



Rep. Emily McAsey

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09600HB1965ham001

LRB096 05324 RLC 22937 a

1 AMENDMENT TO HOUSE BILL 1965

2 AMENDMENT NO. _____. Amend House Bill 1965 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Criminal Code of 1961 is amended by
5 changing Section 12-30 as follows:

6 (720 ILCS 5/12-30) (from Ch. 38, par. 12-30)
7 Sec. 12-30. Violation of an order of protection.

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

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

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

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

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

11 (2) Such violation occurs after the offender has been
12 served notice of the contents of the order, pursuant to the
13 Illinois Domestic Violence Act of 1986 or any substantially
14 similar statute of another state, tribe or United States
15 territory, or otherwise has acquired actual knowledge of
16 the contents of the order.

17 An order of protection issued by a state, tribal or
18 territorial court related to domestic or family violence shall
19 be deemed valid if the issuing court had jurisdiction over the
20 parties and matter under the law of the state, tribe or
21 territory. There shall be a presumption of validity where an
22 order is certified and appears authentic on its face.

23 (a-5) Failure to provide reasonable notice and opportunity
24 to be heard shall be an affirmative defense to any charge or
25 process filed seeking enforcement of a foreign order of
26 protection.

1 (b) For purposes of this Section, an "order of protection"
2 may have been issued in a criminal or civil proceeding.

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

6 (d) Violation of an order of protection under subsection
7 (a) of this Section is a Class A misdemeanor. Violation of an
8 order of protection under subsection (a) of this Section is a
9 Class 4 felony if the defendant has any prior conviction under
10 this Code for domestic battery (Section 12-3.2) or violation of
11 an order of protection (Section 12-30). Violation of an order
12 of protection is a Class 4 felony if the defendant has any
13 prior conviction under this Code for first degree murder
14 (Section 9-1), attempt to commit first degree murder (Section
15 8-4), aggravated domestic battery (Section 12-3.3), aggravated
16 battery (Section 12-4), heinous battery (Section 12-4.1),
17 aggravated battery with a firearm (Section 12-4.2), aggravated
18 battery of a child (Section 12-4.3), aggravated battery of an
19 unborn child (Section 12-4.4), aggravated battery of a senior
20 citizen (Section 12-4.6), stalking (Section 12-7.3),
21 aggravated stalking (Section 12-7.4), criminal sexual assault
22 (Section 12-13), aggravated criminal sexual assault (12-14),
23 kidnapping (Section 10-1), aggravated kidnapping (Section
24 10-2), predatory criminal sexual assault of a child (Section
25 12-14.1), aggravated criminal sexual abuse (Section 12-16),
26 unlawful restraint (Section 10-3), aggravated unlawful

1 restraint (Section 10-3.1), aggravated arson (Section 20-1.1),
2 or aggravated discharge of a firearm (Section 24-1.2), when any
3 of these offenses have been committed against a family or
4 household member as defined in Section 112A-3 of the Code of
5 Criminal Procedure of 1963. The court shall impose a minimum
6 penalty of 48 ~~24~~ hours imprisonment for defendant's first
7 violation and 72 hours imprisonment for defendant's second or
8 subsequent violation of any order of protection; unless the
9 court explicitly finds that an increased penalty or such period
10 of imprisonment would be manifestly unjust. In addition to any
11 other penalties, the court may order the defendant to pay a
12 fine as authorized under Section 5-9-1 of the Unified Code of
13 Corrections or to make restitution to the victim under Section
14 5-5-6 of the Unified Code of Corrections. In addition to any
15 other penalties, including those imposed by Section 5-9-1.5 of
16 the Unified Code of Corrections, the court shall impose an
17 additional fine of \$20 as authorized by Section 5-9-1.11 of the
18 Unified Code of Corrections upon any person convicted of or
19 placed on supervision for a violation of this Section. The
20 additional fine shall be imposed for each violation of this
21 Section.

22 (e) The limitations placed on law enforcement liability by
23 Section 305 of the Illinois Domestic Violence Act of 1986 apply
24 to actions taken under this Section.

25 (Source: P.A. 91-112, eff. 10-1-99; 91-357, eff. 7-29-99;
26 92-827, eff. 8-22-02.)".