1   AMENDMENT TO HOUSE BILL 3314

2   AMENDMENT NO. _____. Amend House Bill 3314 as follows:

3   by replacing everything after the enacting clause with the

4   following:

5   "Section 5.   The Code of Criminal Procedure of 1963 is

6   amended by adding Sections 112A-17.5 and 112A-28.5   as

7   follows:

8   (725 ILCS 5/112A-17.5 new)

9   Sec. 112A-17.5. Notice of orders.

10   (a) Entry and issuance. When a person is charged with a

11   criminal offense and released on bond and the victim of the

12   offense is a family or household member and the condition of

13   the bond is that the defendant refrain from contact or

14   communications with the victim for a minimum period of 72

15   hours following the defendant's release and refrain from

16   entering or remaining at the victim's residence for a minimum

17   period of 72 hours following the defendant's release or any

18   other conditions restricting contact with the victim as the

19   court imposes, the clerk shall immediately, or on the next

20   court day, enter the order on the record and file it in

21   accordance with circuit court procedures and provide a file

1   stamped copy of the order to defendant, if present, and to

2   the victim, if present.

3   (b) No Contact with family victim orders. The court

4   order shall include the following information:

5   (1) the court case number.

6   (2) the issue date of the order.

7   (3) the expiration date of the order, not to exceed

8   2 years.

9   (4) the defendant's name, sex, race, date of birth,

10   height, weight, hair, and eye color.

11   (5) the conditions of bond, including specific

12   remedy.

13   (6) the victim's name.

14   (7) the protected person's name.

15   (8) the protected person's address.

16   (c) Filing with sheriff. The clerk of the judge who

17 issued the order shall, on the same day that the order is

18 issued, file a certified copy of that order with the sheriff.

19   (d) Service by sheriff. Unless the defendant was present

20 in court when the order was issued, the sheriff, other law

21 enforcement official, or special process server shall

22 promptly serve that order upon the defendant and file proof

23 of that service, in the manner provided for service of

24 process.

25   (725 ILCS 5/112A-28.5 new)

26   Sec. 112A-28.5. Entry of orders into LEADS.

27   (a) The Department of State Police shall enter into the

28 Law Enforcement Agencies Data System (LEADS) the no contact

29 with family victim order information. The LEADS file must

30 include the name and address of each person who has been

31 charged with a criminal offense in which the victim of the

32 offense is a family or household member and who has been

33 released on bond in which the condition of the bond is that

1   the defendant refrain from contact or communication with the
2   victim for a minimum period of 72 hours following the
3   defendant's release and refrain from entering or remaining at
4   the victim's residence for a minimum period of 72 hours
5   following the defendant's release or any other conditions
6   restricting contact with the victim as the court imposes.

7   (b) The sheriff shall enter the no contact with family
8   victim order into LEADS as soon as possible after receiving
9   the order. The order must be entered into LEADS on the same
10   day the sheriff receives the order.

11   (c) Retention. The information must be retained in LEADS
12   in a history file for 90 days after the expiration date of
13   the no contact with family victim order before the
14   information may be removed from the LEADS file.

15   Section 10. The Illinois Domestic Violence Act of 1986
16   is amended by adding Sections 217.5 and 302.5 as follows:

17   (750 ILCS 60/217.5 new)
18   Sec. 217.5. Notice of orders.
19   (a) Entry and issuance. When a person is charged with a
20   criminal offense and released on bond and the victim of the
21   offense is a family or household member and the condition of
22   the bond is that the defendant refrain from contact or
23   communications with the victim for a minimum period of 72
24   hours following the defendant's release and refrain from
25   entering or remaining at the victim's residence for a minimum
26   period of 72 hours following the defendant's release or any
27   other conditions restricting contact with the victim as the
28   court imposes, the clerk shall immediately, or on the next
29   court day, enter the order on the record and file it in
30   accordance with circuit court procedures and provide a file
31   stamped copy of the order to defendant, if present, and to
32   the victim, if present.

1   (b) No Contact with family victim orders. The court

2   order shall include the following information:

3   (1) the court case number.

4   (2) the issue date of the order.

5   (3) the expiration date of the order, not to exceed

6   2 years.

7   (4) the defendant's name, sex, race, date of birth,

8   height, weight, hair, and eye color.

9   (5) the conditions of bond, including specific

10   remedy.

11   (6) the victim's name.

12   (7) the protected person's name.

13   (8) the protected person's address.

14   (c) Filing with sheriff. The clerk of the judge who

15   issued the order shall, on the same day that the order is

16   issued, file a certified copy of that order with the sheriff.

17   (d) Service by sheriff. Unless the defendant was present

18   in court when the order was issued, the sheriff, other law

19   enforcement   official,   or special process server shall

20   promptly serve that order upon the defendant and file proof

21   of that service, in the manner provided for service of

22   process.

23   (750 ILCS 60/302.5 new)

24   Sec. 302.5. Entry of orders into LEADS.

25   (a) The Department of State Police shall enter into the

26   Law Enforcement Agencies Data System (LEADS) the no contact

27   with family victim order information. The LEADS file must

28   include the name and address of each person who has been

29   charged with a criminal offense in which the victim of the

30   offense is a family or household member and who has been

31   released on bond in which the condition of the bond is that

32   the defendant refrain from contact or communication with the

33   victim for a minimum period of 72 hours following the

1   defendant's release and refrain from entering or remaining at

2   the victim's residence for a minimum period of 72 hours

3   following the defendant's release or any other conditions

4   restricting contact with the victim as the court imposes.

5   (b) The sheriff shall enter the no contact with family

6   victim order into LEADS as soon as possible after receiving

7   the order. The order must be entered into LEADS on the same

8   day the sheriff receives the order.

9   (c) Retention. The information must be retained in LEADS

10   in a history file for 90 days after the expiration date of

11   the   no   contact   with family victim order before the

12   information may be removed from the LEADS file.

13   Section 99. Effective date. This Act takes effect July

14   1, 2002.".