



Sen. Steve McClure

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10300SB0964sam001

LRB103 05383 RLC 71523 a

1 AMENDMENT TO SENATE BILL 964

2 AMENDMENT NO. _____. Amend Senate Bill 964 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Criminal Code of 2012 is amended by
5 changing Section 12-3.4 as follows:

6 (720 ILCS 5/12-3.4) (was 720 ILCS 5/12-30)

7 Sec. 12-3.4. Violation of an order of protection.

8 (a) A person commits violation of an order of protection
9 if:

10 (1) He or she knowingly commits an act which was
11 prohibited by a court or fails to commit an act which was
12 ordered by a court in violation of:

13 (i) a remedy in a valid order of protection
14 authorized under paragraphs (1), (2), (3), (14), or
15 (14.5) of subsection (b) of Section 214 of the
16 Illinois Domestic Violence Act of 1986,

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

8 (iii) any other remedy when the act constitutes a
9 crime against the protected parties as the term
10 protected parties is defined in Section 112A-4 of the
11 Code of Criminal Procedure of 1963; and

12 (2) Such violation occurs after the offender has been
13 served notice of the contents of the order, pursuant to
14 the Illinois Domestic Violence Act of 1986 or any
15 substantially similar statute of another state, tribe or
16 United States territory, or otherwise has acquired actual
17 knowledge of the contents of the order.

18 An order of protection issued by a state, tribal or
19 territorial court related to domestic or family violence shall
20 be deemed valid if the issuing court had jurisdiction over the
21 parties and matter under the law of the state, tribe or
22 territory. There shall be a presumption of validity where an
23 order is certified and appears authentic on its face. For
24 purposes of this Section, an "order of protection" may have
25 been issued in a criminal or civil proceeding.

26 (a-5) Failure to provide reasonable notice and opportunity

1 to be heard shall be an affirmative defense to any charge or
2 process filed seeking enforcement of a foreign order of
3 protection.

4 (b) Nothing in this Section shall be construed to diminish
5 the inherent authority of the courts to enforce their lawful
6 orders through civil or criminal contempt proceedings.

7 (c) The limitations placed on law enforcement liability by
8 Section 305 of the Illinois Domestic Violence Act of 1986
9 apply to actions taken under this Section.

10 (d) Violation of an order of protection is a Class 4 felony
11 ~~A misdemeanor~~. Violation of an order of protection is a Class 3
12 ~~4~~ felony if the defendant has any prior conviction under this
13 Code for domestic battery (Section 12-3.2) or violation of an
14 order of protection (Section 12-3.4 or 12-30) or any prior
15 conviction under the law of another jurisdiction for an
16 offense that could be charged in this State as a domestic
17 battery or violation of an order of protection. Violation of
18 an order of protection is a Class 3 ~~4~~ felony if the defendant
19 has any prior conviction under this Code for first degree
20 murder (Section 9-1), attempt to commit first degree murder
21 (Section 8-4), aggravated domestic battery (Section 12-3.3),
22 aggravated battery (Section 12-3.05 or 12-4), heinous battery
23 (Section 12-4.1), aggravated battery with a firearm (Section
24 12-4.2), aggravated battery with a machine gun or a firearm
25 equipped with a silencer (Section 12-4.2-5), aggravated
26 battery of a child (Section 12-4.3), aggravated battery of an

1 unborn child (subsection (a-5) of Section 12-3.1, or Section
2 12-4.4), aggravated battery of a senior citizen (Section
3 12-4.6), stalking (Section 12-7.3), aggravated stalking
4 (Section 12-7.4), criminal sexual assault (Section 11-1.20 or
5 12-13), aggravated criminal sexual assault (Section 11-1.30 or
6 12-14), kidnapping (Section 10-1), aggravated kidnapping
7 (Section 10-2), predatory criminal sexual assault of a child
8 (Section 11-1.40 or 12-14.1), aggravated criminal sexual abuse
9 (Section 11-1.60 or 12-16), unlawful restraint (Section 10-3),
10 aggravated unlawful restraint (Section 10-3.1), aggravated
11 arson (Section 20-1.1), aggravated discharge of a firearm
12 (Section 24-1.2), or a violation of any former law of this
13 State that is substantially similar to any listed offense, or
14 any prior conviction under the law of another jurisdiction for
15 an offense that could be charged in this State as one of the
16 offenses listed in this Section, when any of these offenses
17 have been committed against a family or household member as
18 defined in Section 112A-3 of the Code of Criminal Procedure of
19 1963. The court shall impose a minimum penalty of 24 hours
20 imprisonment for defendant's second or subsequent violation of
21 any order of protection; unless the court explicitly finds
22 that an increased penalty or such period of imprisonment would
23 be manifestly unjust. In addition to any other penalties, the
24 court may order the defendant to pay a fine as authorized under
25 Section 5-9-1 of the Unified Code of Corrections or to make
26 restitution to the victim under Section 5-5-6 of the Unified

1 Code of Corrections.

2 (e) (Blank).

3 (f) A defendant who directed the actions of a third party
4 to violate this Section, under the principles of
5 accountability set forth in Article 5 of this Code, is guilty
6 of violating this Section as if the same had been personally
7 done by the defendant, without regard to the mental state of
8 the third party acting at the direction of the defendant.

9 (Source: P.A. 100-987, eff. 7-1-19.)

10 Section 99. Effective date. This Act takes effect upon
11 becoming law."