



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB2605

Introduced 10/18/2023, by Sen. Natalie Toro

SYNOPSIS AS INTRODUCED:

725 ILCS 5/112A-22
725 ILCS 5/112A-22.1

from Ch. 38, par. 112A-22

Amends the Code of Criminal Procedure of 1963. Requires, upon the request of a petitioner, the clerk of the circuit court to send a certified copy of a protective order to the petitioner's workplace. Requires, after receipt of the notification, the manager of the workplace to immediately notify the appropriate law enforcement agency if the respondent is present at the workplace and is looking for the petitioner or if the respondent is present at the workplace during the petitioner's hours of employment. Provides that a sheriff, other law enforcement official, special process servicer, or personnel assigned by the Department of Corrections or Department of Juvenile Justice shall (rather than may) serve a respondent with a short form notification.

LRB103 34270 LNS 64096 b

1 AN ACT concerning criminal law.

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

4 Section 5. The Code of Criminal Procedure of 1963 is
5 amended by changing Sections 112A-22 and 112A-22.1 as follows:

6 (725 ILCS 5/112A-22) (from Ch. 38, par. 112A-22)

7 Sec. 112A-22. Notice of orders.

8 (a) Entry and issuance. Upon issuance of any protective
9 order, the clerk shall immediately, or on the next court day if
10 an ex parte order is issued under subsection (e) of Section
11 112A-17.5 of this Code, (i) enter the order on the record and
12 file it in accordance with the circuit court procedures and
13 (ii) provide a file stamped copy of the order to respondent and
14 to petitioner, if present, and to the State's Attorney. If the
15 victim is not present the State's Attorney shall (i) as soon as
16 practicable notify the petitioner the order has been entered
17 and (ii) provide a file stamped copy of the order to the
18 petitioner within 3 days.

19 (b) Filing with sheriff. The clerk of the issuing judge
20 shall, on the same day that a protective order is issued, file
21 a copy of that order with the sheriff or other law enforcement
22 officials charged with maintaining Illinois State Police
23 records or charged with serving the order upon respondent. If

1 the order was issued under subsection (e) of Section 112A-17.5
2 of this Code, the clerk on the next court day shall file a
3 certified copy of the order with the sheriff or other law
4 enforcement officials charged with maintaining Illinois State
5 Police records.

6 (c) (Blank).

7 (c-2) Service by sheriff. Unless respondent was present in
8 court when the order was issued, the sheriff, other law
9 enforcement official, or special process server shall promptly
10 serve that order upon respondent and file proof of the
11 service, in the manner provided for service of process in
12 civil proceedings. Instead of serving the order upon the
13 respondent; however, the sheriff, other law enforcement
14 official, special process server, or other persons defined in
15 Section 112A-22.1 of this Code may serve the respondent with a
16 short form notification as provided in Section 112A-22.1 of
17 this Code. If process has not yet been served upon the
18 respondent, process shall be served with the order or short
19 form notification if the service is made by the sheriff, other
20 law enforcement official, or special process server.

21 (c-3) If the person against whom the protective order is
22 issued is arrested and the written order is issued under
23 subsection (e) of Section 112A-17.5 of this Code and received
24 by the custodial law enforcement agency before the respondent
25 or arrestee is released from custody, the custodial law
26 enforcement agency shall promptly serve the order upon the

1 respondent or arrestee before the respondent or arrestee is
2 released from custody. In no event shall detention of the
3 respondent or arrestee be extended for a hearing on the
4 petition for protective order or receipt of the order issued
5 under Section 112A-17 of this Code.

6 (c-4) Extensions, modifications, and revocations. Any
7 order extending, modifying, or revoking any protective order
8 shall be promptly recorded, issued, and served as provided in
9 this Section.

10 (c-5) (Blank).

11 (d) (Blank).

12 (e) Notice to health care facilities and health care
13 practitioners. Upon the request of the petitioner, the clerk
14 of the circuit court shall send a certified copy of the
15 protective order to any specified health care facility or
16 health care practitioner requested by the petitioner at the
17 mailing address provided by the petitioner.

18 (f) Disclosure by health care facilities and health care
19 practitioners. After receiving a certified copy of a
20 protective order that prohibits a respondent's access to
21 records, no health care facility or health care practitioner
22 shall allow a respondent access to the records of any child who
23 is a protected person under the protective order, or release
24 information in those records to the respondent, unless the
25 order has expired or the respondent shows a certified copy of
26 the court order vacating the corresponding protective order

1 that was sent to the health care facility or practitioner.
2 Nothing in this Section shall be construed to require health
3 care facilities or health care practitioners to alter
4 procedures related to billing and payment. The health care
5 facility or health care practitioner may file the copy of the
6 protective order in the records of a child who is a protected
7 person under the protective order, or may employ any other
8 method to identify the records to which a respondent is
9 prohibited access. No health care facility or health care
10 practitioner shall be civilly or professionally liable for
11 reliance on a copy of a protective order, except for willful
12 and wanton misconduct.

13 (g) Notice to schools. Upon the request of the petitioner,
14 within 24 hours of the issuance of a protective order, the
15 clerk of the issuing judge shall send a certified copy of the
16 protective order to the day-care facility, pre-school or
17 pre-kindergarten, or private school or the principal office of
18 the public school district or any college or university in
19 which any child who is a protected person under the protective
20 order or any child of the petitioner is enrolled as requested
21 by the petitioner at the mailing address provided by the
22 petitioner. If the child transfers enrollment to another
23 day-care facility, pre-school, pre-kindergarten, private
24 school, public school, college, or university, the petitioner
25 may, within 24 hours of the transfer, send to the clerk written
26 notice of the transfer, including the name and address of the

1 institution to which the child is transferring. Within 24
2 hours of receipt of notice from the petitioner that a child is
3 transferring to another day-care facility, pre-school,
4 pre-kindergarten, private school, public school, college, or
5 university, the clerk shall send a certified copy of the order
6 to the institution to which the child is transferring.

7 (h) Disclosure by schools. After receiving a certified
8 copy of a protective order that prohibits a respondent's
9 access to records, neither a day-care facility, pre-school,
10 pre-kindergarten, public or private school, college, or
11 university nor its employees shall allow a respondent access
12 to a protected child's records or release information in those
13 records to the respondent. The school shall file the copy of
14 the protective order in the records of a child who is a
15 protected person under the order. When a child who is a
16 protected person under the protective order transfers to
17 another day-care facility, pre-school, pre-kindergarten,
18 public or private school, college, or university, the
19 institution from which the child is transferring may, at the
20 request of the petitioner, provide, within 24 hours of the
21 transfer, written notice of the protective order, along with a
22 certified copy of the order, to the institution to which the
23 child is transferring.

24 (i) Notice to workplace. Upon the request of the
25 petitioner, the clerk of the circuit court shall send a
26 certified copy of the protective order to the petitioner's

1 current workplace. If the petitioner's workplace changes, the
2 petitioner may send to the clerk written notice of the change
3 in workplace, including the name and address of the new
4 workplace. Within 24 hours of receipt of notice from the
5 petitioner that the petitioner's workplace has changed, the
6 clerk shall send a certified copy of the protective order to
7 the petitioner's new workplace.

8 (j) Notification by workplace. After receiving notice of a
9 protective order either by the petitioner or the clerk of the
10 circuit court, the manager of the workplace shall immediately
11 notify the appropriate law enforcement agency if the
12 respondent is present at the workplace and is looking for the
13 petitioner or if the respondent is present at the workplace
14 during the petitioner's hours of employment.

15 (Source: P.A. 102-538, eff. 8-20-21.)

16 (725 ILCS 5/112A-22.1)

17 Sec. 112A-22.1. Short form notification.

18 (a) Instead of personal service of a protective order
19 under Section 112A-22 of this Code, a sheriff, other law
20 enforcement official, special process server, or personnel
21 assigned by the Department of Corrections or Department of
22 Juvenile Justice to investigate the alleged misconduct of
23 committed persons or alleged violations of the person's
24 conditions of parole, aftercare release, or mandatory
25 supervised release, shall ~~may~~ serve a respondent with a short

1 form notification. The short form notification shall include
2 the following:

- 3 (1) Respondent's name.
- 4 (2) Respondent's date of birth, if known.
- 5 (3) Petitioner's name.
- 6 (4) Names of other protected parties.
- 7 (5) Date and county in which the protective order was
8 filed.
- 9 (6) Court file number.
- 10 (7) Hearing date and time, if known.
- 11 (8) Conditions that apply to the respondent, either in
12 checklist form or handwritten.

13 (b) The short form notification shall contain the
14 following notice in bold print:

15 "The order is now enforceable. You must report to the
16 office of the sheriff or the office of the circuit court in
17 (name of county) County to obtain a copy of the order. You are
18 subject to arrest and may be charged with a misdemeanor or
19 felony if you violate any of the terms of the order."

20 (c) Upon verification of the identity of the respondent
21 and the existence of an unserved order against the respondent,
22 a sheriff or other law enforcement official may detain the
23 respondent for a reasonable time necessary to complete and
24 serve the short form notification.

25 (d) When service is made by short form notification under
26 this Section, it may be proved by the affidavit of the person

1 making the service.

2 (e) The Attorney General shall make the short form
3 notification form available to law enforcement agencies in
4 this State.

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