

1 AN ACT in relation to criminal 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-22 and adding Section
6 112A-22.10 as follows:

7 (725 ILCS 5/112A-22) (from Ch. 38, par. 112A-22)
8 Sec. 112A-22. Notice of orders.

9 (a) Entry and issuance. Upon issuance of any order of
10 protection, the clerk shall immediately, or on the next court
11 day if an emergency order is issued in accordance with
12 subsection (c) of Section 112A-17, (i) enter the order on the
13 record and file it in accordance with the circuit court
14 procedures and (ii) provide a file stamped copy of the order
15 to respondent, if present, and to petitioner.

16 (b) Filing with sheriff. The clerk of the issuing judge
17 shall, or the petitioner may, on the same day that an order
18 of protection is issued, file a copy of that order with the
19 sheriff or other law enforcement officials charged with
20 maintaining Department of State Police records or charged
21 with serving the order upon respondent. If the order was
22 issued in accordance with subsection (c) of Section 112A-17,
23 the clerk shall on the next court day, file a certified copy
24 of the order with the Sheriff or other law enforcement
25 officials charged with maintaining Department of State Police
26 records.

27 (c) Service by sheriff. Unless respondent was present
28 in court when the order was issued, the sheriff, other law
29 enforcement official or special process server shall promptly
30 serve that order upon respondent and file proof of such
31 service, in the manner provided for service of process in

1 civil proceedings. Instead of serving the order upon the
2 respondent, however, the sheriff, other law enforcement
3 official, or special process server may serve the respondent
4 with a short form notification as provided in Section
5 112A-22.10. If process has not yet been served upon the
6 respondent, it shall be served with the order or short form
7 notification.

8 (c-5) If the person against whom the order of protection
9 is issued is arrested and the written order is issued in
10 accordance with subsection (c) of Section 112A-17 and
11 received by the custodial law enforcement agency before the
12 respondent or arrestee is released from custody, the
13 custodial law enforcement agent shall promptly serve the
14 order upon the respondent or arrestee before the respondent
15 or arrestee is released from custody. In no event shall
16 detention of the respondent or arrestee be extended for
17 hearing on the petition for order of protection or receipt of
18 the order issued under Section 112A-17 of this Code.

19 (d) Extensions, modifications and revocations. Any
20 order extending, modifying or revoking any order of
21 protection shall be promptly recorded, issued and served as
22 provided in this Section.

23 (Source: P.A. 90-392, eff. 1-1-98.)

24 (725 ILCS 5/112A-22.10 new)

25 Sec. 112A-22.10. Short form notification.

26 (a) Instead of personal service of an order of
27 protection under Section 112A-22, a sheriff, other law
28 enforcement official, or special process server may serve a
29 respondent with a short form notification. The short form
30 notification must include the following items:

31 (1) The respondent's name.

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

33 (3) The petitioner's name.

1 (4) The names of other protected parties.

2 (5) The date and county in which the order of
3 protection was filed.

4 (6) The court file number.

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

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

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

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

11 "The order of protection is now enforceable. You must
12 report to the office of the sheriff or the office of the
13 circuit court in (name of county) County to obtain a copy
14 of the order of protection. You are subject to arrest and
15 may be charged with a misdemeanor or felony if you
16 violate any of the terms of the order of protection."

17 (c) Upon verification of the identity of the respondent
18 and the existence of an unserved order of protection against
19 the respondent, a sheriff or other law enforcement official
20 may detain the respondent for a reasonable time necessary to
21 complete and serve the short form notification.

22 (d) When service is made by short form notification under
23 this Section, it may be proved by the affidavit of the
24 sheriff, other law enforcement official, or special process
25 server making the service.

26 (e) The Attorney General shall provide adequate copies of
27 the short form notification form to law enforcement agencies
28 in this State.

29 Section 10. The Illinois Domestic Violence Act of 1986
30 is amended by changing Section 222 and adding Section 222.10
31 as follows:

32 (750 ILCS 60/222) (from Ch. 40, par. 2312-22)

1 Sec. 222. Notice of orders.

2 (a) Entry and issuance. Upon issuance of any order of
3 protection, the clerk shall immediately, or on the next court
4 day if an emergency order is issued in accordance with
5 subsection (c) of Section 217, (i) enter the order on the
6 record and file it in accordance with the circuit court
7 procedures and (ii) provide a file stamped copy of the order
8 to respondent, if present, and to petitioner.

9 (b) Filing with sheriff. The clerk of the issuing judge
10 shall, or the petitioner may, on the same day that an order
11 of protection is issued, file a certified copy of that order
12 with the sheriff or other law enforcement officials charged
13 with maintaining Department of State Police records or
14 charged with serving the order upon respondent. If the order
15 was issued in accordance with subsection (c) of Section 217,
16 the clerk shall on the next court day, file a certified copy
17 of the order with the Sheriff or other law enforcement
18 officials charged with maintaining Department of State Police
19 records.

20 (c) Service by sheriff. Unless respondent was present
21 in court when the order was issued, the sheriff, other law
22 enforcement official or special process server shall promptly
23 serve that order upon respondent and file proof of such
24 service, in the manner provided for service of process in
25 civil proceedings. Instead of serving the order upon the
26 respondent, however, the sheriff, other law enforcement
27 official, or special process server may serve the respondent
28 with a short form notification as provided in Section 222.10.

29 If process has not yet been served upon the respondent, it
30 shall be served with the order or short form notification. A
31 single fee may be charged for service of an order obtained in
32 civil court, or for service of such an order together with
33 process, unless waived or deferred under Section 210.

34 (c-5) If the person against whom the order of protection

1 is issued is arrested and the written order is issued in
2 accordance with subsection (c) of Section 217 and received by
3 the custodial law enforcement agency before the respondent or
4 arrestee is released from custody, the custodial law
5 enforcement agent shall promptly serve the order upon the
6 respondent or arrestee before the respondent or arrestee is
7 released from custody. In no event shall detention of the
8 respondent or arrestee be extended for hearing on the
9 petition for order of protection or receipt of the order
10 issued under Section 217 of this Act.

11 (d) Extensions, modifications and revocations. Any
12 order extending, modifying or revoking any order of
13 protection shall be promptly recorded, issued and served as
14 provided in this Section.

15 (e) Notice to schools. Upon request the clerk of the
16 issuing judge shall file a certified copy of an order of
17 protection with the private school or schools or the
18 principal office of the public school district or districts
19 in which any children of the petitioner are enrolled.

20 (f) Disclosure by schools. After receiving a certified
21 copy of an order of protection that prohibits a respondent's
22 access to records, neither a public or private school nor its
23 employees shall allow a respondent access to a protected
24 child's records or release information in those records to
25 the respondent. The school shall file the copy of the order
26 of protection in the records of a child who is a protected
27 person under the order of protection.

28 (Source: P.A. 89-106, eff. 7-7-95; 90-392, eff. 1-1-98.)

29 (750 ILCS 60/222.10 new)

30 Sec. 222.10. Short form notification.

31 (a) Instead of personal service of an order of protection
32 under Section 222, a sheriff, other law enforcement official,
33 or special process server may serve a respondent with a short

1 form notification. The short form notification must include
2 the following items:

- 3 (1) The respondent's name.
- 4 (2) The respondent's date of birth, if known.
- 5 (3) The petitioner's name.
- 6 (4) The names of other protected parties.
- 7 (5) The date and county in which the order of
8 protection was filed.
- 9 (6) The court file number.
- 10 (7) The hearing date and time, if known.
- 11 (8) The conditions that apply to the respondent,
12 either in checklist form or handwritten.
- 13 (9) The name of the judge who signed the order.

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

16 "The order of protection is now enforceable. You must
17 report to the office of the sheriff or the office of the
18 circuit court in (name of county) County to obtain a copy
19 of the order of protection. You are subject to arrest and
20 may be charged with a misdemeanor or felony if you
21 violate any of the terms of the order of protection."

22 (c) Upon verification of the identity of the respondent
23 and the existence of an unserved order of protection against
24 the respondent, a sheriff or other law enforcement official
25 may detain the respondent for a reasonable time necessary to
26 complete and serve the short form notification.

27 (d) When service is made by short form notification under
28 this Section, it may be proved by the affidavit of the
29 sheriff, other law enforcement official, or special process
30 server making the service.

31 (e) The Attorney General shall provide adequate copies of
32 the short form notification form to law enforcement agencies
33 in this State.