



## 97TH GENERAL ASSEMBLY

### State of Illinois

2011 and 2012

HB3470

Introduced 2/24/2011, by Rep. Anthony DeLuca

#### SYNOPSIS AS INTRODUCED:

720 ILCS 5/32-9.5 new  
740 ILCS 22/218.6 new  
750 ILCS 60/224.5 new

Amends the Criminal Code of 1961. Creates the offense of falsifying an order of protection or civil no contact order. Provides that a person commits the offense when he or she knowingly makes or causes to be made any false statement intending the statement to be relied upon in issuing or enforcing an order of protection or civil no contact order. Provides that a first offense is a Class A misdemeanor and a second or subsequent offense is a Class 4 felony. Amends the Civil No Contact Order Act and the Illinois Domestic Violence Act of 1986. Provides that whenever any person is found guilty of falsifying an order of protection or civil no contact order and the issuing court materially relied on the false statement when it issued the order, then the issuing court shall vacate that order. Provides that in such case, all records relating to the petition filed under the respective Act shall be expunged. Provides that if the statement was not material to the issuance of the order, then the court shall modify the order to the extent justice requires.

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CORRECTIONAL  
BUDGET AND  
IMPACT NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning court orders.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Criminal Code of 1961 is amended by adding  
5 Section 32-9.5 as follows:

6 (720 ILCS 5/32-9.5 new)

7 Sec. 32-9.5. Falsifying an order of protection or civil no  
8 contact order.

9 (a) A person commits the offense of falsifying an order of  
10 protection or civil no contact order when he or she knowingly  
11 makes or causes to be made any false statement intending the  
12 statement to be relied upon in issuing or enforcing an order of  
13 protection or civil no contact order.

14 (b) Sentence. Falsifying an order of protection or civil no  
15 contact order is a Class A misdemeanor. A second or subsequent  
16 violation is a Class 4 felony.

17 Section 10. The Civil No Contact Order Act is amended by  
18 adding Section 218.6 as follows:

19 (740 ILCS 22/218.6 new)

20 Sec. 218.6. Vacating civil no contact order. Whenever any  
21 person has been found guilty of a violation of Section 32-9.5

1 of the Criminal Code of 1961 and the issuing court materially  
2 relied on the false statement when it issued the order, then  
3 the issuing court shall vacate that civil no contact order. In  
4 such case, all records relating to the petition filed under  
5 this Act shall be expunged. If the statement was not material  
6 to the issuance of the order, then the court shall modify the  
7 order to the extent justice requires.

8 Section 15. The Illinois Domestic Violence Act of 1986 is  
9 amended by adding Section 224.5 as follows:

10 (750 ILCS 60/224.5 new)

11 Sec. 224.5. Vacating order of protection. Whenever any  
12 person has been found guilty of a violation of Section 32-9.5  
13 of the Criminal Code of 1961 and the issuing court materially  
14 relied on the false statement when it issued the order, then  
15 the issuing court shall vacate that order of protection. In  
16 such case, all records relating to the petition filed under  
17 this Act shall be expunged. If the statement was not material  
18 to the issuance of the order, then the court shall modify the  
19 order to the extent justice requires.