

1 AN ACT concerning civil law.

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-20 as follows:

6 (725 ILCS 5/112A-20) (from Ch. 38, par. 112A-20)

7 Sec. 112A-20. Duration and extension of orders.

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

11 (1) Emergency orders issued under Section 112A-17
12 shall be effective for not less than 14 nor more than 21
13 days;

14 (2) Interim orders shall be effective for up to 30
15 days.

16 (b) Duration of plenary orders. Except as otherwise
17 provided in this Section, a plenary order of protection shall
18 be valid for a fixed period of time not to exceed 2 years. A
19 plenary order of protection entered in conjunction with a
20 criminal prosecution shall remain in effect as follows:

21 (1) if entered during pre-trial release, until
22 disposition, withdrawal, or dismissal of the underlying
23 charge; if, however, the case is continued as an

1 independent cause of action, the order's duration may be
2 for a fixed period of time not to exceed 2 years;

3 (2) if in effect in conjunction with a bond forfeiture
4 warrant, until final disposition or an additional period of
5 time not exceeding 2 years; no order of protection,
6 however, shall be terminated by a dismissal that is
7 accompanied by the issuance of a bond forfeiture warrant;

8 (3) until expiration of any supervision, conditional
9 discharge, probation, periodic imprisonment, parole or
10 mandatory supervised release and for an additional period
11 of time thereafter not exceeding 2 years; or

12 (4) until the date set by the court for expiration of
13 any sentence of imprisonment and subsequent parole or
14 mandatory supervised release and for an additional period
15 of time thereafter not exceeding 2 years.

16 (c) Computation of time. The duration of an order of
17 protection shall not be reduced by the duration of any prior
18 order of protection.

19 (d) Law enforcement records. When a plenary order of
20 protection expires upon the occurrence of a specified event,
21 rather than upon a specified date as provided in subsection
22 (b), no expiration date shall be entered in Department of State
23 Police records. To remove the plenary order from those records,
24 either party shall request the clerk of the court to file a
25 certified copy of an order stating that the specified event has
26 occurred or that the plenary order has been vacated or modified

1 with the sheriff, and the sheriff shall direct that law
2 enforcement records shall be promptly corrected in accordance
3 with the filed order.

4 (e) Extension of Orders. Any emergency, interim or plenary
5 order of protection may be extended one or more times, as
6 required, provided that the requirements of Section 112A-17,
7 112A-18 or 112A-19, as appropriate, are satisfied. If the
8 motion for extension is uncontested and petitioner seeks no
9 modification of the order, the order may be extended on the
10 basis of petitioner's motion or affidavit stating that there
11 has been no material change in relevant circumstances since
12 entry of the order and stating the reason for the requested
13 extension. An extension of a plenary order of protection may be
14 granted, upon good cause shown, to remain in effect until the
15 order of protection is vacated or modified. Extensions may be
16 granted only in open court and not under the provisions of
17 Section 112A-17(c), which applies only when the court is
18 unavailable at the close of business or on a court holiday.

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

22 (g) Statement of purpose. The practice of dismissing or
23 suspending a criminal prosecution in exchange for issuing an
24 order of protection undermines the purposes of this Article.
25 This Section shall not be construed as encouraging that
26 practice.

1 (Source: P.A. 87-1186.)

2 Section 10. The Illinois Domestic Violence Act of 1986 is
3 amended by changing Section 220 as follows:

4 (750 ILCS 60/220) (from Ch. 40, par. 2312-20)

5 Sec. 220. Duration and extension of orders.

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

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

11 (2) Interim orders shall be effective for up to 30
12 days.

13 (b) Duration of plenary orders. Except as otherwise
14 provided in this Section, a plenary order of protection shall
15 be valid for a fixed period of time, not to exceed two years.

16 (1) A plenary order of protection entered in
17 conjunction with another civil proceeding shall remain in
18 effect as follows:

19 (i) if entered as preliminary relief in that other
20 proceeding, until entry of final judgment in that other
21 proceeding;

22 (ii) if incorporated into the final judgment in
23 that other proceeding, until the order of protection is
24 vacated or modified; or

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

5 (2) A plenary order of protection entered in
6 conjunction with a criminal prosecution shall remain in
7 effect as follows:

8 (i) if entered during pre-trial release, until
9 disposition, withdrawal, or dismissal of the
10 underlying charge; if, however, the case is continued
11 as an independent cause of action, the order's duration
12 may be for a fixed period of time not to exceed 2
13 years;

14 (ii) if in effect in conjunction with a bond
15 forfeiture warrant, until final disposition or an
16 additional period of time not exceeding 2 years; no
17 order of protection, however, shall be terminated by a
18 dismissal that is accompanied by the issuance of a bond
19 forfeiture warrant;

20 (iii) until expiration of any supervision,
21 conditional discharge, probation, periodic
22 imprisonment, parole or mandatory supervised release
23 and for an additional period of time thereafter not
24 exceeding 2 years; or

25 (iv) until the date set by the court for expiration
26 of any sentence of imprisonment and subsequent parole

1 or mandatory supervised release and for an additional
2 period of time thereafter not exceeding 2 years.

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

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

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

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

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

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

14 (Source: P.A. 86-966; 87-1186.)