



Rep. Matt Hanson

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10300HB0679ham001

LRB103 04270 LNS 58642 a

1 AMENDMENT TO HOUSE BILL 679

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 679 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Domestic Violence Act of 1986 is  
5 amended by changing Section 304 as follows:

6 (750 ILCS 60/304) (from Ch. 40, par. 2313-4)

7 Sec. 304. Assistance by law enforcement officers.

8 (a) Whenever a law enforcement officer has reason to  
9 believe that a person has been abused, neglected, or exploited  
10 by a family or household member, the officer shall immediately  
11 use all reasonable means to prevent further abuse, neglect, or  
12 exploitation, including:

13 (1) Arresting the abusing, neglecting and exploiting  
14 party, where appropriate, except in situations where the  
15 alleged offending party is a juvenile and there are no  
16 factors of aggravation, the law enforcement officer may

1       seek to divert or find alternative placement without  
2       initiating an arrest;

3           (2) If there is probable cause to believe that  
4       particular weapons were used to commit the incident of  
5       abuse, subject to constitutional limitations, seizing and  
6       taking inventory of the weapons;

7           (3) Accompanying the victim of abuse, neglect, or  
8       exploitation to his or her place of residence for a  
9       reasonable period of time to remove necessary personal  
10      belongings and possessions;

11          (4) Offering the victim of abuse, neglect, or  
12      exploitation immediate and adequate information (written  
13      in a language appropriate for the victim or in Braille or  
14      communicated in appropriate sign language), which shall  
15      include a summary of the procedures and relief available  
16      to victims of abuse under subsection (c) of Section 217  
17      and the officer's name and badge number;

18          (5) Providing the victim with one referral to an  
19      accessible service agency;

20          (6) Advising the victim of abuse about seeking medical  
21      attention and preserving evidence (specifically including  
22      photographs of injury or damage and damaged clothing or  
23      other property); and

24          (7) Providing or arranging accessible transportation  
25      for the victim of abuse (and, at the victim's request, any  
26      minors or dependents in the victim's care) to a medical

1 facility for treatment of injuries or to a nearby place of  
2 shelter or safety; or, after the close of court business  
3 hours, providing or arranging for transportation for the  
4 victim (and, at the victim's request, any minors or  
5 dependents in the victim's care) to the nearest available  
6 circuit judge or associate judge so the victim may file a  
7 petition for an emergency order of protection under  
8 subsection (c) of Section 217. When a victim of abuse  
9 chooses to leave the scene of the offense, it shall be  
10 presumed that it is in the best interests of any minors or  
11 dependents in the victim's care to remain with the victim  
12 or a person designated by the victim, rather than to  
13 remain with the abusing party.

14 (b) Whenever a law enforcement officer does not exercise  
15 arrest powers or otherwise initiate criminal proceedings, the  
16 officer shall:

17 (1) Make a police report of the investigation of any  
18 bona fide allegation of an incident of abuse, neglect, or  
19 exploitation and the disposition of the investigation, in  
20 accordance with subsection (a) of Section 303;

21 (2) Inform the victim of abuse neglect, or  
22 exploitation of the victim's right to request that a  
23 criminal proceeding be initiated where appropriate,  
24 including specific times and places for meeting with the  
25 State's Attorney's office, a warrant officer, or other  
26 official in accordance with local procedure; and

1           (3) Advise the victim of the importance of seeking  
2           medical attention and preserving evidence (specifically  
3           including photographs of injury or damage and damaged  
4           clothing or other property).

5           (c) Except as provided by Section 24-6 of the Criminal  
6           Code of 2012 or under a court order, any weapon seized under  
7           subsection (a)(2) shall be returned forthwith to the person  
8           from whom it was seized when it is no longer needed for  
9           evidentiary purposes.

10          (Source: P.A. 97-1150, eff. 1-25-13.)".