

AN ACT concerning criminal law.

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

Section 5. The Code of Criminal Procedure of 1963 is amended by changing Sections 112A-20 and 112A-23 as follows:

(725 ILCS 5/112A-20) (from Ch. 38, par. 112A-20)

Sec. 112A-20. Duration and extension of final protective orders.

(a) (Blank).

(b) A final protective order shall remain in effect as follows:

(1) if entered during pre-trial release, until disposition, withdrawal, or dismissal of the underlying charge; if, however, the case is continued as an independent cause of action, the order's duration may be for a fixed period of time not to exceed 2 years;

(2) if in effect in conjunction with a bond forfeiture warrant, until final disposition or an additional period of time not exceeding 2 years; no domestic violence order of protection, however, shall be terminated by a dismissal that is accompanied by the issuance of a bond forfeiture warrant;

(3) until 2 years after the expiration of any

supervision, conditional discharge, probation, periodic imprisonment, parole, aftercare release, or mandatory supervised release for domestic violence orders of protection and civil no contact orders; ~~or~~

(4) until 2 years after the date set by the court for expiration of any sentence of imprisonment and subsequent parole, aftercare release, or mandatory supervised release for domestic violence orders of protection and civil no contact orders; ~~and~~

(5) permanent for a stalking no contact order if a judgment of conviction for stalking is entered; ~~or-~~

(6) permanent for a civil no contact order at the victim's request if a judgment of conviction for criminal sexual assault, aggravated criminal sexual assault, criminal sexual abuse, excluding a conviction under subsection (c) of Section 11-1.50 of the Criminal Code of 2012, or aggravated criminal sexual abuse is entered.

(c) Computation of time. The duration of a domestic violence order of protection shall not be reduced by the duration of any prior domestic violence order of protection.

(d) Law enforcement records. When a protective order expires upon the occurrence of a specified event, rather than upon a specified date as provided in subsection (b), no expiration date shall be entered in Department of State Police records. To remove the protective order from those records, either the petitioner or the respondent shall request the

clerk of the court to file a certified copy of an order stating that the specified event has occurred or that the protective order has been vacated or modified with the sheriff, and the sheriff shall direct that law enforcement records shall be promptly corrected in accordance with the filed order.

(e) Extension of Orders. Any domestic violence order of protection or civil no contact order that expires 2 years after the expiration of the defendant's sentence under paragraph (2), (3), or (4) of subsection (b) of Section 112A-20 of this Article may be extended one or more times, as required. The petitioner, petitioner's counsel, or the State's Attorney on the petitioner's behalf shall file the motion for an extension of the final protective order in the criminal case and serve the motion in accordance with Supreme Court Rules 11 and 12. The court shall transfer the motion to the appropriate court or division for consideration under subsection (e) of Section 220 of the Illinois Domestic Violence Act of 1986, subsection (c) of Section 216 of the Civil No Contact Order Act, or subsection (c) of Section 105 of the Stalking No Contact Order as appropriate.

(f) Termination date. Any final protective order which would expire on a court holiday shall instead expire at the close of the next court business day.

(g) Statement of purpose. The practice of dismissing or suspending a criminal prosecution in exchange for issuing a protective order undermines the purposes of this Article. This

Section shall not be construed as encouraging that practice.

(Source: P.A. 100-199, eff. 1-1-18; 100-597, eff. 6-29-18.)

(725 ILCS 5/112A-23) (from Ch. 38, par. 112A-23)

Sec. 112A-23. Enforcement of protective orders.

(a) When violation is crime. A violation of any protective order, whether issued in a civil, quasi-criminal proceeding, shall be enforced by a criminal court when:

(1) The respondent commits the crime of violation of a domestic violence order of protection pursuant to Section 12-3.4 or 12-30 of the Criminal Code of 1961 or the Criminal Code of 2012, by having knowingly violated:

(i) remedies described in paragraphs (1), (2), (3), (14), or (14.5) of subsection (b) of Section 112A-14 of this Code,

(ii) a remedy, which is substantially similar to the remedies authorized under paragraphs (1), (2), (3), (14), or (14.5) of subsection (b) of Section 214 of the Illinois Domestic Violence Act of 1986, in a valid order of protection, which is authorized under the laws of another state, tribe or United States territory, or

(iii) ~~or~~ any other remedy when the act constitutes a crime against the protected parties as defined by the Criminal Code of 1961 or the Criminal Code of 2012. Prosecution for a violation of a domestic violence

order of protection shall not bar concurrent prosecution for any other crime, including any crime that may have been committed at the time of the violation of the domestic violence order of protection; or

(2) The respondent commits the crime of child abduction pursuant to Section 10-5 of the Criminal Code of 1961 or the Criminal Code of 2012, by having knowingly violated:

(i) remedies described in paragraphs (5), (6), or (8) of subsection (b) of Section 112A-14 of this Code, or

(ii) a remedy, which is substantially similar to the remedies authorized under paragraphs (1), (5), (6), or (8) of subsection (b) of Section 214 of the Illinois Domestic Violence Act of 1986, in a valid domestic violence order of protection, which is authorized under the laws of another state, tribe or United States territory.

(3) The respondent commits the crime of violation of a civil no contact order when the respondent violates Section 12-3.8 of the Criminal Code of 2012. Prosecution for a violation of a civil no contact order shall not bar concurrent prosecution for any other crime, including any crime that may have been committed at the time of the violation of the civil no contact order.

(4) The respondent commits the crime of violation of a

stalking no contact order when the respondent violates Section 12-3.9 of the Criminal Code of 2012. Prosecution for a violation of a stalking no contact order shall not bar concurrent prosecution for any other crime, including any crime that may have been committed at the time of the violation of the stalking no contact order.

(b) When violation is contempt of court. A violation of any valid protective order, whether issued in a civil or criminal proceeding, may be enforced through civil or criminal contempt procedures, as appropriate, by any court with jurisdiction, regardless where the act or acts which violated the protective order were committed, to the extent consistent with the venue provisions of this Article. Nothing in this Article shall preclude any Illinois court from enforcing any valid protective order issued in another state. Illinois courts may enforce protective orders through both criminal prosecution and contempt proceedings, unless the action which is second in time is barred by collateral estoppel or the constitutional prohibition against double jeopardy.

(1) In a contempt proceeding where the petition for a rule to show cause sets forth facts evidencing an immediate danger that the respondent will flee the jurisdiction, conceal a child, or inflict physical abuse on the petitioner or minor children or on dependent adults in petitioner's care, the court may order the attachment of the respondent without prior service of the rule to

show cause or the petition for a rule to show cause. Bond shall be set unless specifically denied in writing.

(2) A petition for a rule to show cause for violation of a protective order shall be treated as an expedited proceeding.

(c) Violation of custody, allocation of parental responsibility, or support orders. A violation of remedies described in paragraphs (5), (6), (8), or (9) of subsection (b) of Section 112A-14 of this Code may be enforced by any remedy provided by Section 607.5 of the Illinois Marriage and Dissolution of Marriage Act. The court may enforce any order for support issued under paragraph (12) of subsection (b) of Section 112A-14 of this Code in the manner provided for under Parts V and VII of the Illinois Marriage and Dissolution of Marriage Act.

(d) Actual knowledge. A protective order may be enforced pursuant to this Section if the respondent violates the order after respondent has actual knowledge of its contents as shown through one of the following means:

(1) (Blank).

(2) (Blank).

(3) By service of a protective order under subsection (f) of Section 112A-17.5 or Section 112A-22 of this Code.

(4) By other means demonstrating actual knowledge of the contents of the order.

(e) The enforcement of a protective order in civil or

criminal court shall not be affected by either of the following:

(1) The existence of a separate, correlative order entered under Section 112A-15 of this Code.

(2) Any finding or order entered in a conjoined criminal proceeding.

(e-5) If a civil no contact order entered under subsection (6) of Section 112A-20 of the Code of Criminal Procedure of 1963 conflicts with an order issued pursuant to the Juvenile Court Act of 1987 or the Illinois Marriage and Dissolution of Marriage Act, the conflicting order issued under subsection (6) of Section 112A-20 of the Code of Criminal Procedure of 1963 shall be void.

(f) Circumstances. The court, when determining whether or not a violation of a protective order has occurred, shall not require physical manifestations of abuse on the person of the victim.

(g) Penalties.

(1) Except as provided in paragraph (3) of this subsection (g), where the court finds the commission of a crime or contempt of court under subsections (a) or (b) of this Section, the penalty shall be the penalty that generally applies in such criminal or contempt proceedings, and may include one or more of the following: incarceration, payment of restitution, a fine, payment of attorneys' fees and costs, or community service.

(2) The court shall hear and take into account evidence of any factors in aggravation or mitigation before deciding an appropriate penalty under paragraph (1) of this subsection (g).

(3) To the extent permitted by law, the court is encouraged to:

(i) increase the penalty for the knowing violation of any protective order over any penalty previously imposed by any court for respondent's violation of any protective order or penal statute involving petitioner as victim and respondent as defendant;

(ii) impose a minimum penalty of 24 hours imprisonment for respondent's first violation of any protective order; and

(iii) impose a minimum penalty of 48 hours imprisonment for respondent's second or subsequent violation of a protective order

unless the court explicitly finds that an increased penalty or that period of imprisonment would be manifestly unjust.

(4) In addition to any other penalties imposed for a violation of a protective order, a criminal court may consider evidence of any violations of a protective order:

(i) to increase, revoke, or modify the bail bond on an underlying criminal charge pursuant to Section 110-6 of this Code;

(ii) to revoke or modify an order of probation, conditional discharge, or supervision, pursuant to Section 5-6-4 of the Unified Code of Corrections;

(iii) to revoke or modify a sentence of periodic imprisonment, pursuant to Section 5-7-2 of the Unified Code of Corrections.

(Source: P.A. 99-90, eff. 1-1-16; 100-199, eff. 1-1-18; 100-597, eff. 6-29-18; revised 7-12-19.)