



Rep. Stephanie A. Kifowit

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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 changing
5 Section 6b-4 as follows:

6 (30 ILCS 105/6b-4) (from Ch. 127, par. 142b4)

7 Sec. 6b-4. On the second Monday of every month, the
8 Director of Public Health shall certify to the State
9 Comptroller and the State Treasurer the amount generated by
10 the issuance of commemorative birth certificates under
11 subsection (14) of Section 25 of the Vital Records Act in
12 excess of the costs incurred in issuing the documents. Within
13 15 days of receipt of the certification required by this
14 Section, the State Comptroller and the State Treasurer shall
15 transfer from the General Revenue Fund, one-half of the amount
16 certified as being received from the issuance of commemorative

1 birth certificates to the Child Abuse Prevention Fund and
2 one-half of the amount to the Domestic Violence Shelter and
3 Service Fund.

4 The State Treasurer shall deposit into the Domestic
5 Violence Shelter and Service Fund each assessment received
6 under the Criminal and Traffic Assessment Act.

7 In addition to any other amounts deposited into the
8 Domestic Violence Shelter and Service Fund, the State
9 Treasurer shall deposit into the Fund all moneys donated to
10 the State by private individuals or entities for purposes for
11 which moneys in the Fund may be used as provided in this
12 paragraph. Subject to appropriation, the Department of Human
13 Services shall use moneys in the Fund to make grants to defray
14 the reasonable and necessary travel expenses of victims of
15 domestic violence who were members of the United States Armed
16 Forces when the domestic violence occurred and who have been
17 discharged from the United States Armed Forces to participate
18 and travel to domestic violence proceedings. Military
19 personnel may qualify for and have access to moneys from the
20 Fund for the purposes set forth in this paragraph. The
21 Department shall adopt rules necessary for making grants under
22 this paragraph. County Veterans Assistance Commissions and
23 organizations described in Section 501(c)(19) of the Internal
24 Revenue Code of 1986 may receive grants under this paragraph.

25 The State Treasurer shall deposit into the Sexual Assault
26 Services Fund and the Domestic Violence Shelter and Service

1 Fund each of those fines received from circuit clerks under
2 Section 5-9-1.7 of the Unified Code of Corrections in
3 accordance with the provisions of that Section.

4 (Source: P.A. 100-987, eff. 7-1-19.)

5 Section 10. The Code of Criminal Procedure of 1963 is
6 amended by changing Sections 112A-6.1 and 112A-23 as follows:

7 (725 ILCS 5/112A-6.1)

8 Sec. 112A-6.1. Application of rules of civil procedure;
9 criminal law.

10 (a) Any proceeding to obtain, modify, re-open, or appeal a
11 protective order and service of pleadings and notices shall be
12 governed by the rules of civil procedure of this State. The
13 Code of Civil Procedure and Supreme Court and local court
14 rules applicable to civil proceedings shall apply, except as
15 otherwise provided by law. Civil law on venue, discovery, and
16 penalties for untrue statements shall not apply to protective
17 order proceedings heard under this Article.

18 (b) Criminal law on discovery, venue, and penalties for
19 untrue statements apply to protective order proceedings under
20 this Article.

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

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

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

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

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

7 (a) When violation is crime. A violation of any protective
8 order, whether issued in a civil, quasi-criminal proceeding or
9 by a military judge or by a military commander of the United
10 States Armed Forces, shall be enforced by a criminal court
11 when:

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

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

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

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

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

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

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

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

23 (3) The respondent commits the crime of violation of a
24 civil no contact order when the respondent violates
25 Section 12-3.8 of the Criminal Code of 2012. Prosecution
26 for a violation of a civil no contact order shall not bar

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

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

11 (b) When violation is contempt of court. A violation of
12 any valid protective order, whether issued in a civil or
13 criminal proceeding or by a military judge or by a military
14 commander of the United States Armed Forces, 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 (5), (6), (8), or (9) of subsection (b)
15 of Section 112A-14 of this Code may be enforced by any remedy
16 provided by Section 607.5 of the Illinois Marriage and
17 Dissolution of Marriage Act. The court may enforce any order
18 for support issued under paragraph (12) of subsection (b) of
19 Section 112A-14 of this Code in the manner provided for under
20 Parts V and VII of the Illinois Marriage and Dissolution of
21 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 (a) or (b) of
2 this Section, the penalty shall be the penalty that
3 generally applies in such criminal or contempt
4 proceedings, and may include one or more of the following:
5 incarceration, payment of restitution, a fine, payment of
6 attorneys' fees and costs, or community service.

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

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

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

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

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

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

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

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

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

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

13 (Source: P.A. 102-184, eff. 1-1-22; 102-558, eff. 8-20-21;
14 102-813, eff. 5-13-22; 102-890, eff. 5-19-22; 103-407, eff.
15 7-28-23.)

16 Section 15. The Illinois Domestic Violence Act of 1986 is
17 amended by changing Sections 205 and 222.5 as follows:

18 (750 ILCS 60/205) (from Ch. 40, par. 2312-5)

19 Sec. 205. Application of rules of civil procedure;
20 Domestic abuse advocates.

21 (a) Any proceeding to obtain, modify, reopen or appeal an
22 order of protection, whether commenced alone or in conjunction
23 with a civil or criminal proceeding, shall be governed by the
24 rules of civil procedure of this State. The standard of proof

1 in such a proceeding is proof by a preponderance of the
2 evidence, whether the proceeding is heard in criminal or civil
3 court. The Code of Civil Procedure and Supreme Court and local
4 court rules applicable to civil proceedings, as now or
5 hereafter amended, shall apply, except as otherwise provided
6 by this law.

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

11 (2) In criminal proceedings in circuit courts, domestic
12 abuse advocates shall be allowed to accompany the victim and
13 confer with the victim, unless otherwise directed by the
14 court.

15 (3) Court administrators shall allow domestic abuse
16 advocates to assist victims of domestic violence in the
17 preparation of petitions for orders of protection.

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

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

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

1 Sec. 222.5. Filing of an order of protection issued in
2 another state or other jurisdiction.

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

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

16 (b) The clerk shall:

17 (1) treat the foreign order of protection, including,
18 but not limited to, an order of protection issued by a
19 military judge or by a military commander of the United
20 States Armed Forces, in the same manner as a judgment of
21 the circuit court for any county of this State in
22 accordance with the provisions of the Uniform Enforcement
23 of Foreign Judgments Act, except that the clerk shall not
24 mail notice of the filing of the foreign order to the
25 respondent named in the order; and

26 (2) on the same day that a foreign order of protection

1 is filed, file a certified copy of that order with the
2 sheriff or other law enforcement officials charged with
3 maintaining Illinois State Police records as set forth in
4 Section 222 of this Act.

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

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

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

16 (Source: P.A. 102-538, eff. 8-20-21; 102-890, eff. 5-19-22;
17 103-407, eff. 7-28-23.)".