



## 103RD GENERAL ASSEMBLY

### State of Illinois

2023 and 2024

SB3392

Introduced 2/8/2024, by Sen. John F. Curran

#### SYNOPSIS AS INTRODUCED:

725 ILCS 5/112A-23	from Ch. 38, par. 112A-23
740 ILCS 22/220	
750 ILCS 60/223	from Ch. 40, par. 2312-23

Amends the Civil No Contact Order Act, the Illinois Domestic Violence Act of 1986, and the Protective Orders Article of the Code of Criminal Procedure of 1963. Provides that the court is encouraged to impose (i) a minimum penalty of 48 (rather than 24) hours imprisonment for a first violation of a civil no contact order, an order of protection, or a protective order and (ii) a minimum penalty of 96 (rather than 48) hours imprisonment for a second or subsequent violation of a civil no contact order, an order of protection, or a protective order.

LRB103 36573 JRC 66681 b

1 AN ACT concerning victims of violence.

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 Section 112A-23 as follows:

6 (725 ILCS 5/112A-23) (from Ch. 38, par. 112A-23)

7 Sec. 112A-23. Enforcement of protective orders.

8 (a) When violation is crime. A violation of any protective  
9 order, whether issued in a civil, quasi-criminal proceeding or  
10 by a military judge, shall be enforced by a criminal court  
11 when:

12 (1) The respondent commits the crime of violation of a  
13 domestic violence order of protection pursuant to Section  
14 12-3.4 or 12-30 of the Criminal Code of 1961 or the  
15 Criminal Code of 2012, by having knowingly violated:

16 (i) remedies described in paragraph (1), (2), (3),  
17 (14), or (14.5) of subsection (b) of Section 112A-14  
18 of this Code,

19 (ii) a remedy, which is substantially similar to  
20 the remedies authorized under paragraph (1), (2), (3),  
21 (14), or (14.5) of subsection (b) of Section 214 of the  
22 Illinois Domestic Violence Act of 1986, in a valid  
23 order of protection, which is authorized under the

1 laws of another state, tribe, or United States  
2 territory, or

3 (iii) any other remedy when the act constitutes a  
4 crime against the protected parties as defined by the  
5 Criminal Code of 1961 or the Criminal Code of 2012.

6 Prosecution for a violation of a domestic violence  
7 order of protection shall not bar concurrent prosecution  
8 for any other crime, including any crime that may have  
9 been committed at the time of the violation of the  
10 domestic violence order of protection; or

11 (2) The respondent commits the crime of child  
12 abduction pursuant to Section 10-5 of the Criminal Code of  
13 1961 or the Criminal Code of 2012, by having knowingly  
14 violated:

15 (i) remedies described in paragraph (5), (6), or  
16 (8) of subsection (b) of Section 112A-14 of this Code,  
17 or

18 (ii) a remedy, which is substantially similar to  
19 the remedies authorized under paragraph (1), (5), (6),  
20 or (8) of subsection (b) of Section 214 of the Illinois  
21 Domestic Violence Act of 1986, in a valid domestic  
22 violence order of protection, which is authorized  
23 under the laws of another state, tribe, or United  
24 States territory.

25 (3) The respondent commits the crime of violation of a  
26 civil no contact order when the respondent violates

1 Section 12-3.8 of the Criminal Code of 2012. Prosecution  
2 for a violation of a civil no contact order shall not bar  
3 concurrent prosecution for any other crime, including any  
4 crime that may have been committed at the time of the  
5 violation of the civil no contact order.

6 (4) The respondent commits the crime of violation of a  
7 stalking no contact order when the respondent violates  
8 Section 12-3.9 of the Criminal Code of 2012. Prosecution  
9 for a violation of a stalking no contact order shall not  
10 bar concurrent prosecution for any other crime, including  
11 any crime that may have been committed at the time of the  
12 violation of the stalking no contact order.

13 (b) When violation is contempt of court. A violation of  
14 any valid protective order, whether issued in a civil or  
15 criminal proceeding or by a military judge, may be enforced  
16 through civil or criminal contempt procedures, as appropriate,  
17 by any court with jurisdiction, regardless where the act or  
18 acts which violated the protective order were committed, to  
19 the extent consistent with the venue provisions of this  
20 Article. Nothing in this Article shall preclude any Illinois  
21 court from enforcing any valid protective order issued in  
22 another state. Illinois courts may enforce protective orders  
23 through both criminal prosecution and contempt proceedings,  
24 unless the action which is second in time is barred by  
25 collateral estoppel or the constitutional prohibition against  
26 double jeopardy.

1           (1) In a contempt proceeding where the petition for a  
2           rule to show cause sets forth facts evidencing an  
3           immediate danger that the respondent will flee the  
4           jurisdiction, conceal a child, or inflict physical abuse  
5           on the petitioner or minor children or on dependent adults  
6           in petitioner's care, the court may order the attachment  
7           of the respondent without prior service of the rule to  
8           show cause or the petition for a rule to show cause. Bond  
9           shall be set unless specifically denied in writing.

10           (2) A petition for a rule to show cause for violation  
11           of a protective order shall be treated as an expedited  
12           proceeding.

13           (c) Violation of custody, allocation of parental  
14           responsibility, or support orders. A violation of remedies  
15           described in paragraph (5), (6), (8), or (9) of subsection (b)  
16           of Section 112A-14 of this Code may be enforced by any remedy  
17           provided by Section 607.5 of the Illinois Marriage and  
18           Dissolution of Marriage Act. The court may enforce any order  
19           for support issued under paragraph (12) of subsection (b) of  
20           Section 112A-14 of this Code in the manner provided for under  
21           Parts V and VII of the Illinois Marriage and Dissolution of  
22           Marriage Act.

23           (d) Actual knowledge. A protective order may be enforced  
24           pursuant to this Section if the respondent violates the order  
25           after the respondent has actual knowledge of its contents as  
26           shown through one of the following means:

1 (1) (Blank).

2 (2) (Blank).

3 (3) By service of a protective order under subsection  
4 (f) of Section 112A-17.5 or Section 112A-22 of this Code.

5 (4) By other means demonstrating actual knowledge of  
6 the contents of the order.

7 (e) The enforcement of a protective order in civil or  
8 criminal court shall not be affected by either of the  
9 following:

10 (1) The existence of a separate, correlative order  
11 entered under Section 112A-15 of this Code.

12 (2) Any finding or order entered in a conjoined  
13 criminal proceeding.

14 (e-5) If a civil no contact order entered under subsection  
15 (6) of Section 112A-20 of the Code of Criminal Procedure of  
16 1963 conflicts with an order issued pursuant to the Juvenile  
17 Court Act of 1987 or the Illinois Marriage and Dissolution of  
18 Marriage Act, the conflicting order issued under subsection  
19 (6) of Section 112A-20 of the Code of Criminal Procedure of  
20 1963 shall be void.

21 (f) Circumstances. The court, when determining whether or  
22 not a violation of a protective order has occurred, shall not  
23 require physical manifestations of abuse on the person of the  
24 victim.

25 (g) Penalties.

26 (1) Except as provided in paragraph (3) of this

1 subsection (g), where the court finds the commission of a  
2 crime or contempt of court under subsection (a) or (b) of  
3 this Section, the penalty shall be the penalty that  
4 generally applies in such criminal or contempt  
5 proceedings, and may include one or more of the following:  
6 incarceration, payment of restitution, a fine, payment of  
7 attorneys' fees and costs, or community service.

8 (2) The court shall hear and take into account  
9 evidence of any factors in aggravation or mitigation  
10 before deciding an appropriate penalty under paragraph (1)  
11 of this subsection (g).

12 (3) To the extent permitted by law, the court is  
13 encouraged to:

14 (i) increase the penalty for the knowing violation  
15 of any protective order over any penalty previously  
16 imposed by any court for respondent's violation of any  
17 protective order or penal statute involving petitioner  
18 as victim and respondent as defendant;

19 (ii) impose a minimum penalty of 48 ~~24~~ hours  
20 imprisonment for respondent's first violation of any  
21 protective order; and

22 (iii) impose a minimum penalty of 96 ~~48~~ hours  
23 imprisonment for respondent's second or subsequent  
24 violation of a protective order

25 unless the court explicitly finds that an increased  
26 penalty or that period of imprisonment would be manifestly

1 unjust.

2 (4) In addition to any other penalties imposed for a  
3 violation of a protective order, a criminal court may  
4 consider evidence of any violations of a protective order:

5 (i) to modify the conditions of pretrial release  
6 on an underlying criminal charge pursuant to Section  
7 110-6 of this Code;

8 (ii) to revoke or modify an order of probation,  
9 conditional discharge, or supervision, pursuant to  
10 Section 5-6-4 of the Unified Code of Corrections;

11 (iii) to revoke or modify a sentence of periodic  
12 imprisonment, pursuant to Section 5-7-2 of the Unified  
13 Code of Corrections.

14 (Source: P.A. 102-184, eff. 1-1-22; 102-558, eff. 8-20-21;  
15 102-813, eff. 5-13-22; 102-890, eff. 5-19-22; 103-407, eff.  
16 7-28-23.)

17 Section 10. The Civil No Contact Order Act is amended by  
18 changing Section 220 as follows:

19 (740 ILCS 22/220)

20 Sec. 220. Enforcement of a civil no contact order.

21 (a) Nothing in this Act shall preclude any Illinois court  
22 from enforcing a valid protective order issued in another  
23 state or by a military judge.

24 (b) Illinois courts may enforce civil no contact orders



1 through both criminal proceedings and civil contempt  
2 proceedings, unless the action which is second in time is  
3 barred by collateral estoppel or the constitutional  
4 prohibition against double jeopardy.

5 (b-1) The court shall not hold a school district or  
6 private or non-public school or any of its employees in civil  
7 or criminal contempt unless the school district or private or  
8 non-public school has been allowed to intervene.

9 (b-2) The court may hold the parents, guardian, or legal  
10 custodian of a minor respondent in civil or criminal contempt  
11 for a violation of any provision of any order entered under  
12 this Act for conduct of the minor respondent in violation of  
13 this Act if the parents, guardian, or legal custodian  
14 directed, encouraged, or assisted the respondent minor in such  
15 conduct.

16 (c) Criminal prosecution. A violation of any civil no  
17 contact order, whether issued in a civil or criminal  
18 proceeding or by a military judge, shall be enforced by a  
19 criminal court when the respondent commits the crime of  
20 violation of a civil no contact order pursuant to Section 219  
21 by having knowingly violated:

22 (1) remedies described in Section 213 and included in  
23 a civil no contact order; or

24 (2) a provision of an order, which is substantially  
25 similar to provisions of Section 213, in a valid civil no  
26 contact order which is authorized under the laws of

1 another state, tribe, or United States territory.

2 Prosecution for a violation of a civil no contact order  
3 shall not bar a concurrent prosecution for any other crime,  
4 including any crime that may have been committed at the time of  
5 the violation of the civil no contact order.

6 (d) Contempt of court. A violation of any valid Illinois  
7 civil no contact order, whether issued in a civil or criminal  
8 proceeding, may be enforced through civil or criminal contempt  
9 procedures, as appropriate, by any court with jurisdiction,  
10 regardless of where the act or acts which violated the civil no  
11 contact order were committed, to the extent consistent with  
12 the venue provisions of this Act.

13 (1) In a contempt proceeding where the petition for a  
14 rule to show cause or petition for adjudication of  
15 criminal contempt sets forth facts evidencing an immediate  
16 danger that the respondent will flee the jurisdiction or  
17 inflict physical abuse on the petitioner or minor children  
18 or on dependent adults in the petitioner's care, the court  
19 may order the attachment of the respondent without prior  
20 service of the petition for a rule to show cause, the rule  
21 to show cause, the petition for adjudication of criminal  
22 contempt or the adjudication of criminal contempt.  
23 Conditions of release shall be set unless specifically  
24 denied in writing.

25 (2) A petition for a rule to show cause or a petition  
26 for adjudication of criminal contempt for violation of a

1 civil no contact order shall be treated as an expedited  
2 proceeding.

3 (e) Actual knowledge. A civil no contact order may be  
4 enforced pursuant to this Section if the respondent violates  
5 the order after the respondent has actual knowledge of its  
6 contents as shown through one of the following means:

7 (1) by service, delivery, or notice under Section 208;

8 (2) by notice under Section 218;

9 (3) by service of a civil no contact order under  
10 Section 218; or

11 (4) by other means demonstrating actual knowledge of  
12 the contents of the order.

13 (f) The enforcement of a civil no contact order in civil or  
14 criminal court shall not be affected by either of the  
15 following:

16 (1) the existence of a separate, correlative order,  
17 entered under Section 202; or

18 (2) any finding or order entered in a conjoined  
19 criminal proceeding.

20 (g) Circumstances. The court, when determining whether or  
21 not a violation of a civil no contact order has occurred, shall  
22 not require physical manifestations of abuse on the person of  
23 the victim.

24 (h) Penalties.

25 (1) Except as provided in paragraph (3) of this  
26 subsection, where the court finds the commission of a

1 crime or contempt of court under subsection (a) or (b) of  
2 this Section, the penalty shall be the penalty that  
3 generally applies in such criminal or contempt  
4 proceedings, and may include one or more of the following:  
5 incarceration, payment of restitution, a fine, payment of  
6 attorneys' fees and costs, or community service.

7 (2) The court shall hear and take into account  
8 evidence of any factors in aggravation or mitigation  
9 before deciding an appropriate penalty under paragraph (1)  
10 of this subsection.

11 (3) To the extent permitted by law, the court is  
12 encouraged to:

13 (i) increase the penalty for the knowing violation  
14 of any civil no contact order over any penalty  
15 previously imposed by any court for respondent's  
16 violation of any civil no contact order or penal  
17 statute involving petitioner as victim and respondent  
18 as defendant;

19 (ii) impose a minimum penalty of 48 ~~24~~ hours  
20 imprisonment for respondent's first violation of any  
21 civil no contact order; and

22 (iii) impose a minimum penalty of 96 ~~48~~ hours  
23 imprisonment for respondent's second or subsequent  
24 violation of a civil no contact order unless the court  
25 explicitly finds that an increased penalty or that  
26 period of imprisonment would be manifestly unjust.

1           (4) In addition to any other penalties imposed for a  
2 violation of a civil no contact order, a criminal court  
3 may consider evidence of any previous violations of a  
4 civil no contact order:

5           (i) to modify the conditions of pretrial release  
6 on an underlying criminal charge pursuant to Section  
7 110-6 of the Code of Criminal Procedure of 1963;

8           (ii) to revoke or modify an order of probation,  
9 conditional discharge or supervision, pursuant to  
10 Section 5-6-4 of the Unified Code of Corrections; or

11           (iii) to revoke or modify a sentence of periodic  
12 imprisonment, pursuant to Section 5-7-2 of the Unified  
13 Code of Corrections.

14 (Source: P.A. 103-407, eff. 7-28-23.)

15           Section 15. The Illinois Domestic Violence Act of 1986 is  
16 amended by changing Section 223 as follows:

17           (750 ILCS 60/223) (from Ch. 40, par. 2312-23)

18           Sec. 223. Enforcement of orders of protection.

19           (a) When violation is crime. A violation of any order of  
20 protection, whether issued in a civil or criminal proceeding  
21 or by a military judge, shall be enforced by a criminal court  
22 when:

23           (1) The respondent commits the crime of violation of  
24 an order of protection pursuant to Section 12-3.4 or 12-30

1 of the Criminal Code of 1961 or the Criminal Code of 2012,  
2 by having knowingly violated:

3 (i) remedies described in paragraphs (1), (2),  
4 (3), (14), or (14.5) of subsection (b) of Section 214  
5 of this Act; or

6 (ii) a remedy, which is substantially similar to  
7 the remedies authorized under paragraphs (1), (2),  
8 (3), (14), and (14.5) of subsection (b) of Section 214  
9 of this Act, in a valid order of protection which is  
10 authorized under the laws of another state, tribe, or  
11 United States territory; or

12 (iii) any other remedy when the act constitutes a  
13 crime against the protected parties as defined by the  
14 Criminal Code of 1961 or the Criminal Code of 2012.

15 Prosecution for a violation of an order of protection  
16 shall not bar concurrent prosecution for any other crime,  
17 including any crime that may have been committed at the  
18 time of the violation of the order of protection; or

19 (2) The respondent commits the crime of child  
20 abduction pursuant to Section 10-5 of the Criminal Code of  
21 1961 or the Criminal Code of 2012, by having knowingly  
22 violated:

23 (i) remedies described in paragraphs (5), (6) or  
24 (8) of subsection (b) of Section 214 of this Act; or

25 (ii) a remedy, which is substantially similar to  
26 the remedies authorized under paragraphs (5), (6), or

1 (8) of subsection (b) of Section 214 of this Act, in a  
2 valid order of protection which is authorized under  
3 the laws of another state, tribe, or United States  
4 territory.

5 (b) When violation is contempt of court. A violation of  
6 any valid Illinois order of protection, whether issued in a  
7 civil or criminal proceeding or by a military judge, may be  
8 enforced through civil or criminal contempt procedures, as  
9 appropriate, by any court with jurisdiction, regardless where  
10 the act or acts which violated the order of protection were  
11 committed, to the extent consistent with the venue provisions  
12 of this Act. Nothing in this Act shall preclude any Illinois  
13 court from enforcing any valid order of protection issued in  
14 another state. Illinois courts may enforce orders of  
15 protection through both criminal prosecution and contempt  
16 proceedings, unless the action which is second in time is  
17 barred by collateral estoppel or the constitutional  
18 prohibition against double jeopardy.

19 (1) In a contempt proceeding where the petition for a  
20 rule to show cause sets forth facts evidencing an  
21 immediate danger that the respondent will flee the  
22 jurisdiction, conceal a child, or inflict physical abuse  
23 on the petitioner or minor children or on dependent adults  
24 in petitioner's care, the court may order the attachment  
25 of the respondent without prior service of the rule to  
26 show cause or the petition for a rule to show cause.

1 Conditions of release shall be set unless specifically  
2 denied in writing.

3 (2) A petition for a rule to show cause for violation  
4 of an order of protection shall be treated as an expedited  
5 proceeding.

6 (b-1) The court shall not hold a school district or  
7 private or non-public school or any of its employees in civil  
8 or criminal contempt unless the school district or private or  
9 non-public school has been allowed to intervene.

10 (b-2) The court may hold the parents, guardian, or legal  
11 custodian of a minor respondent in civil or criminal contempt  
12 for a violation of any provision of any order entered under  
13 this Act for conduct of the minor respondent in violation of  
14 this Act if the parents, guardian, or legal custodian  
15 directed, encouraged, or assisted the respondent minor in such  
16 conduct.

17 (c) Violation of custody or support orders or temporary or  
18 final judgments allocating parental responsibilities. A  
19 violation of remedies described in paragraphs (5), (6), (8),  
20 or (9) of subsection (b) of Section 214 of this Act may be  
21 enforced by any remedy provided by Section 607.5 of the  
22 Illinois Marriage and Dissolution of Marriage Act. The court  
23 may enforce any order for support issued under paragraph (12)  
24 of subsection (b) of Section 214 in the manner provided for  
25 under Parts V and VII of the Illinois Marriage and Dissolution  
26 of Marriage Act.



1 (d) Actual knowledge. An order of protection may be  
2 enforced pursuant to this Section if the respondent violates  
3 the order after the respondent has actual knowledge of its  
4 contents as shown through one of the following means:

5 (1) By service, delivery, or notice under Section 210.

6 (2) By notice under Section 210.1 or 211.

7 (3) By service of an order of protection under Section  
8 222.

9 (4) By other means demonstrating actual knowledge of  
10 the contents of the order.

11 (e) The enforcement of an order of protection in civil or  
12 criminal court shall not be affected by either of the  
13 following:

14 (1) The existence of a separate, correlative order,  
15 entered under Section 215.

16 (2) Any finding or order entered in a conjoined  
17 criminal proceeding.

18 (f) Circumstances. The court, when determining whether or  
19 not a violation of an order of protection has occurred, shall  
20 not require physical manifestations of abuse on the person of  
21 the victim.

22 (g) Penalties.

23 (1) Except as provided in paragraph (3) of this  
24 subsection, where the court finds the commission of a  
25 crime or contempt of court under subsections (a) or (b) of  
26 this Section, the penalty shall be the penalty that

1 generally applies in such criminal or contempt  
2 proceedings, and may include one or more of the following:  
3 incarceration, payment of restitution, a fine, payment of  
4 attorneys' fees and costs, or community service.

5 (2) The court shall hear and take into account  
6 evidence of any factors in aggravation or mitigation  
7 before deciding an appropriate penalty under paragraph (1)  
8 of this subsection.

9 (3) To the extent permitted by law, the court is  
10 encouraged to:

11 (i) increase the penalty for the knowing violation  
12 of any order of protection over any penalty previously  
13 imposed by any court for respondent's violation of any  
14 order of protection or penal statute involving  
15 petitioner as victim and respondent as defendant;

16 (ii) impose a minimum penalty of 48 ~~24~~ hours  
17 imprisonment for respondent's first violation of any  
18 order of protection; and

19 (iii) impose a minimum penalty of 96 ~~48~~ hours  
20 imprisonment for respondent's second or subsequent  
21 violation of an order of protection

22 unless the court explicitly finds that an increased  
23 penalty or that period of imprisonment would be manifestly  
24 unjust.

25 (4) In addition to any other penalties imposed for a  
26 violation of an order of protection, a criminal court may

1 consider evidence of any violations of an order of  
2 protection:

3 (i) to increase, revoke or modify the conditions  
4 of pretrial release on an underlying criminal charge  
5 pursuant to Section 110-6 of the Code of Criminal  
6 Procedure of 1963;

7 (ii) to revoke or modify an order of probation,  
8 conditional discharge or supervision, pursuant to  
9 Section 5-6-4 of the Unified Code of Corrections;

10 (iii) to revoke or modify a sentence of periodic  
11 imprisonment, pursuant to Section 5-7-2 of the Unified  
12 Code of Corrections.

13 (5) In addition to any other penalties, the court  
14 shall impose an additional fine of \$20 as authorized by  
15 Section 5-9-1.11 of the Unified Code of Corrections upon  
16 any person convicted of or placed on supervision for a  
17 violation of an order of protection. The additional fine  
18 shall be imposed for each violation of this Section.

19 (Source: P.A. 102-890, eff. 5-19-22; 103-407, eff. 7-28-23.)