

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

20           (ii) a remedy, which is substantially similar to  
21           the remedies authorized under paragraphs (5), (6), or  
22           (8) of subsection (b) of Section 214 of this Act, in a  
23           valid order of protection which is authorized under  
24           the laws of another state, tribe, or United States  
25           territory.

26           (b) When violation is contempt of court. A violation of

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

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

24 (2) A petition for a rule to show cause for violation  
25 of an order of protection shall be treated as an expedited  
26 proceeding.

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

5 (b-2) The court may hold the parents, guardian, or legal  
6 custodian of a minor respondent in civil or criminal contempt  
7 for a violation of any provision of any order entered under  
8 this Act for conduct of the minor respondent in violation of  
9 this Act if the parents, guardian, or legal custodian  
10 directed, encouraged, or assisted the respondent minor in such  
11 conduct.

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

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

26 (1) By service, delivery, or notice under Section 210.

1 (2) By notice under Section 210.1 or 211.

2 (3) By service of an order of protection under Section  
3 222.

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

6 (e) The enforcement of an order of protection in civil or  
7 criminal court shall not be affected by either of the  
8 following:

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

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

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

17 (g) Penalties.

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

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 order of protection over any penalty previously  
8 imposed by any court for respondent's violation of any  
9 order of protection or penal statute involving  
10 petitioner 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 order of protection; and

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

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 an order of protection, a criminal court may  
22 consider evidence of any violations of an order of  
23 protection:

24 (i) to increase, revoke or modify the conditions  
25 of pretrial release on an underlying criminal charge  
26 pursuant to Section 110-6 of the Code of Criminal



1 Procedure of 1963;

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

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

8 (5) In addition to any other penalties, the court  
9 shall impose an additional fine of \$20 as authorized by  
10 Section 5-9-1.11 of the Unified Code of Corrections upon  
11 any person convicted of or placed on supervision for a  
12 violation of an order of protection. The additional fine  
13 shall be imposed for each violation of this Section.

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

15 (750 ILCS 60/302) (from Ch. 40, par. 2313-2)

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

17 (a) All sheriffs shall furnish to the Illinois State  
18 Police, on the same day as received, in the form and detail the  
19 Illinois State Police Department requires, copies of any  
20 recorded emergency, interim, or plenary orders of protection  
21 issued by the court, and any foreign orders of protection,  
22 including, but not limited to, an order of protection issued  
23 by a military tribunal, filed by the clerk of the court, and  
24 transmitted to the sheriff by the clerk of the court pursuant  
25 to subsection (b) of Section 222 of this Act. Each order of

1 protection shall be entered in the Law Enforcement Agencies  
2 Data System on the same day it is issued by the court. If an  
3 emergency order of protection was issued in accordance with  
4 subsection (c) of Section 217, the order shall be entered in  
5 the Law Enforcement Agencies Data System as soon as possible  
6 after receipt from the clerk.

7 (b) The Illinois State Police shall maintain a complete  
8 and systematic record and index of all valid and recorded  
9 orders of protection issued pursuant to this Act. The data  
10 shall be used to inform all dispatchers and law enforcement  
11 officers at the scene of an alleged incident of abuse,  
12 neglect, or exploitation or violation of an order of  
13 protection of any recorded prior incident of abuse, neglect,  
14 or exploitation involving the abused, neglected, or exploited  
15 party and the effective dates and terms of any recorded order  
16 of protection.

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

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

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

1 (820 ILCS 180/20)

2 Sec. 20. Entitlement to leave due to domestic violence,  
3 sexual violence, gender violence, or any other crime of  
4 violence.

5 (a) Leave requirement.

6 (1) Basis. An employee who is a victim of domestic  
7 violence, sexual violence, gender violence, or any other  
8 crime of violence or an employee who has a family or  
9 household member who is a victim of domestic violence,  
10 sexual violence, gender violence, or any other crime of  
11 violence whose interests are not adverse to the employee  
12 as it relates to the domestic violence, sexual violence,  
13 gender violence, or any other crime of violence may take  
14 unpaid leave from work if the employee or employee's  
15 family or household member is experiencing an incident of  
16 domestic violence, sexual violence, gender violence, or  
17 any other crime of violence or to address domestic  
18 violence, sexual violence, gender violence, or any other  
19 crime of violence by:

20 (A) seeking medical attention for, or recovering  
21 from, physical or psychological injuries caused by  
22 domestic violence, sexual violence, gender violence,  
23 or any other crime of violence to the employee or the  
24 employee's family or household member;

25 (B) obtaining services from a victim services  
26 organization for the employee or the employee's family

1 or household member;

2 (C) obtaining psychological or other counseling  
3 for the employee or the employee's family or household  
4 member;

5 (D) participating in safety planning, temporarily  
6 or permanently relocating, or taking other actions to  
7 increase the safety of the employee or the employee's  
8 family or household member from future domestic  
9 violence, sexual violence, gender violence, or any  
10 other crime of violence or ensure economic security;  
11 or

12 (E) seeking legal assistance or remedies to ensure  
13 the health and safety of the employee or the  
14 employee's family or household member, including  
15 preparing for or participating in any civil, ~~or~~  
16 criminal, or military legal proceeding related to or  
17 derived from domestic violence, sexual violence,  
18 gender violence, or any other crime of violence.

19 (2) Period. Subject to subsection (c), an employee  
20 working for an employer that employs at least 50 employees  
21 shall be entitled to a total of 12 workweeks of leave  
22 during any 12-month period. Subject to subsection (c), an  
23 employee working for an employer that employs at least 15  
24 but not more than 49 employees shall be entitled to a total  
25 of 8 workweeks of leave during any 12-month period.  
26 Subject to subsection (c), an employee working for an

1 employer that employs at least one but not more than 14  
2 employees shall be entitled to a total of 4 workweeks of  
3 leave during any 12-month period. The total number of  
4 workweeks to which an employee is entitled shall not  
5 decrease during the relevant 12-month period. This Act  
6 does not create a right for an employee to take unpaid  
7 leave that exceeds the unpaid leave time allowed under, or  
8 is in addition to the unpaid leave time permitted by, the  
9 federal Family and Medical Leave Act of 1993 (29 U.S.C.  
10 2601 et seq.).

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

14 (b) Notice. The employee shall provide the employer with  
15 at least 48 hours' advance notice of the employee's intention  
16 to take the leave, unless providing such notice is not  
17 practicable. When an unscheduled absence occurs, the employer  
18 may not take any action against the employee if the employee,  
19 upon request of the employer and within a reasonable period  
20 after the absence, provides certification under subsection  
21 (c).

22 (c) Certification.

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

25 (A) the employee or the employee's family or  
26 household member is a victim of domestic violence,

1 sexual violence, gender violence, or any other crime  
2 of violence; and

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

5 The employee shall provide such certification to the  
6 employer within a reasonable period after the employer  
7 requests certification.

8 (2) Contents. An employee may satisfy the  
9 certification requirement of paragraph (1) by providing to  
10 the employer a sworn statement of the employee, and if the  
11 employee has possession of such document, the employee  
12 shall provide one of the following documents:

13 (A) documentation from an employee, agent, or  
14 volunteer of a victim services organization, an  
15 attorney, a member of the clergy, or a medical or other  
16 professional from whom the employee or the employee's  
17 family or household member has sought assistance in  
18 addressing domestic violence, sexual violence, gender  
19 violence, or any other crime of violence and the  
20 effects of the violence;

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

22 (C) other corroborating evidence.

23 The employee shall choose which document to submit,  
24 and the employer shall not request or require more than  
25 one document to be submitted during the same 12-month  
26 period leave is requested or taken if the reason for leave

1 is related to the same incident or incidents of violence  
2 or the same perpetrator or perpetrators of the violence.

3 (d) Confidentiality. All information provided to the  
4 employer pursuant to subsection (b) or (c), including a  
5 statement of the employee or any other documentation, record,  
6 or corroborating evidence, and the fact that the employee has  
7 requested or obtained leave pursuant to this Section, shall be  
8 retained in the strictest confidence by the employer, except  
9 to the extent that disclosure is:

10 (1) requested or consented to in writing by the  
11 employee; or

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

14 (e) Employment and benefits.

15 (1) Restoration to position.

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

19 (i) to be restored by the employer to the  
20 position of employment held by the employee when  
21 the leave commenced; or

22 (ii) to be restored to an equivalent position  
23 with equivalent employment benefits, pay, and  
24 other terms and conditions of employment.

25 (B) Loss of benefits. The taking of leave under  
26 this Section shall not result in the loss of any

1 employment benefit accrued prior to the date on which  
2 the leave commenced.

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

5 (i) the accrual of any seniority or employment  
6 benefits during any period of leave; or

7 (ii) any right, benefit, or position of  
8 employment other than any right, benefit, or  
9 position to which the employee would have been  
10 entitled had the employee not taken the leave.

11 (D) Construction. Nothing in this paragraph shall  
12 be construed to prohibit an employer from requiring an  
13 employee on leave under this Section to report  
14 periodically to the employer on the status and  
15 intention of the employee to return to work.

16 (2) Maintenance of health benefits.

17 (A) Coverage. Except as provided in subparagraph  
18 (B), during any period that an employee takes leave  
19 under this Section, the employer shall maintain  
20 coverage for the employee and any family or household  
21 member under any group health plan for the duration of  
22 such leave at the level and under the conditions  
23 coverage would have been provided if the employee had  
24 continued in employment continuously for the duration  
25 of such leave.

26 (B) Failure to return from leave. The employer may



1 recover the premium that the employer paid for  
2 maintaining coverage for the employee and the  
3 employee's family or household member under such group  
4 health plan during any period of leave under this  
5 Section if:

6 (i) the employee fails to return from leave  
7 under this Section after the period of leave to  
8 which the employee is entitled has expired; and

9 (ii) the employee fails to return to work for  
10 a reason other than:

11 (I) the continuation, recurrence, or onset  
12 of domestic violence, sexual violence, gender  
13 violence, or any other crime of violence that  
14 entitles the employee to leave pursuant to  
15 this Section; or

16 (II) other circumstances beyond the  
17 control of the employee.

18 (C) Certification.

19 (i) Issuance. An employer may require an  
20 employee who claims that the employee is unable to  
21 return to work because of a reason described in  
22 subclause (I) or (II) of subparagraph (B)(ii) to  
23 provide, within a reasonable period after making  
24 the claim, certification to the employer that the  
25 employee is unable to return to work because of  
26 that reason.

1           (ii) Contents. An employee may satisfy the  
2           certification requirement of clause (i) by  
3           providing to the employer:

4                   (I) a sworn statement of the employee;

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

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

15                  (IV) other corroborating evidence.

16           The employee shall choose which document to  
17           submit, and the employer shall not request or require  
18           more than one document to be submitted.

19           (D) Confidentiality. All information provided to  
20           the employer pursuant to subparagraph (C), including a  
21           statement of the employee or any other documentation,  
22           record, or corroborating evidence, and the fact that  
23           the employee is not returning to work because of a  
24           reason described in subclause (I) or (II) of  
25           subparagraph (B)(ii) shall be retained in the  
26           strictest confidence by the employer, except to the

1 extent that disclosure is:

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

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

6 (f) Prohibited acts.

7 (1) Interference with rights.

8 (A) Exercise of rights. It shall be unlawful for  
9 any employer to interfere with, restrain, or deny the  
10 exercise of or the attempt to exercise any right  
11 provided under this Section.

12 (B) Employer discrimination. It shall be unlawful  
13 for any employer to discharge or harass any  
14 individual, or otherwise discriminate against any  
15 individual with respect to compensation, terms,  
16 conditions, or privileges of employment of the  
17 individual (including retaliation in any form or  
18 manner) because the individual:

19 (i) exercised any right provided under this  
20 Section; or

21 (ii) opposed any practice made unlawful by  
22 this Section.

23 (C) Public agency sanctions. It shall be unlawful  
24 for any public agency to deny, reduce, or terminate  
25 the benefits of, otherwise sanction, or harass any  
26 individual, or otherwise discriminate against any

1 individual with respect to the amount, terms, or  
2 conditions of public assistance of the individual  
3 (including retaliation in any form or manner) because  
4 the individual:

5 (i) exercised any right provided under this  
6 Section; or

7 (ii) opposed any practice made unlawful by  
8 this Section.

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

14 (A) has filed any charge, or has instituted or  
15 caused to be instituted any proceeding, under or  
16 related to this Section;

17 (B) has given, or is about to give, any  
18 information in connection with any inquiry or  
19 proceeding relating to any right provided under this  
20 Section; or

21 (C) has testified, or is about to testify, in any  
22 inquiry or proceeding relating to any right provided  
23 under this Section.

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

1           Sec. 30. Victims' employment sustainability; prohibited  
2 discriminatory acts.

3           (a) An employer shall not fail to hire, refuse to hire,  
4 discharge, constructively discharge, or harass any individual,  
5 otherwise discriminate against any individual with respect to  
6 the compensation, terms, conditions, or privileges of  
7 employment of the individual, or retaliate against an  
8 individual in any form or manner, and a public agency shall not  
9 deny, reduce, or terminate the benefits of, otherwise  
10 sanction, or harass any individual, otherwise discriminate  
11 against any individual with respect to the amount, terms, or  
12 conditions of public assistance of the individual, or  
13 retaliate against an individual in any form or manner,  
14 because:

15           (1) the individual involved:

16           (A) is or is perceived to be a victim of domestic  
17 violence, sexual violence, gender violence, or any  
18 criminal violence;

19           (B) attended, participated in, prepared for, or  
20 requested leave to attend, participate in, or prepare  
21 for a criminal or civil court proceeding relating to  
22 an incident of domestic violence, sexual violence,  
23 gender violence, or any criminal violence of which the  
24 individual or a family or household member of the  
25 individual was a victim, or requested or took leave  
26 for any other reason provided under Section 20, or

1           attended, participated in, prepared for, requested  
2           leave to attend, participate in, or prepare for a  
3           court-martial or nonjudicial punishment proceeding  
4           pursuant to the Uniform Code of Military Justice  
5           relating to an incident of domestic violence, sexual  
6           violence, gender violence, or any criminal violence of  
7           which the individual or a family or household member  
8           of the individual was a victim, or requested or took  
9           leave for any other reason provided under Section 20;

10           (C) requested an adjustment to a job structure,  
11           workplace facility, or work requirement, including a  
12           transfer, reassignment, or modified schedule, leave, a  
13           changed telephone number or seating assignment,  
14           installation of a lock, or implementation of a safety  
15           procedure in response to actual or threatened domestic  
16           violence, sexual violence, gender violence, or any  
17           other crime of violence, regardless of whether the  
18           request was granted; or

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

22           (2) the workplace is disrupted or threatened by the  
23           action of a person whom the individual states has  
24           committed or threatened to commit domestic violence,  
25           sexual violence, gender violence, or any other crime of  
26           violence against the individual or the individual's family

1 or household member.

2 (b) In this Section:

3 (1) "Discriminate", used with respect to the terms,  
4 conditions, or privileges of employment or with respect to  
5 the terms or conditions of public assistance, includes not  
6 making a reasonable accommodation to the known limitations  
7 resulting from circumstances relating to being a victim of  
8 domestic violence, sexual violence, gender violence, or  
9 any criminal violence or a family or household member  
10 being a victim of domestic violence, sexual violence,  
11 gender violence, or any other crime of violence of an  
12 otherwise qualified individual:

13 (A) who is:

14 (i) an applicant or employee of the employer  
15 (including a public agency); or

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

18 (B) who is:

19 (i) or is perceived to be a victim of domestic  
20 violence, sexual violence, gender violence, or any  
21 other crime of violence; or

22 (ii) with a family or household member who is  
23 or is perceived to be a victim of domestic  
24 violence, sexual violence, gender violence, or any  
25 other crime of violence whose interests are not  
26 adverse to the individual in subparagraph (A) as

1           it relates to the domestic violence, sexual  
2           violence, gender violence, or any other crime of  
3           violence;

4           unless the employer or public agency can demonstrate that  
5           the accommodation would impose an undue hardship on the  
6           operation of the employer or public agency.

7           A reasonable accommodation must be made in a timely  
8           fashion. Any exigent circumstances or danger facing the  
9           employee or his or her family or household member shall be  
10          considered in determining whether the accommodation is  
11          reasonable.

12          (2) "Qualified individual" means:

13               (A) in the case of an applicant or employee  
14               described in paragraph (1)(A)(i), an individual who,  
15               but for being a victim of domestic violence, sexual  
16               violence, gender violence, or any other crime of  
17               violence or with a family or household member who is a  
18               victim of domestic violence, sexual violence, gender  
19               violence, or any other crime of violence, can perform  
20               the essential functions of the employment position  
21               that such individual holds or desires; or

22               (B) in the case of an applicant or recipient  
23               described in paragraph (1)(A)(ii), an individual who,  
24               but for being a victim of domestic violence, sexual  
25               violence, gender violence, or any other crime of  
26               violence or with a family or household member who is a



1 victim of domestic violence, sexual violence, gender  
2 violence, or any other crime of violence, can satisfy  
3 the essential requirements of the program providing  
4 the public assistance that the individual receives or  
5 desires.

6 (3) "Reasonable accommodation" may include an  
7 adjustment to a job structure, workplace facility, or work  
8 requirement, including a transfer, reassignment, or  
9 modified schedule, leave, a changed telephone number or  
10 seating assignment, installation of a lock, or  
11 implementation of a safety procedure, or assistance in  
12 documenting domestic violence, sexual violence, gender  
13 violence, or any other crime of violence that occurs at  
14 the workplace or in work-related settings, or any other  
15 reasonable accommodation in response to actual or  
16 threatened domestic violence, sexual violence, gender  
17 violence, or any other crime of violence.

18 (4) Undue hardship.

19 (A) In general. "Undue hardship" means an action  
20 requiring significant difficulty or expense, when  
21 considered in light of the factors set forth in  
22 subparagraph (B).

23 (B) Factors to be considered. In determining  
24 whether a reasonable accommodation would impose an  
25 undue hardship on the operation of an employer or  
26 public agency, factors to be considered include:

1 (i) the nature and cost of the reasonable  
2 accommodation needed under this Section;

3 (ii) the overall financial resources of the  
4 facility involved in the provision of the  
5 reasonable accommodation, the number of persons  
6 employed at such facility, the effect on expenses  
7 and resources, or the impact otherwise of such  
8 accommodation on the operation of the facility;

9 (iii) the overall financial resources of the  
10 employer or public agency, the overall size of the  
11 business of an employer or public agency with  
12 respect to the number of employees of the employer  
13 or public agency, and the number, type, and  
14 location of the facilities of an employer or  
15 public agency; and

16 (iv) the type of operation of the employer or  
17 public agency, including the composition,  
18 structure, and functions of the workforce of the  
19 employer or public agency, the geographic  
20 separateness of the facility from the employer or  
21 public agency, and the administrative or fiscal  
22 relationship of the facility to the employer or  
23 public agency.

24 (c) An employer subject to Section 21 of the Workplace  
25 Violence Prevention Act shall not violate any provisions of  
26 the Workplace Violence Prevention Act.

1           (d) Confidentiality. All information provided to the  
2 employer pursuant to this Section including a statement of the  
3 employee or any other documentation, record, or corroborating  
4 evidence, and the fact that the employee has requested or  
5 obtained an accommodation pursuant to this Section shall be  
6 retained in the strictest confidence by the employer, except  
7 to the extent that disclosure is:

8           (1) requested or consented to in writing by the  
9 employee; or

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

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

13           Section 95. No acceleration or delay. Where this Act makes  
14 changes in a statute that is represented in this Act by text  
15 that is not yet or no longer in effect (for example, a Section  
16 represented by multiple versions), the use of that text does  
17 not accelerate or delay the taking effect of (i) the changes  
18 made by this Act or (ii) provisions derived from any other  
19 Public Act.

20           Section 99. Effective date. This Act takes effect upon  
21 becoming law."