



Sen. Dale A. Righter

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09500HB5121sam002

LRB095 16625 AJ0 50689 a

1 AMENDMENT TO HOUSE BILL 5121

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 5121 on page 1,  
3 before line 4, by inserting the following:

4 "Section 3. The Code of Criminal Procedure of 1963 is  
5 amended by changing Section 112A-22 as follows:

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

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

8 (a) Entry and issuance. Upon issuance of any order of  
9 protection, the clerk shall immediately, or on the next court  
10 day if an emergency order is issued in accordance with  
11 subsection (c) of Section 112A-17, (i) enter the order on the  
12 record and file it in accordance with the circuit court  
13 procedures and (ii) provide a file stamped copy of the order to  
14 respondent, if present, and to petitioner.

15 (b) Filing with sheriff. The clerk of the issuing judge  
16 shall, or the petitioner may, on the same day that an order of

1 protection is issued, file a copy of that order with the  
2 sheriff or other law enforcement officials charged with  
3 maintaining Department of State Police records or charged with  
4 serving the order upon respondent. If the order was issued in  
5 accordance with subsection (c) of Section 112A-17, the clerk  
6 shall on the next court day, file a certified copy of the order  
7 with the Sheriff or other law enforcement officials charged  
8 with maintaining Department of State Police records.

9 (c) Service by sheriff. Unless respondent was present in  
10 court when the order was issued, the sheriff, other law  
11 enforcement official or special process server shall promptly  
12 serve that order upon respondent and file proof of such  
13 service, in the manner provided for service of process in civil  
14 proceedings. Instead of serving the order upon the respondent,  
15 however, the sheriff, other law enforcement official, or  
16 special process server may serve the respondent with a short  
17 form notification as provided in Section 112A-22.10. If process  
18 has not yet been served upon the respondent, it shall be served  
19 with the order or short form notification.

20 (c-5) If the person against whom the order of protection is  
21 issued is arrested and the written order is issued in  
22 accordance with subsection (c) of Section 112A-17 and received  
23 by the custodial law enforcement agency before the respondent  
24 or arrestee is released from custody, the custodial law  
25 enforcement agent shall promptly serve the order upon the  
26 respondent or arrestee before the respondent or arrestee is

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

5 (d) Extensions, modifications and revocations. Any order  
6 extending, modifying or revoking any order of protection shall  
7 be promptly recorded, issued and served as provided in this  
8 Section.

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

15 (f) Disclosure by health care facilities and health care  
16 practitioners. After receiving a certified copy of an order of  
17 protection that prohibits a respondent's access to records, no  
18 health care facility or health care practitioner shall allow a  
19 respondent access to the records of any child who is a  
20 protected person under the order of protection, or release  
21 information in those records to the respondent, unless the  
22 order has expired or the respondent shows a certified copy of  
23 the court order vacating the corresponding order of protection  
24 that was sent to the health care facility or practitioner.  
25 Nothing in this Section shall be construed to require health  
26 care facilities or health care practitioners to alter

1 procedures related to billing and payment. The health care  
2 facility or health care practitioner may file the copy of the  
3 order of protection in the records of a child who is a  
4 protected person under the order of protection, or may employ  
5 any other method to identify the records to which a respondent  
6 is prohibited access. No health care facility or health care  
7 practitioner shall be civilly or professionally liable for  
8 reliance on a copy of an order of protection, except for  
9 willful and wanton misconduct.

10 (Source: P.A. 92-162, eff. 1-1-02.); and

11 on page 3, line 21, by inserting after "1986", the following:  
12 "or the Code of Criminal Procedure of 1963".