



## 97TH GENERAL ASSEMBLY

### State of Illinois

2011 and 2012

HB5922

Introduced 2/16/2012, by Rep. William Cunningham

#### SYNOPSIS AS INTRODUCED:

740 ILCS 21/115  
740 ILCS 21/117 new  
740 ILCS 22/218  
740 ILCS 22/218.1 new

Amends the Stalking No Contact Order Act and the Civil No Contact Order Act. Provides that the sheriff, a law enforcement official, special process server, or a specified category of personnel in the Department of Corrections may serve a respondent with a short form notification of a civil no contact order or a stalking no contact order, which must include this information: names of the protected parties; date and county in which the no contact order was filed; hearing date and time; conditions that apply to the respondent; and related information. Provides that the short form notification must also inform the respondent that the no contact order is in effect, that he or she must obtain a copy of the order, and that he or she is subject to arrest for any violation of the order. Provides that a law enforcement official may detain a respondent for a reasonable time necessary to prepare and to serve the short form notification. Provides that the Attorney General shall provide adequate copies of the short form to law enforcement agencies. Makes related changes.

LRB097 19477 AJO 64731 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

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 Stalking No Contact Order Act is amended by  
5 changing Section 115 and by adding Section 117 as follows:

6 (740 ILCS 21/115)

7 Sec. 115. Notice of orders.

8 (a) Upon issuance of any stalking no contact order, the  
9 clerk shall immediately, or on the next court day if an  
10 emergency order is issued in accordance with subsection (c) of  
11 Section 95:

12 (1) enter the order on the record and file it in  
13 accordance with the circuit court procedures; and

14 (2) provide a file stamped copy of the order to the  
15 respondent, if present, and to the petitioner.

16 (b) The clerk of the issuing judge shall, or the petitioner  
17 may, on the same day that a stalking no contact order is  
18 issued, file a certified copy of that order with the sheriff or  
19 other law enforcement officials charged with maintaining  
20 Department of State Police records or charged with serving the  
21 order upon the respondent. If the order was issued in  
22 accordance with subsection (c) of Section 95, the clerk shall,  
23 on the next court day, file a certified copy of the order with

1 the sheriff or other law enforcement officials charged with  
2 maintaining Department of State Police records.

3 (c) Unless the respondent was present in court when the  
4 order was issued, the sheriff, other law enforcement official,  
5 or special process server shall promptly serve that order upon  
6 the respondent and file proof of such service in the manner  
7 provided for service of process in civil proceedings. Instead  
8 of serving the order upon the respondent, however, the sheriff,  
9 other law enforcement official, special process server, or  
10 other persons defined in Section 117 may serve the respondent  
11 with a short form notification as provided in Section 117. If  
12 process has not yet been served upon the respondent, it shall  
13 be served with the order or short form notification if such  
14 service is made by the sheriff, other law enforcement official,  
15 or special process server.

16 (d) If the person against whom the stalking no contact  
17 order is issued is arrested and the written order is issued in  
18 accordance with subsection (c) of Section 95 and received by  
19 the custodial law enforcement agency before the respondent or  
20 arrestee is released from custody, the custodial law  
21 enforcement agent shall promptly serve the order upon the  
22 respondent or arrestee before the respondent or arrestee is  
23 released from custody. In no event shall detention of the  
24 respondent or arrestee be extended for hearing on the petition  
25 for stalking no contact order or receipt of the order issued  
26 under Section 95 of this Act.

1 (e) Any order extending, modifying, or revoking any  
2 stalking no contact order shall be promptly recorded, issued,  
3 and served as provided in this Section.

4 (f) Upon the request of the petitioner, within 24 hours of  
5 the issuance of a stalking no contact order, the clerk of the  
6 issuing judge shall send written notice of the order along with  
7 a certified copy of the order to any school, daycare, college,  
8 or university at which the petitioner is enrolled.

9 (Source: P.A. 96-246, eff. 1-1-10.)

10 (740 ILCS 21/117 new)

11 Sec. 117. Short form notification.

12 (a) Instead of personal service of a stalking no contact  
13 order under Section 115, a sheriff, other law enforcement  
14 official, special process server, or personnel assigned by the  
15 Department of Corrections to investigate the alleged  
16 misconduct of committed persons or alleged violations of a  
17 parolee's or releasee's conditions of parole or mandatory  
18 supervised release may serve a respondent with a short form  
19 notification. The short form notification must include the  
20 following items:

21 (1) The respondent's name.

22 (2) The respondent's date of birth, if known.

23 (3) The petitioner's name.

24 (4) The names of other protected parties.

25 (5) The date and county in which the stalking no

1 contact order was filed.

2 (6) The court file number.

3 (7) The hearing date and time, if known.

4 (8) The conditions that apply to the respondent, either  
5 in checklist form or handwritten.

6 (9) The name of the judge who signed the order.

7 (b) The short form notification must contain the following  
8 notice in bold print:

9 "The stalking no contact order is now enforceable. You must  
10 report to the office of the sheriff or the office of the  
11 circuit court in (name of county) County to obtain a copy of  
12 the stalking no contact order. You are subject to arrest and  
13 may be charged with a misdemeanor or felony if you violate any  
14 of the terms of the stalking no contact order."

15 (c) Upon verification of the identity of the respondent and  
16 the existence of an unserved stalking no contact order against  
17 the respondent, a sheriff or other law enforcement official may  
18 detain the respondent for a reasonable time necessary to  
19 complete and serve the short form notification.

20 (d) When service is made by short form notification under  
21 this Section, it may be proved by the affidavit of the person  
22 making the service.

23 (e) The Attorney General shall provide adequate copies of  
24 the short form notification form to law enforcement agencies in  
25 this State.

1 Section 10. The Civil No Contact Order Act is amended by  
2 changing Section 218 and by adding Section 218.1 as follows:

3 (740 ILCS 22/218)

4 Sec. 218. Notice of orders.

5 (a) Upon issuance of any civil no contact order, the clerk  
6 shall immediately, or on the next court day if an emergency  
7 order is issued in accordance with subsection (c) of Section  
8 214:

9 (1) enter the order on the record and file it in  
10 accordance with the circuit court procedures; and

11 (2) provide a file stamped copy of the order to the  
12 respondent, if present, and to the petitioner.

13 (b) The clerk of the issuing judge shall, or the petitioner  
14 may, on the same day that a civil no contact order is issued,  
15 file a certified copy of that order with the sheriff or other  
16 law enforcement officials charged with maintaining Department  
17 of State Police records or charged with serving the order upon  
18 the respondent. If the order was issued in accordance with  
19 subsection (c) of Section 214, the clerk shall, on the next  
20 court day, file a certified copy of the order with the Sheriff  
21 or other law enforcement officials charged with maintaining  
22 Department of State Police records.

23 (c) Unless the respondent was present in court when the  
24 order was issued, the sheriff, other law enforcement official,  
25 or special process server shall promptly serve that order upon

1 the respondent and file proof of such service in the manner  
2 provided for service of process in civil proceedings. Instead  
3 of serving the order upon the respondent, however, the sheriff,  
4 other law enforcement official, special process server, or  
5 other persons defined in Section 218.1 may serve the respondent  
6 with a short form notification as provided in Section 218.1. If  
7 process has not yet been served upon the respondent, it shall  
8 be served with the order or short form notification if such  
9 service is made by the sheriff, other law enforcement official,  
10 or special process server.

11 (d) If the person against whom the civil no contact order  
12 is issued is arrested and the written order is issued in  
13 accordance with subsection (c) of Section 214 and received by  
14 the custodial law enforcement agency before the respondent or  
15 arrestee is released from custody, the custodial law  
16 enforcement agent shall promptly serve the order upon the  
17 respondent or arrestee before the respondent or arrestee is  
18 released from custody. In no event shall detention of the  
19 respondent or arrestee be extended for hearing on the petition  
20 for civil no contact order or receipt of the order issued under  
21 Section 214 of this Act.

22 (e) Any order extending, modifying, or revoking any civil  
23 no contact order shall be promptly recorded, issued, and served  
24 as provided in this Section.

25 (f) Upon the request of the petitioner, within 24 hours of  
26 the issuance of a civil no contact order, the clerk of the

1 issuing judge shall send written notice of the order along with  
2 a certified copy of the order to any school, college, or  
3 university at which the petitioner is enrolled.

4 (Source: P.A. 93-236, eff. 1-1-04; 93-811, eff. 1-1-05.)

5 (740 ILCS 22/218.1 new)

6 Sec. 218.1. Short form notification.

7 (a) Instead of personal service of a civil no contact order  
8 under Section 218, a sheriff, other law enforcement official,  
9 special process server, or personnel assigned by the Department  
10 of Corrections to investigate the alleged misconduct of  
11 committed persons or alleged violations of a parolee's or  
12 releasee's conditions of parole or mandatory supervised  
13 release may serve a respondent with a short form notification.  
14 The short form notification must include the following items:

15 (1) The respondent's name.

16 (2) The respondent's date of birth, if known.

17 (3) The petitioner's name.

18 (4) The names of other protected parties.

19 (5) The date and county in which the civil no contact  
20 order was filed.

21 (6) The court file number.

22 (7) The hearing date and time, if known.

23 (8) The conditions that apply to the respondent, either  
24 in checklist form or handwritten.

25 (9) The name of the judge who signed the order.



1       (b) The short form notification must contain the following  
2 notice in bold print:

3       "The civil no contact order is now enforceable. You must  
4 report to the office of the sheriff or the office of the  
5 circuit court in (name of county) County to obtain a copy of  
6 the civil no contact order. You are subject to arrest and may  
7 be charged with a misdemeanor or felony if you violate any of  
8 the terms of the civil no contact order."

9       (c) Upon verification of the identity of the respondent and  
10 the existence of an unserved civil no contact order against the  
11 respondent, a sheriff or other law enforcement official may  
12 detain the respondent for a reasonable time necessary to  
13 complete and serve the short form notification.

14       (d) When service is made by short form notification under  
15 this Section, it may be proved by the affidavit of the person  
16 making the service.

17       (e) The Attorney General shall provide adequate copies of  
18 the short form notification form to law enforcement agencies in  
19 this State.