



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 Criminal Code of 2012 is amended by  
5 changing Sections 12-3.4, 12-3.8, and 12-3.9 as follows:

6 (720 ILCS 5/12-3.4) (was 720 ILCS 5/12-30)

7 Sec. 12-3.4. Violation of an order of protection.

8 (a) A person commits violation of an order of protection  
9 if:

10 (1) He or she knowingly commits an act which was  
11 prohibited by a court or fails to commit an act which was  
12 ordered by a court in violation of:

13 (i) a remedy in a valid order of protection  
14 authorized under paragraphs (1), (2), (3), (14), or  
15 (14.5) of subsection (b) of Section 214 of the  
16 Illinois Domestic Violence Act of 1986,

17 (ii) a remedy, which is substantially similar to  
18 the remedies authorized under paragraphs (1), (2),  
19 (3), (14) or (14.5) of subsection (b) of Section 214 of  
20 the Illinois Domestic Violence Act of 1986, in a valid  
21 order of protection, which is authorized under the  
22 laws of another state, tribe or United States  
23 territory,

1 (iii) any other remedy when the act constitutes a  
2 crime against the protected parties as the term  
3 protected parties is defined in Section 112A-4 of the  
4 Code of Criminal Procedure of 1963; and

5 (2) Such violation occurs after the offender has been  
6 served notice of the contents of the order, pursuant to  
7 the Illinois Domestic Violence Act of 1986 or any  
8 substantially similar statute of another state, tribe or  
9 United States territory, or otherwise has acquired actual  
10 knowledge of the contents of the order.

11 An order of protection issued by a state, tribal or  
12 territorial court related to domestic or family violence shall  
13 be deemed valid if the issuing court had jurisdiction over the  
14 parties and matter under the law of the state, tribe or  
15 territory. There shall be a presumption of validity where an  
16 order is certified and appears authentic on its face. For  
17 purposes of this Section, an "order of protection" may have  
18 been issued in a criminal or civil proceeding.

19 (a-5) Failure to provide reasonable notice and opportunity  
20 to be heard shall be an affirmative defense to any charge or  
21 process filed seeking enforcement of a foreign order of  
22 protection.

23 (b) Nothing in this Section shall be construed to diminish  
24 the inherent authority of the courts to enforce their lawful  
25 orders through civil or criminal contempt proceedings.

26 (c) The limitations placed on law enforcement liability by

1 Section 305 of the Illinois Domestic Violence Act of 1986  
2 apply to actions taken under this Section.

3 (d) Violation of an order of protection is a Class A  
4 misdemeanor. Violation of an order of protection is a Class 4  
5 felony if the defendant has any prior conviction under this  
6 Code for domestic battery (Section 12-3.2), ~~or~~ violation of an  
7 order of protection (Section 12-3.4 or 12-30), violation of a  
8 civil no contact order (Section 12-3.8), violation of a  
9 stalking no contact order (Section 12-3.9), or any prior  
10 conviction under the law of another jurisdiction for an  
11 offense that could be charged in this State as a domestic  
12 battery ~~or~~ violation of an order of protection, violation of a  
13 civil no contact order, or violation of a stalking no contact  
14 order. Violation of an order of protection is a Class 4 felony  
15 if the defendant has any prior conviction under this Code for  
16 first degree murder (Section 9-1), attempt to commit first  
17 degree murder (Section 8-4), aggravated domestic battery  
18 (Section 12-3.3), aggravated battery (Section 12-3.05 or  
19 12-4), heinous battery (Section 12-4.1), aggravated battery  
20 with a firearm (Section 12-4.2), aggravated battery with a  
21 machine gun or a firearm equipped with a silencer (Section  
22 12-4.2-5), aggravated battery of a child (Section 12-4.3),  
23 aggravated battery of an unborn child (subsection (a-5) of  
24 Section 12-3.1, or Section 12-4.4), aggravated battery of a  
25 senior citizen (Section 12-4.6), stalking (Section 12-7.3),  
26 aggravated stalking (Section 12-7.4), criminal sexual assault

1 (Section 11-1.20 or 12-13), aggravated criminal sexual assault  
2 (Section 11-1.30 or 12-14), kidnapping (Section 10-1),  
3 aggravated kidnapping (Section 10-2), predatory criminal  
4 sexual assault of a child (Section 11-1.40 or 12-14.1),  
5 aggravated criminal sexual abuse (Section 11-1.60 or 12-16),  
6 unlawful restraint (Section 10-3), aggravated unlawful  
7 restraint (Section 10-3.1), aggravated arson (Section 20-1.1),  
8 aggravated discharge of a firearm (Section 24-1.2), or a  
9 violation of any former law of this State that is  
10 substantially similar to any listed offense, or any prior  
11 conviction under the law of another jurisdiction for an  
12 offense that could be charged in this State as one of the  
13 offenses listed in this Section, when any of these offenses  
14 have been committed against a family or household member as  
15 defined in Section 112A-3 of the Code of Criminal Procedure of  
16 1963. The court shall impose a minimum penalty of 24 hours  
17 imprisonment for defendant's second or subsequent violation of  
18 any order of protection; unless the court explicitly finds  
19 that an increased penalty or such period of imprisonment would  
20 be manifestly unjust. In addition to any other penalties, the  
21 court may order the defendant to pay a fine as authorized under  
22 Section 5-9-1 of the Unified Code of Corrections or to make  
23 restitution to the victim under Section 5-5-6 of the Unified  
24 Code of Corrections.

25 (e) (Blank).

26 (f) A defendant who directed the actions of a third party

1 to violate this Section, under the principles of  
2 accountability set forth in Article 5 of this Code, is guilty  
3 of violating this Section as if the same had been personally  
4 done by the defendant, without regard to the mental state of  
5 the third party acting at the direction of the defendant.

6 (Source: P.A. 100-987, eff. 7-1-19.)

7 (720 ILCS 5/12-3.8)

8 Sec. 12-3.8. Violation of a civil no contact order.

9 (a) A person commits violation of a civil no contact order  
10 if:

11 (1) he or she knowingly commits an act which was  
12 prohibited by a court or fails to commit an act which was  
13 ordered in violation of:

14 (A) a remedy of a valid civil no contact order  
15 authorized under Section 213 of the Civil No Contact  
16 Order Act or Section 112A-14.5 of the Code of Criminal  
17 Procedure of 1963; or

18 (B) a remedy, which is substantially similar to  
19 the remedies authorized under Section 213 of the Civil  
20 No Contact Order Act or Section 112A-14.5 of the Code  
21 of Criminal Procedure of 1963, or in a valid civil no  
22 contact order, which is authorized under the laws of  
23 another state, tribe, or United States territory; and

24 (2) the violation occurs after the offender has been  
25 served notice of the contents of the order under the Civil

1 No Contact Order Act, Article 112A of the Code of Criminal  
2 Procedure of 1963, or any substantially similar statute of  
3 another state, tribe, or United States territory, or  
4 otherwise has acquired actual knowledge of the contents of  
5 the order.

6 A civil no contact order issued by a state, tribal, or  
7 territorial court shall be deemed valid if the issuing court  
8 had jurisdiction over the parties and matter under the law of  
9 the state, tribe, or territory. There shall be a presumption  
10 of validity when an order is certified and appears authentic  
11 on its face.

12 (a-3) For purposes of this Section, a "civil no contact  
13 order" may have been issued in a criminal or civil proceeding.

14 (a-5) Failure to provide reasonable notice and opportunity  
15 to be heard shall be an affirmative defense to any charge or  
16 process filed seeking enforcement of a foreign civil no  
17 contact order.

18 (b) Prosecution for a violation of a civil no contact  
19 order shall not bar a concurrent prosecution for any other  
20 crime, including any crime that may have been committed at the  
21 time of the violation of the civil no contact order.

22 (c) Nothing in this Section shall be construed to diminish  
23 the inherent authority of the courts to enforce their lawful  
24 orders through civil or criminal contempt proceedings.

25 (d) A defendant who directed the actions of a third party  
26 to violate this Section, under the principles of

1 accountability set forth in Article 5 of this Code, is guilty  
2 of violating this Section as if the same had been personally  
3 done by the defendant, without regard to the mental state of  
4 the third party acting at the direction of the defendant.

5 (e) Sentence. A violation of a civil no contact order is a  
6 Class A misdemeanor. Violation of a civil no contact order is a  
7 Class 4 felony if the defendant has any prior conviction under  
8 this Code for a violation of an order of protection, violation  
9 of a civil no contact order, or violation of a stalking no  
10 contact order, (Section 12-3.4, 12-3.8, 12-3.9, or 12-30), or  
11 any prior conviction under the law of another jurisdiction for  
12 an offense that could be charged in this State as a violation  
13 of an order of protection, violation of a civil no contact  
14 order, or violation of a stalking no contact order ~~for a first~~  
15 ~~violation, and a Class 4 felony for a second or subsequent~~  
16 ~~violation.~~

17 (Source: P.A. 100-199, eff. 1-1-18.)

18 (720 ILCS 5/12-3.9)

19 Sec. 12-3.9. Violation of a stalking no contact order.

20 (a) A person commits violation of a stalking no contact  
21 order if:

22 (1) he or she knowingly commits an act which was  
23 prohibited by a court or fails to commit an act which was  
24 ordered by a court in violation of:

25 (A) a remedy in a valid stalking no contact order



1 of protection authorized under Section 80 of the  
2 Stalking No Contact Order Act or Section 112A-14.7 of  
3 the Code of Criminal Procedure of 1963; or

4 (B) a remedy, which is substantially similar to  
5 the remedies authorized under Section 80 of the  
6 Stalking No Contact Order Act or Section 112A-14.7 of  
7 the Code of Criminal Procedure of 1963, or in a valid  
8 stalking no contact order, which is authorized under  
9 the laws of another state, tribe, or United States  
10 territory; and

11 (2) the violation occurs after the offender has been  
12 served notice of the contents of the order, under the  
13 Stalking No Contact Order Act, Article 112A of the Code of  
14 Criminal Procedure of 1963, or any substantially similar  
15 statute of another state, tribe, or United States  
16 territory, or otherwise has acquired actual knowledge of  
17 the contents of the order.

18 A stalking no contact order issued by a state, tribal, or  
19 territorial court shall be deemed valid if the issuing court  
20 had jurisdiction over the parties and matter under the law of  
21 the state, tribe, or territory. There shall be a presumption  
22 of validity when an order is certified and appears authentic  
23 on its face.

24 (a-3) For purposes of this Section, a "stalking no contact  
25 order" may have been issued in a criminal or civil proceeding.

26 (a-5) Failure to provide reasonable notice and opportunity

1 to be heard shall be an affirmative defense to any charge or  
2 process filed seeking enforcement of a foreign stalking no  
3 contact order.

4 (b) Prosecution for a violation of a stalking no contact  
5 order shall not bar a concurrent prosecution for any other  
6 crime, including any crime that may have been committed at the  
7 time of the violation of the civil no contact order.

8 (c) Nothing in this Section shall be construed to diminish  
9 the inherent authority of the courts to enforce their lawful  
10 orders through civil or criminal contempt proceedings.

11 (d) A defendant who directed the actions of a third party  
12 to violate this Section, under the principles of  
13 accountability set forth in Article 5 of this Code, is guilty  
14 of violating this Section as if the same had been personally  
15 done by the defendant, without regard to the mental state of  
16 the third party acting at the direction of the defendant.

17 (e) Sentence. A violation of a stalking no contact order  
18 is a Class A misdemeanor. Violation of a stalking no contact is  
19 a Class 4 felony if the defendant has any prior conviction  
20 under this Code for a violation of an order of protection,  
21 violation of a stalking no contact order, or violation of a  
22 civil no contact order (Section 12-3.4, 12-3.8, 12-3.9, or  
23 12-30), or any prior conviction under the law of another  
24 jurisdiction for an offense that could be charged in this  
25 State as a violation of an order of protection, violation of a  
26 civil no contact order, or violation of a stalking no contact

1 ~~order for a first violation, and a Class 4 felony for a second~~  
2 ~~or subsequent violation.~~

3 (Source: P.A. 100-199, eff. 1-1-18.)