



Rep. Stephanie A. Kifowit

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LRB103 03806 RLC 70988 a

1 AMENDMENT TO HOUSE BILL 280

2 AMENDMENT NO. _____. Amend House Bill 280 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The State Finance Act is amended by adding
5 Section 5.1015 and 6z-140 as follows:

6 (30 ILCS 105/5.1015 new)

7 Sec. 5.1015. The Domestic Violence Victims' Expense Fund.

8 (30 ILCS 105/6z-140 new)

9 Sec. 6z-140. Domestic Violence Victims' Expense Fund. The
10 Domestic Violence Victims' Expense Fund is created as a
11 special fund in the State treasury. In addition to any other
12 amounts deposited into the Fund, there shall be deposited into
13 the Fund all moneys donated to the State by private
14 individuals or entities for purposes for which moneys in the
15 Fund may be used as provided in this Section. Subject to

1 appropriations, the Department of Human Services shall use
2 moneys in the Fund to make grants to defray the reasonable and
3 necessary travel expenses of victims of domestic violence who
4 were members of the United States Armed Forces when the
5 domestic violence occurred and who have been discharged from
6 the United States Armed Forces to participate and travel to
7 domestic violence proceedings. Military personnel may qualify
8 for and have access to moneys from the Fund for the purposes
9 set forth in this Section. The Department shall adopt rules
10 necessary for making grants under this Section.

11 Section 10. The Code of Criminal Procedure of 1963 is
12 amended by changing Sections 112A-5.5, 112A-6.1, and 112A-23
13 as follows:

14 (725 ILCS 5/112A-5.5)

15 Sec. 112A-5.5. Time for filing petition; service on
16 respondent, hearing on petition, and default orders.

17 (a) A petition for a protective order may be filed at any
18 time, in person or online, after a criminal charge or
19 delinquency petition is filed and before the charge or
20 delinquency petition is dismissed, the defendant or juvenile
21 is acquitted, or the defendant or juvenile completes service
22 of his or her sentence.

23 (b) The request for an ex parte protective order may be
24 considered without notice to the respondent under Section

1 112A-17.5 of this Code.

2 (c) A summons shall be issued and served for a protective
3 order. The summons may be served by delivery to the respondent
4 personally in open court in the criminal or juvenile
5 delinquency proceeding, in the form prescribed by subsection
6 (d) of Supreme Court Rule 101, except that it shall require the
7 respondent to answer or appear within 7 days. Attachments to
8 the summons shall include the petition for protective order,
9 supporting affidavits, if any, and any ex parte protective
10 order that has been issued.

11 (d) The summons shall be served by the sheriff or other law
12 enforcement officer at the earliest time available and shall
13 take precedence over any other summons, except those of a
14 similar emergency nature. Attachments to the summons shall
15 include the petition for protective order, supporting
16 affidavits, if any, and any ex parte protective order that has
17 been issued. Special process servers may be appointed at any
18 time and their designation shall not affect the
19 responsibilities and authority of the sheriff or other
20 official process servers. In a county with a population over
21 3,000,000, a special process server may not be appointed if
22 the protective order grants the surrender of a child, the
23 surrender of a firearm or Firearm Owner's Identification Card,
24 or the exclusive possession of a shared residence.

25 (e) If the respondent is not served within 30 days of the
26 filing of the petition, the court shall schedule a court

1 proceeding on the issue of service. Either the petitioner, the
2 petitioner's counsel, or the State's Attorney shall appear and
3 the court shall either order continued attempts at personal
4 service or shall order service by publication, in accordance
5 with Sections 2-203, 2-206, and 2-207 of the Code of Civil
6 Procedure.

7 (f) The request for a final protective order can be
8 considered at any court proceeding in the delinquency or
9 criminal case after service of the petition. If the petitioner
10 has not been provided notice of the court proceeding at least
11 10 days in advance of the proceeding, the court shall schedule
12 a hearing on the petition and provide notice to the
13 petitioner.

14 (f-5) Except as provided in subsection ((f-6)), a ~~A~~ court
15 in a county with a population above 250,000 shall offer the
16 option of a remote hearing to a petitioner for a protective
17 order. The court has the discretion to grant or deny the
18 request for a remote hearing. Each court shall determine the
19 procedure for a remote hearing. The petitioner and respondent
20 may appear remotely or in person.

21 (f-6) A court in any circuit, regardless of population,
22 shall adopt a policy allowing petitioners who were members of
23 the United States Armed Forces at the time of the abuse the
24 option of a remote hearing to a petitioner for an order of
25 protection.

26 (f-7) The court shall issue and publish a court order,

1 standing order, or local rule detailing information about the
2 process for requesting and participating in a remote court
3 appearance. The court order, standing order, or local rule
4 shall be published on the court's website and posted on signs
5 throughout the courthouse, including in the clerk's office.
6 The sign shall be written in plain language and include
7 information about the availability of remote court appearances
8 and the process for requesting a remote hearing.

9 (g) Default orders.

10 (1) A final domestic violence order of protection may
11 be entered by default:

12 (A) for any of the remedies sought in the
13 petition, if the respondent has been served with
14 documents under subsection (b) or (c) of this Section
15 and if the respondent fails to appear on the specified
16 return date or any subsequent hearing date agreed to
17 by the petitioner and respondent or set by the court;
18 or

19 (B) for any of the remedies provided under
20 paragraph (1), (2), (3), (5), (6), (7), (8), (9),
21 (10), (11), (14), (15), (17), or (18) of subsection
22 (b) of Section 112A-14 of this Code, or if the
23 respondent fails to answer or appear in accordance
24 with the date set in the publication notice or the
25 return date indicated on the service of a household
26 member.

1 (2) A final civil no contact order may be entered by
2 default for any of the remedies provided in Section
3 112A-14.5 of this Code, if the respondent has been served
4 with documents under subsection (b) or (c) of this
5 Section, and if the respondent fails to answer or appear
6 in accordance with the date set in the publication notice
7 or the return date indicated on the service of a household
8 member.

9 (3) A final stalking no contact order may be entered
10 by default for any of the remedies provided by Section
11 112A-14.7 of this Code, if the respondent has been served
12 with documents under subsection (b) or (c) of this Section
13 and if the respondent fails to answer or appear in
14 accordance with the date set in the publication notice or
15 the return date indicated on the service of a household
16 member.

17 (Source: P.A. 102-853, eff. 1-1-23; 103-154, eff. 6-30-23.)

18 (725 ILCS 5/112A-6.1)

19 Sec. 112A-6.1. Application of rules of civil procedure;
20 criminal law.

21 (a) Any proceeding to obtain, modify, re-open, or appeal a
22 protective order and service of pleadings and notices shall be
23 governed by the rules of civil procedure of this State. The
24 Code of Civil Procedure and Supreme Court and local court
25 rules applicable to civil proceedings shall apply, except as

1 otherwise provided by law. Civil law on venue, discovery, and
2 penalties for untrue statements shall not apply to protective
3 order proceedings heard under this Article.

4 (b) Criminal law on discovery, venue, and penalties for
5 untrue statements apply to protective order proceedings under
6 this Article.

7 (c) Court proceedings related to the entry of a protective
8 order and the determination of remedies shall not be used to
9 obtain discovery that would not otherwise be available in a
10 criminal prosecution or juvenile delinquency case.

11 (c) The Supreme Court of Illinois may adopt rules that
12 promote the use of attorneys serving on a pro bono basis to
13 represent victims under this Article.

14 (Source: P.A. 100-597, eff. 6-29-18.)

15 (725 ILCS 5/112A-23) (from Ch. 38, par. 112A-23)

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

17 (a) When violation is crime. A violation of any protective
18 order, whether issued in a civil, quasi-criminal proceeding or
19 by a military judge or by a military commander of the United
20 States Armed Forces, shall be enforced by a criminal court
21 when:

22 (1) The respondent commits the crime of violation of a
23 domestic violence order of protection pursuant to Section
24 12-3.4 or 12-30 of the Criminal Code of 1961 or the
25 Criminal Code of 2012, by having knowingly violated:

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

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

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

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

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

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

26 (ii) a remedy, which is substantially similar to

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

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

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

21 (b) When violation is contempt of court. A violation of
22 any valid protective order, whether issued in a civil or
23 criminal proceeding or by a military judge or by a military
24 commander of the United States Armed Forces, 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 (5), (6), (8), or (9) of subsection (b)
25 of Section 112A-14 of this Code may be enforced by any remedy
26 provided by Section 607.5 of the Illinois Marriage and

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

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 protective order over any penalty previously
25 imposed by any court for respondent's violation of any
26 protective order or penal statute involving petitioner

1 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 protective order; and

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

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 a protective order, a criminal court may
13 consider evidence of any violations of a protective order:

14 (i) to modify the conditions of pretrial release
15 on an underlying criminal charge pursuant to Section
16 110-6 of this Code;

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

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

23 (Source: P.A. 102-184, eff. 1-1-22; 102-558, eff. 8-20-21;
24 102-813, eff. 5-13-22; 102-890, eff. 5-19-22; 103-407, eff.
25 7-28-23.)

1 Section 15. The Illinois Domestic Violence Act of 1986 is
2 amended by changing Sections 205, 212, and 222.5 as follows:

3 (750 ILCS 60/205) (from Ch. 40, par. 2312-5)

4 Sec. 205. Application of rules of civil procedure;
5 Domestic abuse advocates.

6 (a) Any proceeding to obtain, modify, reopen or appeal an
7 order of protection, whether commenced alone or in conjunction
8 with a civil or criminal proceeding, shall be governed by the
9 rules of civil procedure of this State. The standard of proof
10 in such a proceeding is proof by a preponderance of the
11 evidence, whether the proceeding is heard in criminal or civil
12 court. The Code of Civil Procedure and Supreme Court and local
13 court rules applicable to civil proceedings, as now or
14 hereafter amended, shall apply, except as otherwise provided
15 by this law.

16 (b) (1) In all circuit court proceedings under this Act,
17 domestic abuse advocates shall be allowed to attend and sit at
18 counsel table and confer with the victim, unless otherwise
19 directed by the court.

20 (2) In criminal proceedings in circuit courts, domestic
21 abuse advocates shall be allowed to accompany the victim and
22 confer with the victim, unless otherwise directed by the
23 court.

24 (3) Court administrators shall allow domestic abuse
25 advocates to assist victims of domestic violence in the

1 preparation of petitions for orders of protection.

2 (4) Domestic abuse advocates are not engaged in the
3 unauthorized practice of law when providing assistance of the
4 types specified in this subsection (b).

5 (c) The Supreme Court of Illinois may adopt rules that
6 promote the use of attorneys serving on a pro bono basis to
7 represent victims under this Act.

8 (Source: P.A. 87-1186; 87-1255; 88-45.)

9 (750 ILCS 60/212) (from Ch. 40, par. 2312-12)

10 Sec. 212. Hearings.

11 (a) A petition for an order of protection shall be treated
12 as an expedited proceeding, and no court shall transfer or
13 otherwise decline to decide all or part of such petition
14 except as otherwise provided herein. Nothing in this Section
15 shall prevent the court from reserving issues when
16 jurisdiction or notice requirements are not met.

17 (b) Any court or a division thereof which ordinarily does
18 not decide matters of child custody and family support may
19 decline to decide contested issues of physical care, custody,
20 visitation, or family support unless a decision on one or more
21 of those contested issues is necessary to avoid the risk of
22 abuse, neglect, removal from the State or concealment within
23 the State of the child or of separation of the child from the
24 primary caretaker. If the court or division thereof has
25 declined to decide any or all of these issues, then it shall

1 transfer all undecided issues to the appropriate court or
2 division. In the event of such a transfer, a government
3 attorney involved in the criminal prosecution may, but need
4 not, continue to offer counsel to the petitioner on
5 transferred matters.

6 (c) If the court transfers or otherwise declines to decide
7 any issue, judgment on that issue shall be expressly reserved
8 and ruling on other issues shall not be delayed or declined.

9 (d) Except as provided in subsection (d-1), a A court in a
10 county with a population above 250,000 shall offer the option
11 of a remote hearing to a petitioner for an order of protection.
12 The court has the discretion to grant or deny the request for a
13 remote hearing. Each court shall determine the procedure for a
14 remote hearing. The petitioner and respondent may appear
15 remotely or in person.

16 (d-1) A court in any circuit, regardless of population,
17 shall adopt a policy allowing petitioners who were members of
18 the United States Armed Forces at the time of the abuse the
19 option of a remote hearing to a petitioner for an order of
20 protection.

21 (d-2) The court shall issue and publish a court order,
22 standing order, or local rule detailing information about the
23 process for requesting and participating in a remote court
24 appearance. The court order, standing order, or local rule
25 shall be published on the court's website and posted on signs
26 throughout the courthouse, including in the clerk's office.

1 The sign shall be written in plain language and include
2 information about the availability of remote court appearances
3 and the process for requesting a remote hearing.

4 (Source: P.A. 102-853, eff. 1-1-23; 103-154, eff. 6-30-23.)

5 (750 ILCS 60/222.5)

6 Sec. 222.5. Filing of an order of protection issued in
7 another state or other jurisdiction.

8 (a) A person entitled to protection under an order of
9 protection issued by the court of another state, tribe, or
10 United States territory or military judge or by a military
11 commander of the United States Armed Forces may file a
12 certified copy of the order of protection with the clerk of the
13 court in a judicial circuit in which the person believes that
14 enforcement may be necessary.

15 (a-5) The Illinois National Guard shall file a certified
16 copy of any military order of protection with the clerk of the
17 court in a judicial circuit in which the person entitled to
18 protection resides or if the person entitled to protection is
19 not a State resident, in a judicial circuit in which it is
20 believed that enforcement may be necessary.

21 (b) The clerk shall:

22 (1) treat the foreign order of protection, including,
23 but not limited to, an order of protection issued by a
24 military judge or by a military commander of the United
25 States Armed Forces, in the same manner as a judgment of

1 the circuit court for any county of this State in
2 accordance with the provisions of the Uniform Enforcement
3 of Foreign Judgments Act, except that the clerk shall not
4 mail notice of the filing of the foreign order to the
5 respondent named in the order; and

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

11 (c) Neither residence in this State nor filing of a
12 foreign order of protection, including, but not limited to, an
13 order of protection issued by a military judge or by a military
14 commander of the United States Armed Forces, shall be required
15 for enforcement of the order by this State. Failure to file the
16 foreign order shall not be an impediment to its treatment in
17 all respects as an Illinois order of protection.

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

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

22 (Source: P.A. 102-538, eff. 8-20-21; 102-890, eff. 5-19-22;
23 103-407, eff. 7-28-23.)".