

1 AMENDMENT TO SENATE BILL 686

2 AMENDMENT NO. _____. Amend Senate Bill 686 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 changing Section 112A-22 and adding Section
7 112A-22.10 as follows:

8 (725 ILCS 5/112A-22) (from Ch. 38, par. 112A-22)

9 Sec. 112A-22. Notice of orders.

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

17 (b) Filing with sheriff. The clerk of the issuing judge
18 shall, or the petitioner may, on the same day that an order
19 of protection is issued, file a copy of that order with the
20 sheriff or other law enforcement officials charged with
21 maintaining Department of State Police records or charged

1 with serving the order upon respondent. If the order was
2 issued in accordance with subsection (c) of Section 112A-17,
3 the clerk shall on the next court day, file a certified copy
4 of the order with the Sheriff or other law enforcement
5 officials charged with maintaining Department of State Police
6 records.

7 (c) Service by sheriff. Unless respondent was present
8 in court when the order was issued, the sheriff, other law
9 enforcement official or special process server shall promptly
10 serve that order upon respondent and file proof of such
11 service, in the manner provided for service of process in
12 civil proceedings. Instead of serving the order upon the
13 respondent, however, the sheriff, other law enforcement
14 official, or special process server may serve the respondent
15 with a short form notification as provided in Section
16 112A-22.10. If process has not yet been served upon the
17 respondent, it shall be served with the order or short form
18 notification.

19 (c-5) If the person against whom the order of protection
20 is issued is arrested and the written order is issued in
21 accordance with subsection (c) of Section 112A-17 and
22 received by the custodial law enforcement agency before the
23 respondent or arrestee is released from custody, the
24 custodial law enforcement agent shall promptly serve the
25 order upon the respondent or arrestee before the respondent
26 or arrestee is released from custody. In no event shall
27 detention of the respondent or arrestee be extended for
28 hearing on the petition for order of protection or receipt of
29 the order issued under Section 112A-17 of this Code.

30 (d) Extensions, modifications and revocations. Any
31 order extending, modifying or revoking any order of
32 protection shall be promptly recorded, issued and served as
33 provided in this Section.

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

1 (725 ILCS 5/112A-22.10 new)

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

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

8 (1) The respondent's name.

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

10 (3) The petitioner's name.

11 (4) The names of other protected parties.

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

14 (6) The court file number.

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

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

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

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

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

27 (c) Upon verification of the identity of the respondent
28 and the existence of an unserved order of protection against
29 the respondent, a sheriff or other law enforcement official
30 may detain the respondent for a reasonable time necessary to
31 complete and serve the short form notification.

32 (d) When service is made by short form notification under
33 this Section, it may be proved by the affidavit of the
34 sheriff, other law enforcement official, or special process

1 server making the service.

2 (e) The Attorney General shall provide adequate copies of
3 the short form notification form to law enforcement agencies
4 in this State.

5 Section 10. The Illinois Domestic Violence Act of 1986
6 is amended by changing Section 222 and adding Section 222.10
7 as follows:

8 (750 ILCS 60/222) (from Ch. 40, par. 2312-22)
9 Sec. 222. Notice of orders.

10 (a) Entry and issuance. Upon issuance of any order of
11 protection, the clerk shall immediately, or on the next court
12 day if an emergency order is issued in accordance with
13 subsection (c) of Section 217, (i) enter the order on the
14 record and file it in accordance with the circuit court
15 procedures and (ii) provide a file stamped copy of the order
16 to respondent, if present, and to petitioner.

17 (b) Filing with sheriff. The clerk of the issuing judge
18 shall, or the petitioner may, on the same day that an order
19 of protection is issued, file a certified copy of that order
20 with the sheriff or other law enforcement officials charged
21 with maintaining Department of State Police records or
22 charged with serving the order upon respondent. If the order
23 was issued in accordance with subsection (c) of Section 217,
24 the clerk shall on the next court day, file a certified copy
25 of the order with the Sheriff or other law enforcement
26 officials charged with maintaining Department of State Police
27 records.

28 (c) Service by sheriff. Unless respondent was present
29 in court when the order was issued, the sheriff, other law
30 enforcement official or special process server shall promptly
31 serve that order upon respondent and file proof of such
32 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 222.10.

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

10 (c-5) If the person against whom the order of protection
11 is issued is arrested and the written order is issued in
12 accordance with subsection (c) of Section 217 and received by
13 the custodial law enforcement agency before the respondent or
14 arrestee is released from custody, the custodial law
15 enforcement agent shall promptly serve the order upon the
16 respondent or arrestee before the respondent or arrestee is
17 released from custody. In no event shall detention of the
18 respondent or arrestee be extended for hearing on the
19 petition for order of protection or receipt of the order
20 issued under Section 217 of this Act.

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

25 (e) Notice to schools. Upon request the clerk of the
26 issuing judge shall file a certified copy of an order of
27 protection with the private school or schools or the
28 principal office of the public school district or districts
29 in which any children of the petitioner are enrolled.

30 (f) Disclosure by schools. After receiving a certified
31 copy of an order of protection that prohibits a respondent's
32 access to records, neither a public or private school nor its
33 employees shall allow a respondent access to a protected
34 child's records or release information in those records to

1 the respondent. The school shall file the copy of the order
2 of protection in the records of a child who is a protected
3 person under the order of protection.

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

5 (750 ILCS 60/222.10 new)

6 Sec. 222.10. Short form notification.

7 (a) Instead of personal service of an order of protection
8 under Section 222, a sheriff, other law enforcement official,
9 or special process server may serve a respondent with a short
10 form notification. The short form notification must include
11 the following items:

12 (1) The respondent's name.

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

14 (3) The petitioner's name.

15 (4) The names of other protected parties.

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

18 (6) The court file number.

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

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

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

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

25 "The order of protection is now enforceable. You must
26 report to the office of the sheriff or the office of the
27 circuit court in (name of county) County to obtain a copy
28 of the order of protection. You are subject to arrest and
29 may be charged with a misdemeanor or felony if you
30 violate any of the terms of the order of protection."

31 (c) Upon verification of the identity of the respondent
32 and the existence of an unserved order of protection against
33 the respondent, a sheriff or other law enforcement official

1 may detain the respondent for a reasonable time necessary to
2 complete and serve the short form notification.

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

7 (e) The Attorney General shall provide adequate copies of
8 the short form notification form to law enforcement agencies
9 in this State."