



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB5474

Introduced 2/9/2024, by Rep. Kelly M. Cassidy

SYNOPSIS AS INTRODUCED:

750 ILCS 60/103

from Ch. 40, par. 2311-3

Amends the Illinois Domestic Violence Act of 1986. Includes "coercive control" in the definition of abuse. "Coercive control" is defined as a pattern of behavior that in purpose or effect unreasonably interferes with a person's free will and personal liberty, including, but not limited to: (i) isolating a person from friends, relatives, or other sources of support; (ii) depriving a person of basic necessities; (iii) controlling, regulating, or monitoring a person's movements, communications, daily behavior, finances, economic resources, or access to services; or (iv) compelling a person by force, threat of force, or intimidation, including threats based on actual or suspected immigration status to engage in conduct from which the other person has a right to abstain or abstain from conduct in which the other person has a right to engage.

LRB103 39377 JRC 69545 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 103 as follows:

6 (750 ILCS 60/103) (from Ch. 40, par. 2311-3)

7 Sec. 103. Definitions. For the purposes of this Act, the
8 following terms shall have the following meanings:

9 (1) "Abuse" means physical abuse, harassment, intimidation
10 of a dependent, coercive control, interference with personal
11 liberty, or willful deprivation but does not include
12 reasonable direction of a minor child by a parent or person in
13 loco parentis.

14 (2) "Adult with disabilities" means an elder adult with
15 disabilities or a high-risk adult with disabilities. A person
16 may be an adult with disabilities for purposes of this Act even
17 though he or she has never been adjudicated an incompetent
18 adult. However, no court proceeding may be initiated or
19 continued on behalf of an adult with disabilities over that
20 adult's objection, unless such proceeding is approved by his
21 or her legal guardian, if any.

22 (2.1) "Coercive control" means a pattern of behavior that
23 in purpose or effect unreasonably interferes with a person's

1 free will and personal liberty, including, but not limited to:

2 (i) isolating a person from friends, relatives, or
3 other sources of support;

4 (ii) depriving a person of basic necessities;

5 (iii) controlling, regulating, or monitoring a
6 person's movements, communications, daily behavior,
7 finances, economic resources, or access to services; or

8 (iv) compelling a person by force, threat of force, or
9 intimidation, including threats based on actual or
10 suspected immigration status to engage in conduct from
11 which the other person has a right to abstain or abstain
12 from conduct in which the other person has a right to
13 engage.

14 (3) "Domestic violence" means abuse as defined in
15 paragraph (1).

16 (4) "Elder adult with disabilities" means an adult
17 prevented by advanced age from taking appropriate action to
18 protect himself or herself from abuse by a family or household
19 member.

20 (5) "Exploitation" means the illegal, including tortious,
21 use of a high-risk adult with disabilities or of the assets or
22 resources of a high-risk adult with disabilities. Exploitation
23 includes, but is not limited to, the misappropriation of
24 assets or resources of a high-risk adult with disabilities by
25 undue influence, by breach of a fiduciary relationship, by
26 fraud, deception, or extortion, or the use of such assets or

1 resources in a manner contrary to law.

2 (6) "Family or household members" include spouses, former
3 spouses, parents, children, stepchildren and other persons
4 related by blood or by present or prior marriage, persons who
5 share or formerly shared a common dwelling, persons who have
6 or allegedly have a child in common, persons who share or
7 allegedly share a blood relationship through a child, persons
8 who have or have had a dating or engagement relationship,
9 persons with disabilities and their personal assistants, and
10 caregivers as defined in Section 12-4.4a of the Criminal Code
11 of 2012. For purposes of this paragraph, neither a casual
12 acquaintanceship nor ordinary fraternization between 2
13 individuals in business or social contexts shall be deemed to
14 constitute a dating relationship. In the case of a high-risk
15 adult with disabilities, "family or household members"
16 includes any person who has the responsibility for a high-risk
17 adult as a result of a family relationship or who has assumed
18 responsibility for all or a portion of the care of a high-risk
19 adult with disabilities voluntarily, or by express or implied
20 contract, or by court order.

21 (7) "Harassment" means knowing conduct which is not
22 necessary to accomplish a purpose that is reasonable under the
23 circumstances; would cause a reasonable person emotional
24 distress; and does cause emotional distress to the petitioner.
25 Unless the presumption is rebutted by a preponderance of the
26 evidence, the following types of conduct shall be presumed to

1 cause emotional distress:

2 (i) creating a disturbance at petitioner's place of
3 employment or school;

4 (ii) repeatedly telephoning petitioner's place of
5 employment, home or residence;

6 (iii) repeatedly following petitioner about in a
7 public place or places;

8 (iv) repeatedly keeping petitioner under surveillance
9 by remaining present outside his or her home, school,
10 place of employment, vehicle or other place occupied by
11 petitioner or by peering in petitioner's windows;

12 (v) improperly concealing a minor child from
13 petitioner, repeatedly threatening to improperly remove a
14 minor child of petitioner's from the jurisdiction or from
15 the physical care of petitioner, repeatedly threatening to
16 conceal a minor child from petitioner, or making a single
17 such threat following an actual or attempted improper
18 removal or concealment, unless respondent was fleeing an
19 incident or pattern of domestic violence; or

20 (vi) threatening physical force, confinement or
21 restraint on one or more occasions.

22 (8) "High-risk adult with disabilities" means a person
23 aged 18 or over whose physical or mental disability impairs
24 his or her ability to seek or obtain protection from abuse,
25 neglect, or exploitation.

26 (9) "Interference with personal liberty" means committing

1 or threatening physical abuse, harassment, intimidation or
2 willful deprivation so as to compel another to engage in
3 conduct from which she or he has a right to abstain or to
4 refrain from conduct in which she or he has a right to engage.

5 (10) "Intimidation of a dependent" means subjecting a
6 person who is dependent because of age, health or disability
7 to participation in or the witnessing of: physical force
8 against another or physical confinement or restraint of
9 another which constitutes physical abuse as defined in this
10 Act, regardless of whether the abused person is a family or
11 household member.

12 (11) (A) "Neglect" means the failure to exercise that
13 degree of care toward a high-risk adult with disabilities
14 which a reasonable person would exercise under the
15 circumstances and includes but is not limited to:

16 (i) the failure to take reasonable steps to protect a
17 high-risk adult with disabilities from acts of abuse;

18 (ii) the repeated, careless imposition of unreasonable
19 confinement;

20 (iii) the failure to provide food, shelter, clothing,
21 and personal hygiene to a high-risk adult with
22 disabilities who requires such assistance;

23 (iv) the failure to provide medical and rehabilitative
24 care for the physical and mental health needs of a
25 high-risk adult with disabilities; or

26 (v) the failure to protect a high-risk adult with

1 disabilities from health and safety hazards.

2 (B) Nothing in this subsection (10) shall be construed to
3 impose a requirement that assistance be provided to a
4 high-risk adult with disabilities over his or her objection in
5 the absence of a court order, nor to create any new affirmative
6 duty to provide support to a high-risk adult with
7 disabilities.

8 (12) "Order of protection" means an emergency order,
9 interim order or plenary order, granted pursuant to this Act,
10 which includes any or all of the remedies authorized by
11 Section 214 of this Act.

12 (13) "Petitioner" may mean not only any named petitioner
13 for the order of protection and any named victim of abuse on
14 whose behalf the petition is brought, but also any other
15 person protected by this Act.

16 (14) "Physical abuse" includes sexual abuse and means any
17 of the following:

18 (i) knowing or reckless use of physical force,
19 confinement or restraint;

20 (ii) knowing, repeated and unnecessary sleep
21 deprivation; or

22 (iii) knowing or reckless conduct which creates an
23 immediate risk of physical harm.

24 (14.5) "Stay away" means for the respondent to refrain
25 from both physical presence and nonphysical contact with the
26 petitioner whether direct, indirect (including, but not

1 limited to, telephone calls, mail, email, faxes, and written
2 notes), or through third parties who may or may not know about
3 the order of protection.

4 (15) "Willful deprivation" means wilfully denying a person
5 who because of age, health or disability requires medication,
6 medical care, shelter, accessible shelter or services, food,
7 therapeutic device, or other physical assistance, and thereby
8 exposing that person to the risk of physical, mental or
9 emotional harm, except with regard to medical care or
10 treatment when the dependent person has expressed an intent to
11 forgo such medical care or treatment. This paragraph does not
12 create any new affirmative duty to provide support to
13 dependent persons.

14 (Source: P.A. 96-1551, eff. 7-1-11; 97-1150, eff. 1-25-13.)