



## 103RD GENERAL ASSEMBLY

### State of Illinois

### 2023 and 2024

### SB3946

Introduced 5/7/2024, by Sen. Dan McConchie

#### SYNOPSIS AS INTRODUCED:

725 ILCS 120/4.5	
730 ILCS 5/3-14-1	from Ch. 38, par. 1003-14-1
750 ILCS 60/201	from Ch. 40, par. 2312-1
750 ILCS 60/220	from Ch. 40, par. 2312-20

Provides that the Act may be referred to as Jayden's Law. Amends the Rights of Crime Victims and Witnesses Act. Provides that the Prisoner Review Board shall request and consider victim impact statements from the crime victim or any other previous victim of domestic violence who has similar crimes committed against them by the same person. A person who has had a final, plenary, or non-emergency order of protection granted may also present victim statements that the Prisoner Review Board must consider when weighing whether or not to release a person on parole or mandatory supervised release. Amends the Unified Code of Corrections. Provides that upon release of a person on parole, mandatory supervised release, final discharge, or pardon, the Department of Corrections shall notify the person of all in-effect orders of protection issued against the person and a description of the penalties for violating any order of protection. Amends the Illinois Domestic Violence Act of 1986. Provides that a petition for an order of protection may be filed by: (1) a crime victim who was abused by an offender prior to the incarceration of the offender in a penal institution and which offender is incarcerated in a penal institution at the time of the filing of the petition or (2) by any person who has previously suffered abuse by a person convicted of domestic battery, aggravated domestic battery, aggravated battery, or other offense that would constitute domestic violence or for a violent crime, as defined in the Rights of Crime Victims and Witnesses Act, committed against another person. Provides that a petition for an order of protection issued under the Act may not be denied solely upon the basis that the respondent is incarcerated in a penal institution at the time of the filing of the petition. Provides that any existing order of protection against a person shall be eligible for renewal while the offender is incarcerated in a penal institution and commences upon the offender's release from incarceration and shall be extended for a period up to 2 years.

LRB103 40536 RLC 73046 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 1. This Act may be referred to as Jayden's Law.

5 Section 5. The Rights of Crime Victims and Witnesses Act  
6 is amended by changing Section 4.5 as follows:

7 (725 ILCS 120/4.5)

8 Sec. 4.5. Procedures to implement the rights of crime  
9 victims. To afford crime victims their rights, law  
10 enforcement, prosecutors, judges, and corrections will provide  
11 information, as appropriate, of the following procedures:

12 (a) At the request of the crime victim, law enforcement  
13 authorities investigating the case shall provide notice of the  
14 status of the investigation, except where the State's Attorney  
15 determines that disclosure of such information would  
16 unreasonably interfere with the investigation, until such time  
17 as the alleged assailant is apprehended or the investigation  
18 is closed.

19 (a-5) When law enforcement authorities reopen a closed  
20 case to resume investigating, they shall provide notice of the  
21 reopening of the case, except where the State's Attorney  
22 determines that disclosure of such information would

1 unreasonably interfere with the investigation.

2 (a-6) The Prisoner Review Board shall request and consider  
3 victim impact statements from the crime victim or any other  
4 previous victim of domestic violence who has similar crimes  
5 committed against them by the same person. A person who has had  
6 a final, plenary, or non-emergency order of protection granted  
7 under Article 112A of the Code of Criminal Procedure of 1963 or  
8 under the Illinois Domestic Violence Act of 1986 may also  
9 present victim statements that the Prisoner Review Board must  
10 consider when weighing whether or not to release a person on  
11 parole or mandatory supervised release.

12 (b) The office of the State's Attorney:

13 (1) shall provide notice of the filing of an  
14 information, the return of an indictment, or the filing of  
15 a petition to adjudicate a minor as a delinquent for a  
16 violent crime;

17 (2) shall provide timely notice of the date, time, and  
18 place of court proceedings; of any change in the date,  
19 time, and place of court proceedings; and of any  
20 cancellation of court proceedings. Notice shall be  
21 provided in sufficient time, wherever possible, for the  
22 victim to make arrangements to attend or to prevent an  
23 unnecessary appearance at court proceedings;

24 (3) or victim advocate personnel shall provide  
25 information of social services and financial assistance  
26 available for victims of crime, including information of

1           how to apply for these services and assistance;

2           (3.5) or victim advocate personnel shall provide  
3 information about available victim services, including  
4 referrals to programs, counselors, and agencies that  
5 assist a victim to deal with trauma, loss, and grief;

6           (4) shall assist in having any stolen or other  
7 personal property held by law enforcement authorities for  
8 evidentiary or other purposes returned as expeditiously as  
9 possible, pursuant to the procedures set out in Section  
10 115-9 of the Code of Criminal Procedure of 1963;

11           (5) or victim advocate personnel shall provide  
12 appropriate employer intercession services to ensure that  
13 employers of victims will cooperate with the criminal  
14 justice system in order to minimize an employee's loss of  
15 pay and other benefits resulting from court appearances;

16           (6) shall provide, whenever possible, a secure waiting  
17 area during court proceedings that does not require  
18 victims to be in close proximity to defendants or  
19 juveniles accused of a violent crime, and their families  
20 and friends;

21           (7) shall provide notice to the crime victim of the  
22 right to have a translator present at all court  
23 proceedings and, in compliance with the federal Americans  
24 with Disabilities Act of 1990, the right to communications  
25 access through a sign language interpreter or by other  
26 means;

1 (8) (blank);

2 (8.5) shall inform the victim of the right to be  
3 present at all court proceedings, unless the victim is to  
4 testify and the court determines that the victim's  
5 testimony would be materially affected if the victim hears  
6 other testimony at trial;

7 (9) shall inform the victim of the right to have  
8 present at all court proceedings, subject to the rules of  
9 evidence and confidentiality, an advocate and other  
10 support person of the victim's choice;

11 (9.3) shall inform the victim of the right to retain  
12 an attorney, at the victim's own expense, who, upon  
13 written notice filed with the clerk of the court and  
14 State's Attorney, is to receive copies of all notices,  
15 motions, and court orders filed thereafter in the case, in  
16 the same manner as if the victim were a named party in the  
17 case;

18 (9.5) shall inform the victim of (A) the victim's  
19 right under Section 6 of this Act to make a statement at  
20 the sentencing hearing; (B) the right of the victim's  
21 spouse, guardian, parent, grandparent, and other immediate  
22 family and household members under Section 6 of this Act  
23 to present a statement at sentencing; and (C) if a  
24 presentence report is to be prepared, the right of the  
25 victim's spouse, guardian, parent, grandparent, and other  
26 immediate family and household members to submit

1 information to the preparer of the presentence report  
2 about the effect the offense has had on the victim and the  
3 person;

4 (10) at the sentencing shall make a good faith attempt  
5 to explain the minimum amount of time during which the  
6 defendant may actually be physically imprisoned. The  
7 Office of the State's Attorney shall further notify the  
8 crime victim of the right to request from the Prisoner  
9 Review Board or Department of Juvenile Justice information  
10 concerning the release of the defendant;

11 (11) shall request restitution at sentencing and as  
12 part of a plea agreement if the victim requests  
13 restitution;

14 (12) shall, upon the court entering a verdict of not  
15 guilty by reason of insanity, inform the victim of the  
16 notification services available from the Department of  
17 Human Services, including the statewide telephone number,  
18 under subparagraph (d) (2) of this Section;

19 (13) shall provide notice within a reasonable time  
20 after receipt of notice from the custodian, of the release  
21 of the defendant on pretrial release or personal  
22 recognizance or the release from detention of a minor who  
23 has been detained;

24 (14) shall explain in nontechnical language the  
25 details of any plea or verdict of a defendant, or any  
26 adjudication of a juvenile as a delinquent;

1           (15) shall make all reasonable efforts to consult with  
2 the crime victim before the Office of the State's Attorney  
3 makes an offer of a plea bargain to the defendant or enters  
4 into negotiations with the defendant concerning a possible  
5 plea agreement, and shall consider the written statement,  
6 if prepared prior to entering into a plea agreement. The  
7 right to consult with the prosecutor does not include the  
8 right to veto a plea agreement or to insist the case go to  
9 trial. If the State's Attorney has not consulted with the  
10 victim prior to making an offer or entering into plea  
11 negotiations with the defendant, the Office of the State's  
12 Attorney shall notify the victim of the offer or the  
13 negotiations within 2 business days and confer with the  
14 victim;

15           (16) shall provide notice of the ultimate disposition  
16 of the cases arising from an indictment or an information,  
17 or a petition to have a juvenile adjudicated as a  
18 delinquent for a violent crime;

19           (17) shall provide notice of any appeal taken by the  
20 defendant and information on how to contact the  
21 appropriate agency handling the appeal, and how to request  
22 notice of any hearing, oral argument, or decision of an  
23 appellate court;

24           (18) shall provide timely notice of any request for  
25 post-conviction review filed by the defendant under  
26 Article 122 of the Code of Criminal Procedure of 1963, and

1 of the date, time and place of any hearing concerning the  
2 petition. Whenever possible, notice of the hearing shall  
3 be given within 48 hours of the court's scheduling of the  
4 hearing;

5 (19) shall forward a copy of any statement presented  
6 under Section 6 to the Prisoner Review Board or Department  
7 of Juvenile Justice to be considered in making a  
8 determination under Section 3-2.5-85 or subsection (b) of  
9 Section 3-3-8 of the Unified Code of Corrections;

10 (20) shall, within a reasonable time, offer to meet  
11 with the crime victim regarding the decision of the  
12 State's Attorney not to charge an offense, and shall meet  
13 with the victim, if the victim agrees. The victim has a  
14 right to have an attorney, advocate, and other support  
15 person of the victim's choice attend this meeting with the  
16 victim; and

17 (21) shall give the crime victim timely notice of any  
18 decision not to pursue charges and consider the safety of  
19 the victim when deciding how to give such notice.

20 (c) The court shall ensure that the rights of the victim  
21 are afforded.

22 (c-5) The following procedures shall be followed to afford  
23 victims the rights guaranteed by Article I, Section 8.1 of the  
24 Illinois Constitution:

25 (1) Written notice. A victim may complete a written  
26 notice of intent to assert rights on a form prepared by the



1 Office of the Attorney General and provided to the victim  
2 by the State's Attorney. The victim may at any time  
3 provide a revised written notice to the State's Attorney.  
4 The State's Attorney shall file the written notice with  
5 the court. At the beginning of any court proceeding in  
6 which the right of a victim may be at issue, the court and  
7 prosecutor shall review the written notice to determine  
8 whether the victim has asserted the right that may be at  
9 issue.

10 (2) Victim's retained attorney. A victim's attorney  
11 shall file an entry of appearance limited to assertion of  
12 the victim's rights. Upon the filing of the entry of  
13 appearance and service on the State's Attorney and the  
14 defendant, the attorney is to receive copies of all  
15 notices, motions and court orders filed thereafter in the  
16 case.

17 (3) Standing. The victim has standing to assert the  
18 rights enumerated in subsection (a) of Article I, Section  
19 8.1 of the Illinois Constitution and the statutory rights  
20 under Section 4 of this Act in any court exercising  
21 jurisdiction over the criminal case. The prosecuting  
22 attorney, a victim, or the victim's retained attorney may  
23 assert the victim's rights. The defendant in the criminal  
24 case has no standing to assert a right of the victim in any  
25 court proceeding, including on appeal.

26 (4) Assertion of and enforcement of rights.

1           (A) The prosecuting attorney shall assert a  
2 victim's right or request enforcement of a right by  
3 filing a motion or by orally asserting the right or  
4 requesting enforcement in open court in the criminal  
5 case outside the presence of the jury. The prosecuting  
6 attorney shall consult with the victim and the  
7 victim's attorney regarding the assertion or  
8 enforcement of a right. If the prosecuting attorney  
9 decides not to assert or enforce a victim's right, the  
10 prosecuting attorney shall notify the victim or the  
11 victim's attorney in sufficient time to allow the  
12 victim or the victim's attorney to assert the right or  
13 to seek enforcement of a right.

14           (B) If the prosecuting attorney elects not to  
15 assert a victim's right or to seek enforcement of a  
16 right, the victim or the victim's attorney may assert  
17 the victim's right or request enforcement of a right  
18 by filing a motion or by orally asserting the right or  
19 requesting enforcement in open court in the criminal  
20 case outside the presence of the jury.

21           (C) If the prosecuting attorney asserts a victim's  
22 right or seeks enforcement of a right, unless the  
23 prosecuting attorney objects or the trial court does  
24 not allow it, the victim or the victim's attorney may  
25 be heard regarding the prosecuting attorney's motion  
26 or may file a simultaneous motion to assert or request

1 enforcement of the victim's right. If the victim or  
2 the victim's attorney was not allowed to be heard at  
3 the hearing regarding the prosecuting attorney's  
4 motion, and the court denies the prosecuting  
5 attorney's assertion of the right or denies the  
6 request for enforcement of a right, the victim or  
7 victim's attorney may file a motion to assert the  
8 victim's right or to request enforcement of the right  
9 within 10 days of the court's ruling. The motion need  
10 not demonstrate the grounds for a motion for  
11 reconsideration. The court shall rule on the merits of  
12 the motion.

13 (D) The court shall take up and decide any motion  
14 or request asserting or seeking enforcement of a  
15 victim's right without delay, unless a specific time  
16 period is specified by law or court rule. The reasons  
17 for any decision denying the motion or request shall  
18 be clearly stated on the record.

19 (E) No later than January 1, 2023, the Office of  
20 the Attorney General shall:

21 (i) designate an administrative authority  
22 within the Office of the Attorney General to  
23 receive and investigate complaints relating to the  
24 provision or violation of the rights of a crime  
25 victim as described in Article I, Section 8.1 of  
26 the Illinois Constitution and in this Act;

1           (ii) create and administer a course of  
2 training for employees and offices of the State of  
3 Illinois that fail to comply with provisions of  
4 Illinois law pertaining to the treatment of crime  
5 victims as described in Article I, Section 8.1 of  
6 the Illinois Constitution and in this Act as  
7 required by the court under Section 5 of this Act;  
8 and

9           (iii) have the authority to make  
10 recommendations to employees and offices of the  
11 State of Illinois to respond more effectively to  
12 the needs of crime victims, including regarding  
13 the violation of the rights of a crime victim.

14           (F) Crime victims' rights may also be asserted by  
15 filing a complaint for mandamus, injunctive, or  
16 declaratory relief in the jurisdiction in which the  
17 victim's right is being violated or where the crime is  
18 being prosecuted. For complaints or motions filed by  
19 or on behalf of the victim, the clerk of court shall  
20 waive filing fees that would otherwise be owed by the  
21 victim for any court filing with the purpose of  
22 enforcing crime victims' rights. If the court denies  
23 the relief sought by the victim, the reasons for the  
24 denial shall be clearly stated on the record in the  
25 transcript of the proceedings, in a written opinion,  
26 or in the docket entry, and the victim may appeal the

1 circuit court's decision to the appellate court. The  
2 court shall issue prompt rulings regarding victims'  
3 rights. Proceedings seeking to enforce victims' rights  
4 shall not be stayed or subject to unreasonable delay  
5 via continuances.

6 (5) Violation of rights and remedies.

7 (A) If the court determines that a victim's right  
8 has been violated, the court shall determine the  
9 appropriate remedy for the violation of the victim's  
10 right by hearing from the victim and the parties,  
11 considering all factors relevant to the issue, and  
12 then awarding appropriate relief to the victim.

13 (A-5) Consideration of an issue of a substantive  
14 nature or an issue that implicates the constitutional  
15 or statutory right of a victim at a court proceeding  
16 labeled as a status hearing shall constitute a per se  
17 violation of a victim's right.

18 (B) The appropriate remedy shall include only  
19 actions necessary to provide the victim the right to  
20 which the victim was entitled. Remedies may include,  
21 but are not limited to: injunctive relief requiring  
22 the victim's right to be afforded; declaratory  
23 judgment recognizing or clarifying the victim's  
24 rights; a writ of mandamus; and may include reopening  
25 previously held proceedings; however, in no event  
26 shall the court vacate a conviction. Any remedy shall

1           be tailored to provide the victim an appropriate  
2           remedy without violating any constitutional right of  
3           the defendant. In no event shall the appropriate  
4           remedy to the victim be a new trial or damages.

5           The court shall impose a mandatory training course  
6           provided by the Attorney General for the employee under  
7           item (ii) of subparagraph (E) of paragraph (4), which must  
8           be successfully completed within 6 months of the entry of  
9           the court order.

10          This paragraph (5) takes effect January 2, 2023.

11          (6) Right to be heard. Whenever a victim has the right  
12          to be heard, the court shall allow the victim to exercise  
13          the right in any reasonable manner the victim chooses.

14          (7) Right to attend trial. A party must file a written  
15          motion to exclude a victim from trial at least 60 days  
16          prior to the date set for trial. The motion must state with  
17          specificity the reason exclusion is necessary to protect a  
18          constitutional right of the party, and must contain an  
19          offer of proof. The court shall rule on the motion within  
20          30 days. If the motion is granted, the court shall set  
21          forth on the record the facts that support its finding  
22          that the victim's testimony will be materially affected if  
23          the victim hears other testimony at trial.

24          (8) Right to have advocate and support person present  
25          at court proceedings.

26          (A) A party who intends to call an advocate as a

1 witness at trial must seek permission of the court  
2 before the subpoena is issued. The party must file a  
3 written motion at least 90 days before trial that sets  
4 forth specifically the issues on which the advocate's  
5 testimony is sought and an offer of proof regarding  
6 (i) the content of the anticipated testimony of the  
7 advocate; and (ii) the relevance, admissibility, and  
8 materiality of the anticipated testimony. The court  
9 shall consider the motion and make findings within 30  
10 days of the filing of the motion. If the court finds by  
11 a preponderance of the evidence that: (i) the  
12 anticipated testimony is not protected by an absolute  
13 privilege; and (ii) the anticipated testimony contains  
14 relevant, admissible, and material evidence that is  
15 not available through other witnesses or evidence, the  
16 court shall issue a subpoena requiring the advocate to  
17 appear to testify at an in camera hearing. The  
18 prosecuting attorney and the victim shall have 15 days  
19 to seek appellate review before the advocate is  
20 required to testify at an ex parte in camera  
21 proceeding.

22 The prosecuting attorney, the victim, and the  
23 advocate's attorney shall be allowed to be present at  
24 the ex parte in camera proceeding. If, after  
25 conducting the ex parte in camera hearing, the court  
26 determines that due process requires any testimony

1 regarding confidential or privileged information or  
2 communications, the court shall provide to the  
3 prosecuting attorney, the victim, and the advocate's  
4 attorney a written memorandum on the substance of the  
5 advocate's testimony. The prosecuting attorney, the  
6 victim, and the advocate's attorney shall have 15 days  
7 to seek appellate review before a subpoena may be  
8 issued for the advocate to testify at trial. The  
9 presence of the prosecuting attorney at the ex parte  
10 in camera proceeding does not make the substance of  
11 the advocate's testimony that the court has ruled  
12 inadmissible subject to discovery.

13 (B) If a victim has asserted the right to have a  
14 support person present at the court proceedings, the  
15 victim shall provide the name of the person the victim  
16 has chosen to be the victim's support person to the  
17 prosecuting attorney, within 60 days of trial. The  
18 prosecuting attorney shall provide the name to the  
19 defendant. If the defendant intends to call the  
20 support person as a witness at trial, the defendant  
21 must seek permission of the court before a subpoena is  
22 issued. The defendant must file a written motion at  
23 least 45 days prior to trial that sets forth  
24 specifically the issues on which the support person  
25 will testify and an offer of proof regarding: (i) the  
26 content of the anticipated testimony of the support



1 person; and (ii) the relevance, admissibility, and  
2 materiality of the anticipated testimony.

3 If the prosecuting attorney intends to call the  
4 support person as a witness during the State's  
5 case-in-chief, the prosecuting attorney shall inform  
6 the court of this intent in the response to the  
7 defendant's written motion. The victim may choose a  
8 different person to be the victim's support person.  
9 The court may allow the defendant to inquire about  
10 matters outside the scope of the direct examination  
11 during cross-examination. If the court allows the  
12 defendant to do so, the support person shall be  
13 allowed to remain in the courtroom after the support  
14 person has testified. A defendant who fails to  
15 question the support person about matters outside the  
16 scope of direct examination during the State's  
17 case-in-chief waives the right to challenge the  
18 presence of the support person on appeal. The court  
19 shall allow the support person to testify if called as  
20 a witness in the defendant's case-in-chief or the  
21 State's rebuttal.

22 If the court does not allow the defendant to  
23 inquire about matters outside the scope of the direct  
24 examination, the support person shall be allowed to  
25 remain in the courtroom after the support person has  
26 been called by the defendant or the defendant has

1           rested. The court shall allow the support person to  
2           testify in the State's rebuttal.

3           If the prosecuting attorney does not intend to  
4           call the support person in the State's case-in-chief,  
5           the court shall verify with the support person whether  
6           the support person, if called as a witness, would  
7           testify as set forth in the offer of proof. If the  
8           court finds that the support person would testify as  
9           set forth in the offer of proof, the court shall rule  
10          on the relevance, materiality, and admissibility of  
11          the anticipated testimony. If the court rules the  
12          anticipated testimony is admissible, the court shall  
13          issue the subpoena. The support person may remain in  
14          the courtroom after the support person testifies and  
15          shall be allowed to testify in rebuttal.

16          If the court excludes the victim's support person  
17          during the State's case-in-chief, the victim shall be  
18          allowed to choose another support person to be present  
19          in court.

20          If the victim fails to designate a support person  
21          within 60 days of trial and the defendant has  
22          subpoenaed the support person to testify at trial, the  
23          court may exclude the support person from the trial  
24          until the support person testifies. If the court  
25          excludes the support person the victim may choose  
26          another person as a support person.

1           (9) Right to notice and hearing before disclosure of  
2 confidential or privileged information or records.

3           (A) A defendant who seeks to subpoena testimony or  
4 records of or concerning the victim that are  
5 confidential or privileged by law must seek permission  
6 of the court before the subpoena is issued. The  
7 defendant must file a written motion and an offer of  
8 proof regarding the relevance, admissibility and  
9 materiality of the testimony or records. If the court  
10 finds by a preponderance of the evidence that:

11           (i) the testimony or records are not protected  
12 by an absolute privilege and

13           (ii) the testimony or records contain  
14 relevant, admissible, and material evidence that  
15 is not available through other witnesses or  
16 evidence, the court shall issue a subpoena  
17 requiring the witness to appear in camera or a  
18 sealed copy of the records be delivered to the  
19 court to be reviewed in camera. If, after  
20 conducting an in camera review of the witness  
21 statement or records, the court determines that  
22 due process requires disclosure of any potential  
23 testimony or any portion of the records, the court  
24 shall provide copies of the records that it  
25 intends to disclose to the prosecuting attorney  
26 and the victim. The prosecuting attorney and the

1           victim shall have 30 days to seek appellate review  
2           before the records are disclosed to the defendant,  
3           used in any court proceeding, or disclosed to  
4           anyone or in any way that would subject the  
5           testimony or records to public review. The  
6           disclosure of copies of any portion of the  
7           testimony or records to the prosecuting attorney  
8           under this Section does not make the records  
9           subject to discovery or required to be provided to  
10          the defendant.

11           (B) A prosecuting attorney who seeks to subpoena  
12          information or records concerning the victim that are  
13          confidential or privileged by law must first request  
14          the written consent of the crime victim. If the victim  
15          does not provide such written consent, including where  
16          necessary the appropriate signed document required for  
17          waiving privilege, the prosecuting attorney must serve  
18          the subpoena at least 21 days prior to the date a  
19          response or appearance is required to allow the  
20          subject of the subpoena time to file a motion to quash  
21          or request a hearing. The prosecuting attorney must  
22          also send a written notice to the victim at least 21  
23          days prior to the response date to allow the victim to  
24          file a motion or request a hearing. The notice to the  
25          victim shall inform the victim (i) that a subpoena has  
26          been issued for confidential information or records

1 concerning the victim, (ii) that the victim has the  
2 right to request a hearing prior to the response date  
3 of the subpoena, and (iii) how to request the hearing.  
4 The notice to the victim shall also include a copy of  
5 the subpoena. If requested, a hearing regarding the  
6 subpoena shall occur before information or records are  
7 provided to the prosecuting attorney.

8 (10) Right to notice of court proceedings. If the  
9 victim is not present at a court proceeding in which a  
10 right of the victim is at issue, the court shall ask the  
11 prosecuting attorney whether the victim was notified of  
12 the time, place, and purpose of the court proceeding and  
13 that the victim had a right to be heard at the court  
14 proceeding. If the court determines that timely notice was  
15 not given or that the victim was not adequately informed  
16 of the nature of the court proceeding, the court shall not  
17 rule on any substantive issues, accept a plea, or impose a  
18 sentence and shall continue the hearing for the time  
19 necessary to notify the victim of the time, place and  
20 nature of the court proceeding. The time between court  
21 proceedings shall not be attributable to the State under  
22 Section 103-5 of the Code of Criminal Procedure of 1963.

23 (11) Right to timely disposition of the case. A victim  
24 has the right to timely disposition of the case so as to  
25 minimize the stress, cost, and inconvenience resulting  
26 from the victim's involvement in the case. Before ruling

1 on a motion to continue trial or other court proceeding,  
2 the court shall inquire into the circumstances for the  
3 request for the delay and, if the victim has provided  
4 written notice of the assertion of the right to a timely  
5 disposition, and whether the victim objects to the delay.  
6 If the victim objects, the prosecutor shall inform the  
7 court of the victim's objections. If the prosecutor has  
8 not conferred with the victim about the continuance, the  
9 prosecutor shall inform the court of the attempts to  
10 confer. If the court finds the attempts of the prosecutor  
11 to confer with the victim were inadequate to protect the  
12 victim's right to be heard, the court shall give the  
13 prosecutor at least 3 but not more than 5 business days to  
14 confer with the victim. In ruling on a motion to continue,  
15 the court shall consider the reasons for the requested  
16 continuance, the number and length of continuances that  
17 have been granted, the victim's objections and procedures  
18 to avoid further delays. If a continuance is granted over  
19 the victim's objection, the court shall specify on the  
20 record the reasons for the continuance and the procedures  
21 that have been or will be taken to avoid further delays.

22 (12) Right to Restitution.

23 (A) If the victim has asserted the right to  
24 restitution and the amount of restitution is known at  
25 the time of sentencing, the court shall enter the  
26 judgment of restitution at the time of sentencing.

1 (B) If the victim has asserted the right to  
2 restitution and the amount of restitution is not known  
3 at the time of sentencing, the prosecutor shall,  
4 within 5 days after sentencing, notify the victim what  
5 information and documentation related to restitution  
6 is needed and that the information and documentation  
7 must be provided to the prosecutor within 45 days  
8 after sentencing. Failure to timely provide  
9 information and documentation related to restitution  
10 shall be deemed a waiver of the right to restitution.  
11 The prosecutor shall file and serve within 60 days  
12 after sentencing a proposed judgment for restitution  
13 and a notice that includes information concerning the  
14 identity of any victims or other persons seeking  
15 restitution, whether any victim or other person  
16 expressly declines restitution, the nature and amount  
17 of any damages together with any supporting  
18 documentation, a restitution amount recommendation,  
19 and the names of any co-defendants and their case  
20 numbers. Within 30 days after receipt of the proposed  
21 judgment for restitution, the defendant shall file any  
22 objection to the proposed judgment, a statement of  
23 grounds for the objection, and a financial statement.  
24 If the defendant does not file an objection, the court  
25 may enter the judgment for restitution without further  
26 proceedings. If the defendant files an objection and

1           either party requests a hearing, the court shall  
2           schedule a hearing.

3           (13) Access to presentence reports.

4           (A) The victim may request a copy of the  
5           presentence report prepared under the Unified Code of  
6           Corrections from the State's Attorney. The State's  
7           Attorney shall redact the following information before  
8           providing a copy of the report:

9                   (i) the defendant's mental history and  
10                   condition;

11                   (ii) any evaluation prepared under subsection  
12                   (b) or (b-5) of Section 5-3-2; and

13                   (iii) the name, address, phone number, and  
14                   other personal information about any other victim.

15           (B) The State's Attorney or the defendant may  
16           request the court redact other information in the  
17           report that may endanger the safety of any person.

18           (C) The State's Attorney may orally disclose to  
19           the victim any of the information that has been  
20           redacted if there is a reasonable likelihood that the  
21           information will be stated in court at the sentencing.

22           (D) The State's Attorney must advise the victim  
23           that the victim must maintain the confidentiality of  
24           the report and other information. Any dissemination of  
25           the report or information that was not stated at a  
26           court proceeding constitutes indirect criminal



1 contempt of court.

2 (14) Appellate relief. If the trial court denies the  
3 relief requested, the victim, the victim's attorney, or  
4 the prosecuting attorney may file an appeal within 30 days  
5 of the trial court's ruling. The trial or appellate court  
6 may stay the court proceedings if the court finds that a  
7 stay would not violate a constitutional right of the  
8 defendant. If the appellate court denies the relief  
9 sought, the reasons for the denial shall be clearly stated  
10 in a written opinion. In any appeal in a criminal case, the  
11 State may assert as error the court's denial of any crime  
12 victim's right in the proceeding to which the appeal  
13 relates.

14 (15) Limitation on appellate relief. In no case shall  
15 an appellate court provide a new trial to remedy the  
16 violation of a victim's right.

17 (16) The right to be reasonably protected from the  
18 accused throughout the criminal justice process and the  
19 right to have the safety of the victim and the victim's  
20 family considered in determining whether to release the  
21 defendant, and setting conditions of release after arrest  
22 and conviction. A victim of domestic violence, a sexual  
23 offense, or stalking may request the entry of a protective  
24 order under Article 112A of the Code of Criminal Procedure  
25 of 1963.

26 (d) Procedures after the imposition of sentence.

1           (1) The Prisoner Review Board shall inform a victim or  
2           any other concerned citizen, upon written request, of the  
3           prisoner's release on parole, mandatory supervised  
4           release, electronic detention, work release, international  
5           transfer or exchange, or by the custodian, other than the  
6           Department of Juvenile Justice, of the discharge of any  
7           individual who was adjudicated a delinquent for a crime  
8           from State custody and by the sheriff of the appropriate  
9           county of any such person's final discharge from county  
10          custody. The Prisoner Review Board, upon written request,  
11          shall provide to a victim or any other concerned citizen a  
12          recent photograph of any person convicted of a felony,  
13          upon his or her release from custody. The Prisoner Review  
14          Board, upon written request, shall inform a victim or any  
15          other concerned citizen when feasible at least 7 days  
16          prior to the prisoner's release on furlough of the times  
17          and dates of such furlough. Upon written request by the  
18          victim or any other concerned citizen, the State's  
19          Attorney shall notify the person once of the times and  
20          dates of release of a prisoner sentenced to periodic  
21          imprisonment. Notification shall be based on the most  
22          recent information as to the victim's or other concerned  
23          citizen's residence or other location available to the  
24          notifying authority.

25          (2) When the defendant has been committed to the  
26          Department of Human Services pursuant to Section 5-2-4 or

1 any other provision of the Unified Code of Corrections,  
2 the victim may request to be notified by the releasing  
3 authority of the approval by the court of an on-grounds  
4 pass, a supervised off-grounds pass, an unsupervised  
5 off-grounds pass, or conditional release; the release on  
6 an off-grounds pass; the return from an off-grounds pass;  
7 transfer to another facility; conditional release; escape;  
8 death; or final discharge from State custody. The  
9 Department of Human Services shall establish and maintain  
10 a statewide telephone number to be used by victims to make  
11 notification requests under these provisions and shall  
12 publicize this telephone number on its website and to the  
13 State's Attorney of each county.

14 (3) In the event of an escape from State custody, the  
15 Department of Corrections or the Department of Juvenile  
16 Justice immediately shall notify the Prisoner Review Board  
17 of the escape and the Prisoner Review Board shall notify  
18 the victim. The notification shall be based upon the most  
19 recent information as to the victim's residence or other  
20 location available to the Board. When no such information  
21 is available, the Board shall make all reasonable efforts  
22 to obtain the information and make the notification. When  
23 the escapee is apprehended, the Department of Corrections  
24 or the Department of Juvenile Justice immediately shall  
25 notify the Prisoner Review Board and the Board shall  
26 notify the victim.

1           (4) The victim of the crime for which the prisoner has  
2           been sentenced has the right to register with the Prisoner  
3           Review Board's victim registry. Victims registered with  
4           the Board shall receive reasonable written notice not less  
5           than 30 days prior to the parole hearing or target  
6           aftercare release date. The victim has the right to submit  
7           a victim statement for consideration by the Prisoner  
8           Review Board or the Department of Juvenile Justice in  
9           writing, on film, videotape, or other electronic means, or  
10          in the form of a recording prior to the parole hearing or  
11          target aftercare release date, or in person at the parole  
12          hearing or aftercare release protest hearing, or by  
13          calling the toll-free number established in subsection (f)  
14          of this Section. The victim shall be notified within 7  
15          days after the prisoner has been granted parole or  
16          aftercare release and shall be informed of the right to  
17          inspect the registry of parole decisions, established  
18          under subsection (g) of Section 3-3-5 of the Unified Code  
19          of Corrections. The provisions of this paragraph (4) are  
20          subject to the Open Parole Hearings Act. Victim statements  
21          provided to the Board shall be confidential and  
22          privileged, including any statements received prior to  
23          January 1, 2020 (the effective date of Public Act  
24          101-288), except if the statement was an oral statement  
25          made by the victim at a hearing open to the public.

26          (4-1) The crime victim has the right to submit a

1 victim statement for consideration by the Prisoner Review  
2 Board or the Department of Juvenile Justice prior to or at  
3 a hearing to determine the conditions of mandatory  
4 supervised release of a person sentenced to a determinate  
5 sentence or at a hearing on revocation of mandatory  
6 supervised release of a person sentenced to a determinate  
7 sentence. A victim statement may be submitted in writing,  
8 on film, videotape, or other electronic means, or in the  
9 form of a recording, or orally at a hearing, or by calling  
10 the toll-free number established in subsection (f) of this  
11 Section. Victim statements provided to the Board shall be  
12 confidential and privileged, including any statements  
13 received prior to January 1, 2020 (the effective date of  
14 Public Act 101-288), except if the statement was an oral  
15 statement made by the victim at a hearing open to the  
16 public.

17 (4-2) The crime victim has the right to submit a  
18 victim statement to the Prisoner Review Board for  
19 consideration at an executive clemency hearing as provided  
20 in Section 3-3-13 of the Unified Code of Corrections. A  
21 victim statement may be submitted in writing, on film,  
22 videotape, or other electronic means, or in the form of a  
23 recording prior to a hearing, or orally at a hearing, or by  
24 calling the toll-free number established in subsection (f)  
25 of this Section. Victim statements provided to the Board  
26 shall be confidential and privileged, including any

1 statements received prior to January 1, 2020 (the  
2 effective date of Public Act 101-288), except if the  
3 statement was an oral statement made by the victim at a  
4 hearing open to the public.

5 (5) If a statement is presented under Section 6, the  
6 Prisoner Review Board or Department of Juvenile Justice  
7 shall inform the victim of any order of discharge pursuant  
8 to Section 3-2.5-85 or 3-3-8 of the Unified Code of  
9 Corrections.

10 (6) At the written or oral request of the victim of the  
11 crime for which the prisoner was sentenced or the State's  
12 Attorney of the county where the person seeking parole or  
13 aftercare release was prosecuted, the Prisoner Review  
14 Board or Department of Juvenile Justice shall notify the  
15 victim and the State's Attorney of the county where the  
16 person seeking parole or aftercare release was prosecuted  
17 of the death of the prisoner if the prisoner died while on  
18 parole or aftercare release or mandatory supervised  
19 release.

20 (7) When a defendant who has been committed to the  
21 Department of Corrections, the Department of Juvenile  
22 Justice, or the Department of Human Services is released  
23 or discharged and subsequently committed to the Department  
24 of Human Services as a sexually violent person and the  
25 victim had requested to be notified by the releasing  
26 authority of the defendant's discharge, conditional

1 release, death, or escape from State custody, the  
2 releasing authority shall provide to the Department of  
3 Human Services such information that would allow the  
4 Department of Human Services to contact the victim.

5 (8) When a defendant has been convicted of a sex  
6 offense as defined in Section 2 of the Sex Offender  
7 Registration Act and has been sentenced to the Department  
8 of Corrections or the Department of Juvenile Justice, the  
9 Prisoner Review Board or the Department of Juvenile  
10 Justice shall notify the victim of the sex offense of the  
11 prisoner's eligibility for release on parole, aftercare  
12 release, mandatory supervised release, electronic  
13 detention, work release, international transfer or  
14 exchange, or by the custodian of the discharge of any  
15 individual who was adjudicated a delinquent for a sex  
16 offense from State custody and by the sheriff of the  
17 appropriate county of any such person's final discharge  
18 from county custody. The notification shall be made to the  
19 victim at least 30 days, whenever possible, before release  
20 of the sex offender.

21 (e) The officials named in this Section may satisfy some  
22 or all of their obligations to provide notices and other  
23 information through participation in a statewide victim and  
24 witness notification system established by the Attorney  
25 General under Section 8.5 of this Act.

26 (f) The Prisoner Review Board shall establish a toll-free

1 number that may be accessed by the crime victim to present a  
2 victim statement to the Board in accordance with paragraphs  
3 (4), (4-1), and (4-2) of subsection (d).

4 (Source: P.A. 101-81, eff. 7-12-19; 101-288, eff. 1-1-20;  
5 101-652, eff. 1-1-23; 102-22, eff. 6-25-21; 102-558, eff.  
6 8-20-21; 102-813, eff. 5-13-22.)

7 Section 10. The Unified Code of Corrections is amended by  
8 changing Section 3-14-1 as follows:

9 (730 ILCS 5/3-14-1) (from Ch. 38, par. 1003-14-1)

10 Sec. 3-14-1. Release from the institution.

11 (a) Upon release of a person on parole, mandatory release,  
12 final discharge, or pardon, the Department shall return all  
13 property held for him, provide him with suitable clothing and  
14 procure necessary transportation for him to his designated  
15 place of residence and employment. It may provide such person  
16 with a grant of money for travel and expenses which may be paid  
17 in installments. The amount of the money grant shall be  
18 determined by the Department.

19 (a-1) The Department shall, before a wrongfully imprisoned  
20 person, as defined in Section 3-1-2 of this Code, is  
21 discharged from the Department, provide him or her with any  
22 documents necessary after discharge.

23 (a-2) The Department of Corrections may establish and  
24 maintain, in any institution it administers, revolving funds



1 to be known as "Travel and Allowances Revolving Funds". These  
2 revolving funds shall be used for advancing travel and expense  
3 allowances to committed, paroled, and discharged prisoners.  
4 The moneys paid into such revolving funds shall be from  
5 appropriations to the Department for Committed, Paroled, and  
6 Discharged Prisoners.

7 (a-3) Upon release of a person who is eligible to vote on  
8 parole, mandatory release, final discharge, or pardon, the  
9 Department shall provide the person with a form that informs  
10 him or her that his or her voting rights have been restored and  
11 a voter registration application. The Department shall have  
12 available voter registration applications in the languages  
13 provided by the Illinois State Board of Elections. The form  
14 that informs the person that his or her rights have been  
15 restored shall include the following information:

16 (1) All voting rights are restored upon release from  
17 the Department's custody.

18 (2) A person who is eligible to vote must register in  
19 order to be able to vote.

20 The Department of Corrections shall confirm that the  
21 person received the voter registration application and has  
22 been informed that his or her voting rights have been  
23 restored.

24 (a-4) Prior to release of a person on parole, mandatory  
25 supervised release, final discharge, or pardon, the Department  
26 shall screen every person for Medicaid eligibility. Officials

1 of the correctional institution or facility where the  
2 committed person is assigned shall assist an eligible person  
3 to complete a Medicaid application to ensure that the person  
4 begins receiving benefits as soon as possible after his or her  
5 release. The application must include the eligible person's  
6 address associated with his or her residence upon release from  
7 the facility. If the residence is temporary, the eligible  
8 person must notify the Department of Human Services of his or  
9 her change in address upon transition to permanent housing.

10 (a-5) Upon release of a person on parole, mandatory  
11 supervised release, final discharge, or pardon, the Department  
12 shall notify the person of all in-effect orders of protection  
13 issued against the person under Article 112A of the Code of  
14 Criminal Procedure of 1963 or under the Illinois Domestic  
15 Violence Act of 1986.

16 (b) (Blank).

17 (c) Except as otherwise provided in this Code, the  
18 Department shall establish procedures to provide written  
19 notification of any release of any person who has been  
20 convicted of a felony to the State's Attorney and sheriff of  
21 the county from which the offender was committed, and the  
22 State's Attorney and sheriff of the county into which the  
23 offender is to be paroled or released. Except as otherwise  
24 provided in this Code, the Department shall establish  
25 procedures to provide written notification to the proper law  
26 enforcement agency for any municipality of any release of any

1 person who has been convicted of a felony if the arrest of the  
2 offender or the commission of the offense took place in the  
3 municipality, if the offender is to be paroled or released  
4 into the municipality, or if the offender resided in the  
5 municipality at the time of the commission of the offense. If a  
6 person convicted of a felony who is in the custody of the  
7 Department of Corrections or on parole or mandatory supervised  
8 release informs the Department that he or she has resided,  
9 resides, or will reside at an address that is a housing  
10 facility owned, managed, operated, or leased by a public  
11 housing agency, the Department must send written notification  
12 of that information to the public housing agency that owns,  
13 manages, operates, or leases the housing facility. The written  
14 notification shall, when possible, be given at least 14 days  
15 before release of the person from custody, or as soon  
16 thereafter as possible. The written notification shall be  
17 provided electronically if the State's Attorney, sheriff,  
18 proper law enforcement agency, or public housing agency has  
19 provided the Department with an accurate and up to date email  
20 address.

21 (c-1) (Blank).

22 (c-2) The Department shall establish procedures to provide  
23 notice to the Illinois State Police of the release or  
24 discharge of persons convicted of violations of the  
25 Methamphetamine Control and Community Protection Act or a  
26 violation of the Methamphetamine Precursor Control Act. The

1 Illinois State Police shall make this information available to  
2 local, State, or federal law enforcement agencies upon  
3 request.

4 (c-5) If a person on parole or mandatory supervised  
5 release becomes a resident of a facility licensed or regulated  
6 by the Department of Public Health, the Illinois Department of  
7 Public Aid, or the Illinois Department of Human Services, the  
8 Department of Corrections shall provide copies of the  
9 following information to the appropriate licensing or  
10 regulating Department and the licensed or regulated facility  
11 where the person becomes a resident:

12 (1) The mittimus and any pre-sentence investigation  
13 reports.

14 (2) The social evaluation prepared pursuant to Section  
15 3-8-2.

16 (3) Any pre-release evaluation conducted pursuant to  
17 subsection (j) of Section 3-6-2.

18 (4) Reports of disciplinary infractions and  
19 dispositions.

20 (5) Any parole plan, including orders issued by the  
21 Prisoner Review Board, and any violation reports and  
22 dispositions.

23 (6) The name and contact information for the assigned  
24 parole agent and parole supervisor.

25 This information shall be provided within 3 days of the  
26 person becoming a resident of the facility.

1 (c-10) If a person on parole or mandatory supervised  
2 release becomes a resident of a facility licensed or regulated  
3 by the Department of Public Health, the Illinois Department of  
4 Public Aid, or the Illinois Department of Human Services, the  
5 Department of Corrections shall provide written notification  
6 of such residence to the following:

7 (1) The Prisoner Review Board.

8 (2) The chief of police and sheriff in the  
9 municipality and county in which the licensed facility is  
10 located.

11 The notification shall be provided within 3 days of the  
12 person becoming a resident of the facility.

13 (d) Upon the release of a committed person on parole,  
14 mandatory supervised release, final discharge, or pardon, the  
15 Department shall provide such person with information  
16 concerning programs and services of the Illinois Department of  
17 Public Health to ascertain whether such person has been  
18 exposed to the human immunodeficiency virus (HIV) or any  
19 identified causative agent of Acquired Immunodeficiency  
20 Syndrome (AIDS).

21 (e) Upon the release of a committed person on parole,  
22 mandatory supervised release, final discharge, pardon, or who  
23 has been wrongfully imprisoned, the Department shall verify  
24 the released person's full name, date of birth, and social  
25 security number. If verification is made by the Department by  
26 obtaining a certified copy of the released person's birth

1 certificate and the released person's social security card or  
2 other documents authorized by the Secretary, the Department  
3 shall provide the birth certificate and social security card  
4 or other documents authorized by the Secretary to the released  
5 person. If verification by the Department is done by means  
6 other than obtaining a certified copy of the released person's  
7 birth certificate and the released person's social security  
8 card or other documents authorized by the Secretary, the  
9 Department shall complete a verification form, prescribed by  
10 the Secretary of State, and shall provide that verification  
11 form to the released person.

12 (f) Forty-five days prior to the scheduled discharge of a  
13 person committed to the custody of the Department of  
14 Corrections, the Department shall give the person:

15 (1) who is otherwise uninsured an opportunity to apply  
16 for health care coverage including medical assistance  
17 under Article V of the Illinois Public Aid Code in  
18 accordance with subsection (b) of Section 1-8.5 of the  
19 Illinois Public Aid Code, and the Department of  
20 Corrections shall provide assistance with completion of  
21 the application for health care coverage including medical  
22 assistance;

23 (2) information about obtaining a standard Illinois  
24 Identification Card or a limited-term Illinois  
25 Identification Card under Section 4 of the Illinois  
26 Identification Card Act if the person has not been issued

1 an Illinois Identification Card under subsection (a-20) of  
2 Section 4 of the Illinois Identification Card Act;

3 (3) information about voter registration and may  
4 distribute information prepared by the State Board of  
5 Elections. The Department of Corrections may enter into an  
6 interagency contract with the State Board of Elections to  
7 participate in the automatic voter registration program  
8 and be a designated automatic voter registration agency  
9 under Section 1A-16.2 of the Election Code;

10 (4) information about job listings upon discharge from  
11 the correctional institution or facility;

12 (5) information about available housing upon discharge  
13 from the correctional institution or facility;

14 (6) a directory of elected State officials and of  
15 officials elected in the county and municipality, if any,  
16 in which the committed person intends to reside upon  
17 discharge from the correctional institution or facility;  
18 and

19 (7) any other information that the Department of  
20 Corrections deems necessary to provide the committed  
21 person in order for the committed person to reenter the  
22 community and avoid recidivism.

23 (g) Sixty days before the scheduled discharge of a person  
24 committed to the custody of the Department or upon receipt of  
25 the person's certified birth certificate and social security  
26 card as set forth in subsection (d) of Section 3-8-1 of this

1 Act, whichever occurs later, the Department shall transmit an  
2 application for an Identification Card to the Secretary of  
3 State, in accordance with subsection (a-20) of Section 4 of  
4 the Illinois Identification Card Act.

5 The Department may adopt rules to implement this Section.

6 (Source: P.A. 102-538, eff. 8-20-21; 102-558, eff. 8-20-21;  
7 102-606, eff. 1-1-22; 102-813, eff. 5-13-22; 103-345, eff.  
8 1-1-24.)

9 Section 15. The Illinois Domestic Violence Act of 1986 is  
10 amended by changing Sections 201 and 220 as follows:

11 (750 ILCS 60/201) (from Ch. 40, par. 2312-1)

12 Sec. 201. Persons protected by this Act.

13 (a) The following persons are protected by this Act:

14 (i) any person abused by a family or household member;

15 (ii) any high-risk adult with disabilities who is  
16 abused, neglected, or exploited by a family or household  
17 member;

18 (iii) any minor child or dependent adult in the care  
19 of such person;

20 (iv) any person residing or employed at a private home  
21 or public shelter which is housing an abused family or  
22 household member; and

23 (v) any of the following persons if the person is  
24 abused by a family or household member of a child:



1 (A) a foster parent of that child if the child has  
2 been placed in the foster parent's home by the  
3 Department of Children and Family Services or by  
4 another state's public child welfare agency;

5 (B) a legally appointed guardian or legally  
6 appointed custodian of that child;

7 (C) an adoptive parent of that child; or

8 (D) a prospective adoptive parent of that child if  
9 the child has been placed in the prospective adoptive  
10 parent's home pursuant to the Adoption Act or pursuant  
11 to another state's law -

12 For purposes of this paragraph (a)(v), individuals who  
13 would have been considered "family or household members"  
14 of the child under subsection (6) of Section 103 of this  
15 Act before a termination of the parental rights with  
16 respect to the child continue to meet the definition of  
17 "family or household members" of the child.

18 (b) A petition for an order of protection may be filed  
19 only:

20 (i) by a person who has been abused by a family or  
21 household member or by any person on behalf of a minor  
22 child or an adult who has been abused by a family or  
23 household member and who, because of age, health,  
24 disability, or inaccessibility, cannot file the petition;

25 (ii) by any person on behalf of a high-risk adult with  
26 disabilities who has been abused, neglected, or exploited

1 by a family or household member; ~~or~~

2 (iii) any of the following persons if the person is  
3 abused by a family or household member of a child:

4 (A) a foster parent of that child if the child has  
5 been placed in the foster parent's home by the  
6 Department of Children and Family Services or by  
7 another state's public child welfare agency;

8 (B) a legally appointed guardian or legally  
9 appointed custodian of that child;

10 (C) an adoptive parent of that child;

11 (D) a prospective adoptive parent of that child if  
12 the child has been placed in the prospective adoptive  
13 parent's home pursuant to the Adoption Act or pursuant  
14 to another state's law; ~~or~~

15 (iv) by a crime victim who was abused by an offender  
16 prior to the incarceration of the offender in a penal  
17 institution and which offender is incarcerated in a penal  
18 institution at the time of the filing of the petition; or

19 (v) by any person who has previously suffered abuse by  
20 a person convicted of domestic battery, aggravated  
21 domestic battery, aggravated battery, or other offense  
22 that would constitute domestic violence or for a violent  
23 crime, as defined in Section 3 of the Rights of Crime  
24 Victims and Witnesses Act, committed against another  
25 person.

26 (b-1) A petition for an order of protection issued under

1 paragraph (b) (i), (b) (ii), (b) (iii), (b) (iv), or (b) (v) may  
2 not be denied solely upon the basis that the respondent is  
3 incarcerated in a penal institution at the time of the filing  
4 of the petition

5 For purposes of this paragraph (b) (iii), individuals  
6 who would have been considered "family or household  
7 members" of the child under subsection (6) of Section 103  
8 of this Act before a termination of the parental rights  
9 with respect to the child continue to meet the definition  
10 of "family or household members" of the child.

11 (c) Any petition properly filed under this Act may seek  
12 protection for any additional persons protected by this Act.

13 (d) Any existing order of protection against a person is  
14 automatically tolled while the offender is incarcerated in a  
15 penal institution and automatically resumes upon the  
16 offender's release from incarceration.

17 (Source: P.A. 100-639, eff. 1-1-19.)

18 (750 ILCS 60/220) (from Ch. 40, par. 2312-20)

19 Sec. 220. Duration and extension of orders.

20 (a) Duration of emergency and interim orders. Unless  
21 re-opened or extended or voided by entry of an order of greater  
22 duration:

23 (1) Emergency orders issued under Section 217 shall be  
24 effective for not less than 14 nor more than 21 days;

25 (2) Interim orders shall be effective for up to 30

1 days.

2 (b) Duration of plenary orders.

3 (0.05) A plenary order of protection entered under  
4 this Act shall be valid for a fixed period of time, not to  
5 exceed two years.

6 (1) A plenary order of protection entered in  
7 conjunction with another civil proceeding shall remain in  
8 effect as follows:

9 (i) if entered as preliminary relief in that other  
10 proceeding, until entry of final judgment in that  
11 other proceeding;

12 (ii) if incorporated into the final judgment in  
13 that other proceeding, until the order of protection  
14 is vacated or modified; or

15 (iii) if incorporated in an order for involuntary  
16 commitment, until termination of both the involuntary  
17 commitment and any voluntary commitment, or for a  
18 fixed period of time not exceeding 2 years.

19 (2) Duration of an order of protection entered in  
20 conjunction with a criminal prosecution or delinquency  
21 petition shall remain in effect as provided in Section  
22 112A-20 of the Code of Criminal Procedure of 1963.

23 (b-1) An existing order of protection against a person  
24 shall be eligible for renewal while the respondent is  
25 incarcerated in a penal institution and commences upon release  
26 of the respondent and shall be extended for a period up to 2

1 years.

2 (c) Computation of time. The duration of an order of  
3 protection shall not be reduced by the duration of any prior  
4 order of protection.

5 (d) Law enforcement records. When a plenary order of  
6 protection expires upon the occurrence of a specified event,  
7 rather than upon a specified date as provided in subsection  
8 (b), no expiration date shall be entered in Illinois State  
9 Police records. To remove the plenary order from those  
10 records, either party shall request the clerk of the court to  
11 file a certified copy of an order stating that the specified  
12 event has occurred or that the plenary order has been vacated  
13 or modified with the Sheriff, and the Sheriff shall direct  
14 that law enforcement records shall be promptly corrected in  
15 accordance with the filed order.

16 (e) Extension of orders. Any emergency, interim or plenary  
17 order may be extended one or more times, as required, provided  
18 that the requirements of Section 217, 218 or 219, as  
19 appropriate, are satisfied. If the motion for extension is  
20 uncontested and petitioner seeks no modification of the order,  
21 the order may be extended on the basis of petitioner's motion  
22 or affidavit stating that there has been no material change in  
23 relevant circumstances since entry of the order and stating  
24 the reason for the requested extension. An extension of a  
25 plenary order of protection may be granted, upon good cause  
26 shown, to remain in effect until the order of protection is

1 vacated or modified. Extensions may be granted only in open  
2 court and not under the provisions of subsection (c) of  
3 Section 217, which applies only when the court is unavailable  
4 at the close of business or on a court holiday.

5 (f) Termination date. Any order of protection which would  
6 expire on a court holiday shall instead expire at the close of  
7 the next court business day.

8 (g) Statement of purpose. The practice of dismissing or  
9 suspending a criminal prosecution in exchange for the issuance  
10 of an order of protection undermines the purposes of this Act.  
11 This Section shall not be construed as encouraging that  
12 practice.

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