



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB4011

Introduced 3/8/2023, by Rep. Matt Hanson

SYNOPSIS AS INTRODUCED:

750 ILCS 60/304

from Ch. 40, par. 2313-4

Amends the Illinois Domestic Violence Act of 1986. Provides that if a law enforcement officer has reason to believe that a person has been abused, neglected, or exploited by a family or household member, in situations where the alleged offending party is a juvenile and there are no factors of aggravation, the law enforcement officer may seek to divert or find alternative placement without initiating an arrest.

LRB103 29843 LNS 56251 b

1 AN ACT concerning domestic violence.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

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
17 seek to divert or find alternative placement without
18 initiating an arrest;

19 (2) If there is probable cause to believe that
20 particular weapons were used to commit the incident of
21 abuse, subject to constitutional limitations, seizing and
22 taking inventory of the weapons;

23 (3) Accompanying the victim of abuse, neglect, or

1 exploitation to his or her place of residence for a
2 reasonable period of time to remove necessary personal
3 belongings and possessions;

4 (4) Offering the victim of abuse, neglect, or
5 exploitation immediate and adequate information (written
6 in a language appropriate for the victim or in Braille or
7 communicated in appropriate sign language), which shall
8 include a summary of the procedures and relief available
9 to victims of abuse under subsection (c) of Section 217
10 and the officer's name and badge number;

11 (5) Providing the victim with one referral to an
12 accessible service agency;

13 (6) Advising the victim of abuse about seeking medical
14 attention and preserving evidence (specifically including
15 photographs of injury or damage and damaged clothing or
16 other property); and

17 (7) Providing or arranging accessible transportation
18 for the victim of abuse (and, at the victim's request, any
19 minors or dependents in the victim's care) to a medical
20 facility for treatment of injuries or to a nearby place of
21 shelter or safety; or, after the close of court business
22 hours, providing or arranging for transportation for the
23 victim (and, at the victim's request, any minors or
24 dependents in the victim's care) to the nearest available
25 circuit judge or associate judge so the victim may file a
26 petition for an emergency order of protection under

1 subsection (c) of Section 217. When a victim of abuse
2 chooses to leave the scene of the offense, it shall be
3 presumed that it is in the best interests of any minors or
4 dependents in the victim's care to remain with the victim
5 or a person designated by the victim, rather than to
6 remain with the abusing party.

7 (b) Whenever a law enforcement officer does not exercise
8 arrest powers or otherwise initiate criminal proceedings, the
9 officer shall:

10 (1) Make a police report of the investigation of any
11 bona fide allegation of an incident of abuse, neglect, or
12 exploitation and the disposition of the investigation, in
13 accordance with subsection (a) of Section 303;

14 (2) Inform the victim of abuse neglect, or
15 exploitation of the victim's right to request that a
16 criminal proceeding be initiated where appropriate,
17 including specific times and places for meeting with the
18 State's Attorney's office, a warrant officer, or other
19 official in accordance with local procedure; and

20 (3) Advise the victim of the importance of seeking
21 medical attention and preserving evidence (specifically
22 including photographs of injury or damage and damaged
23 clothing or other property).

24 (c) Except as provided by Section 24-6 of the Criminal
25 Code of 2012 or under a court order, any weapon seized under
26 subsection (a) (2) shall be returned forthwith to the person

1 from whom it was seized when it is no longer needed for
2 evidentiary purposes.

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