



Sen. Natalie Toro

Filed: 4/5/2024

10300SB2605sam001

LRB103 34270 JRC 71951 a

1 AMENDMENT TO SENATE BILL 2605

2 AMENDMENT NO. _____. Amend Senate Bill 2605 by replacing
3 everything after the enacting clause with the following:

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

1 and (ii) provide a file stamped copy of the order to the
2 petitioner within 3 days.

3 (b) Filing with sheriff. The clerk of the issuing judge
4 shall, on the same day that a protective order is issued, file
5 a copy of that order with the sheriff or other law enforcement
6 officials charged with maintaining Illinois State Police
7 records or charged with serving the order upon respondent. If
8 the order was issued under subsection (e) of Section 112A-17.5
9 of this Code, the clerk on the next court day shall file a
10 certified copy of the order with the sheriff or other law
11 enforcement officials charged with maintaining Illinois State
12 Police records.

13 (c) (Blank).

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

1 law enforcement official, or special process server.

2 (c-3) If the person against whom the protective order is
3 issued is arrested and the written order is issued under
4 subsection (e) of Section 112A-17.5 of this Code and received
5 by the custodial law enforcement agency before the respondent
6 or arrestee is released from custody, the custodial law
7 enforcement agency shall promptly serve the order upon the
8 respondent or arrestee before the respondent or arrestee is
9 released from custody. In no event shall detention of the
10 respondent or arrestee be extended for a hearing on the
11 petition for protective order or receipt of the order issued
12 under Section 112A-17 of this Code.

13 (c-4) Extensions, modifications, and revocations. Any
14 order extending, modifying, or revoking any protective order
15 shall be promptly recorded, issued, and served as provided in
16 this Section.

17 (c-5) (Blank).

18 (d) (Blank).

19 (e) Notice to health care facilities and health care
20 practitioners. Upon the request of the petitioner, the clerk
21 of the circuit court shall send a certified copy of the
22 protective order to any specified health care facility or
23 health care practitioner requested by the petitioner at the
24 mailing address provided by the petitioner.

25 (f) Disclosure by health care facilities and health care
26 practitioners. After receiving a certified copy of a

1 protective order that prohibits a respondent's access to
2 records, no health care facility or health care practitioner
3 shall allow a respondent access to the records of any child who
4 is a protected person under the protective order, or release
5 information in those records to the respondent, unless the
6 order has expired or the respondent shows a certified copy of
7 the court order vacating the corresponding protective order
8 that was sent to the health care facility or practitioner.
9 Nothing in this Section shall be construed to require health
10 care facilities or health care practitioners to alter
11 procedures related to billing and payment. The health care
12 facility or health care practitioner may file the copy of the
13 protective order in the records of a child who is a protected
14 person under the protective order, or may employ any other
15 method to identify the records to which a respondent is
16 prohibited access. No health care facility or health care
17 practitioner shall be civilly or professionally liable for
18 reliance on a copy of a protective order, except for willful
19 and wanton misconduct.

20 (g) Notice to schools. Upon the request of the petitioner,
21 within 24 hours of the issuance of a protective order, the
22 clerk of the issuing judge shall send a certified copy of the
23 protective order to the day-care facility, pre-school or
24 pre-kindergarten, or private school or the principal office of
25 the public school district or any college or university in
26 which any child who is a protected person under the protective

1 order or any child of the petitioner is enrolled as requested
2 by the petitioner at the mailing address provided by the
3 petitioner. If the child transfers enrollment to another
4 day-care facility, pre-school, pre-kindergarten, private
5 school, public school, college, or university, the petitioner
6 may, within 24 hours of the transfer, send to the clerk written
7 notice of the transfer, including the name and address of the
8 institution to which the child is transferring. Within 24
9 hours of receipt of notice from the petitioner that a child is
10 transferring to another day-care facility, pre-school,
11 pre-kindergarten, private school, public school, college, or
12 university, the clerk shall send a certified copy of the order
13 to the institution to which the child is transferring.

14 (h) Disclosure by schools. After receiving a certified
15 copy of a protective order that prohibits a respondent's
16 access to records, neither a day-care facility, pre-school,
17 pre-kindergarten, public or private school, college, or
18 university nor its employees shall allow a respondent access
19 to a protected child's records or release information in those
20 records to the respondent. The school shall file the copy of
21 the protective order in the records of a child who is a
22 protected person under the order. When a child who is a
23 protected person under the protective order transfers to
24 another day-care facility, pre-school, pre-kindergarten,
25 public or private school, college, or university, the
26 institution from which the child is transferring may, at the

1 request of the petitioner, provide, within 24 hours of the
2 transfer, written notice of the protective order, along with a
3 certified copy of the order, to the institution to which the
4 child is transferring.

5 (i) Notice to workplace. Upon the request of the
6 petitioner, the clerk of the circuit court shall send a
7 certified copy of the protective order to the petitioner's
8 current workplace. If the petitioner's workplace changes, the
9 petitioner may send to the clerk written notice of the change
10 in workplace, including the name and address of the new
11 workplace. Within 24 hours of receipt of notice from the
12 petitioner that the petitioner's workplace has changed, the
13 clerk shall send a certified copy of the protective order to
14 the petitioner's new workplace.

15 (j) Notification by workplace. After receiving notice of a
16 protective order either by the petitioner or the clerk of the
17 circuit court, the manager of the workplace shall immediately
18 notify the appropriate law enforcement agency if the
19 respondent is present at the workplace and is looking for the
20 petitioner when the petitioner is not present at the
21 workplace. If the respondent is at the workplace when the
22 petitioner is present, the employer shall consult with the
23 petitioner and if the petitioner requests, the employer shall
24 contact law enforcement.

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

1 (725 ILCS 5/112A-22.1)

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

3 (a) Instead of personal service of a protective order
4 under Section 112A-22 of this Code, a sheriff, other law
5 enforcement official, special process server, or personnel
6 assigned by the Department of Corrections or Department of
7 Juvenile Justice to investigate the alleged misconduct of
8 committed persons or alleged violations of the person's
9 conditions of parole, aftercare release, or mandatory
10 supervised release, shall ~~may~~ serve a respondent with a short
11 form notification. The short form notification shall include
12 the following:

13 (1) Respondent's name.

14 (2) Respondent's date of birth, if known.

15 (3) Petitioner's name.

16 (4) Names of other protected parties.

17 (5) Date and county in which the protective order was
18 filed.

19 (6) Court file number.

20 (7) Hearing date and time, if known.

21 (8) Conditions that apply to the respondent, either in
22 checklist form or handwritten.

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

25 "The order is now enforceable. You must report to the
26 office of the sheriff or the office of the circuit court in

1 (name of county) County to obtain a copy of the order. You are
2 subject to arrest and may be charged with a misdemeanor or
3 felony if you violate any of the terms of the order."

4 (c) Upon verification of the identity of the respondent
5 and the existence of an unserved order against the respondent,
6 a sheriff or other law enforcement official may detain the
7 respondent for a reasonable time necessary to complete and
8 serve the short form notification.

9 (d) When service is made by short form notification under
10 this Section, it may be proved by the affidavit of the person
11 making the service.

12 (e) The Attorney General shall make the short form
13 notification form available to law enforcement agencies in
14 this State.

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