

1 AN ACT in relation to domestic violence.

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-3 as follows:

6 (725 ILCS 5/112A-3) (from Ch. 38, par. 112A-3)

7 Sec. 112A-3. Definitions. For the purposes of this
8 Article, the following terms shall have the following
9 meanings:

10 (1) "Abuse" means physical abuse, harassment,
11 intimidation of a dependent, interference with personal
12 liberty or willful deprivation but does not include
13 reasonable direction of a minor child by a parent or person
14 in loco parentis.

15 (2) "Domestic violence" means abuse as described in
16 paragraph (1).

17 (3) "Family or household members" include spouses,
18 former spouses, parents, children, stepchildren and other
19 persons related by blood or by present or prior marriage,
20 persons who share or formerly shared a common dwelling,
21 persons who have or allegedly have a child in common, persons
22 who share or allegedly share a blood relationship through a
23 child, persons who have or have had a dating or engagement
24 relationship, and persons with disabilities and their
25 personal assistants, and caregivers as defined in paragraph
26 (3) of subsection (b) of Section 12-21 of the Criminal Code
27 of 1961. For purposes of this paragraph, neither a casual
28 acquaintanceship nor ordinary fraternization between 2
29 individuals in business or social contexts shall be deemed to
30 constitute a dating relationship.

31 (4) "Harassment" means knowing conduct which is not

1 necessary to accomplish a purpose which is reasonable under
2 the circumstances; would cause a reasonable person emotional
3 distress; and does cause emotional distress to the
4 petitioner. Unless the presumption is rebutted by a
5 preponderance of the evidence, the following types of conduct
6 shall be presumed to cause emotional distress:

7 (i) creating a disturbance at petitioner's place of
8 employment or school;

9 (ii) repeatedly telephoning petitioner's place of
10 employment, home or residence;

11 (iii) repeatedly following petitioner about in a
12 public place or places;

13 (iv) repeatedly keeping petitioner under
14 surveillance by remaining present outside his or her
15 home, school, place of employment, vehicle or other place
16 occupied by petitioner or by peering in petitioner's
17 windows;

18 (v) improperly concealing a minor child from
19 petitioner, repeatedly threatening to improperly remove a
20 minor child of petitioner's from the jurisdiction or from
21 the physical care of petitioner, repeatedly threatening
22 to conceal a minor child from petitioner, or making a
23 single such threat following an actual or attempted
24 improper removal or concealment, unless respondent was
25 fleeing from an incident or pattern of domestic violence;
26 or

27 (vi) threatening physical force, confinement or
28 restraint on one or more occasions.

29 (5) "Interference with personal liberty" means
30 committing or threatening physical abuse, harassment,
31 intimidation or willful deprivation so as to compel another
32 to engage in conduct from which she or he has a right to
33 abstain or to refrain from conduct in which she or he has a
34 right to engage.

1 (6) "Intimidation of a dependent" means subjecting a
2 person who is dependent because of age, health or disability
3 to participation in or the witnessing of: physical force
4 against another or physical confinement or restraint of
5 another which constitutes physical abuse as defined in this
6 Article, regardless of whether the abused person is a family
7 or household member.

8 (7) "Order of protection" means an emergency order,
9 interim order or plenary order, granted pursuant to this
10 Article, which includes any or all of the remedies authorized
11 by Section 112A-14 of this Code.

12 (8) "Petitioner" may mean not only any named petitioner
13 for the order of protection and any named victim of abuse on
14 whose behalf the petition is brought, but also any other
15 person protected by this Article.

16 (9) "Physical abuse" includes sexual abuse and means any
17 of the following:

18 (i) knowing or reckless use of physical force,
19 confinement or restraint;

20 (ii) knowing, repeated and unnecessary sleep
21 deprivation; or

22 (iii) knowing or reckless conduct which creates an
23 immediate risk of physical harm.

24 (10) "Willful deprivation" means wilfully denying a
25 person who because of age, health or disability requires
26 medication, medical care, shelter, accessible shelter or
27 services, food, therapeutic device, or other physical
28 assistance, and thereby exposing that person to the risk of
29 physical, mental or emotional harm, except with regard to
30 medical care and treatment when such dependent person has
31 expressed the intent to forgo such medical care or treatment.
32 This paragraph does not create any new affirmative duty to
33 provide support to dependent persons.

34 (Source: P.A. 87-1186.)

1 Section 10. The Illinois Domestic Violence Act of 1986
2 is amended by changing Section 103 as follows:

3 (750 ILCS 60/103) (from Ch. 40, par. 2311-3)

4 Sec. 103. Definitions. For the purposes of this Act,
5 the following terms shall have the following meanings:

6 (1) "Abuse" means physical abuse, harassment,
7 intimidation of a dependent, interference with personal
8 liberty or willful deprivation but does not include
9 reasonable direction of a minor child by a parent or person
10 in loco parentis.

11 (2) "Adult with disabilities" means an elder adult with
12 disabilities or a high-risk adult with disabilities. A
13 person may be an adult with disabilities for purposes of this
14 Act even though he or she has never been adjudicated an
15 incompetent adult. However, no court proceeding may be
16 initiated or continued on behalf of an adult with
17 disabilities over that adult's objection, unless such
18 proceeding is approved by his or her legal guardian, if any.

19 (3) "Domestic violence" means abuse as defined in
20 paragraph (1).

21 (4) "Elder adult with disabilities" means an adult
22 prevented by advanced age from taking appropriate action to
23 protect himself or herself from abuse by a family or
24 household member.

25 (5) "Exploitation" means the illegal, including
26 tortious, use of a high-risk adult with disabilities or of
27 the assets or resources of a high-risk adult with
28 disabilities. Exploitation includes, but is not limited to,
29 the misappropriation of assets or resources of a high-risk
30 adult with disabilities by undue influence, by breach of a
31 fiduciary relationship, by fraud, deception, or extortion, or
32 the use of such assets or resources in a manner contrary to
33 law.

1 (6) "Family or household members" include spouses,
2 former spouses, parents, children, stepchildren and other
3 persons related by blood or by present or prior marriage,
4 persons who share or formerly shared a common dwelling,
5 persons who have or allegedly have a child in common, persons
6 who share or allegedly share a blood relationship through a
7 child, persons who have or have had a dating or engagement
8 relationship, and persons with disabilities and their
9 personal assistants, and caregivers as defined in paragraph
10 (3) of subsection (b) of Section 12-21 of the Criminal Code
11 of 1961. For purposes of this paragraph, neither a casual
12 acquaintanceship nor ordinary fraternization between 2
13 individuals in business or social contexts shall be deemed to
14 constitute a dating relationship. In the case of a
15 high-risk adult with disabilities, "family or household
16 members" includes any person who has the responsibility for a
17 high-risk adult as a result of a family relationship or who
18 has assumed responsibility for all or a portion of the care
19 of a high-risk adult with disabilities voluntarily, or by
20 express or implied contract, or by court order.

21 (7) "Harassment" means knowing conduct which is not
22 necessary to accomplish a purpose that is reasonable under
23 the circumstances; would cause a reasonable person emotional
24 distress; and does cause emotional distress to the
25 petitioner. Unless the presumption is rebutted by a
26 preponderance of the evidence, the following types of conduct
27 shall be presumed to cause emotional distress:

28 (i) creating a disturbance at petitioner's place of
29 employment or school;

30 (ii) repeatedly telephoning petitioner's place of
31 employment, home or residence;

32 (iii) repeatedly following petitioner about in a
33 public place or places;

34 (iv) repeatedly keeping petitioner under

1 surveillance by remaining present outside his or her
2 home, school, place of employment, vehicle or other place
3 occupied by petitioner or by peering in petitioner's
4 windows;

5 (v) improperly concealing a minor child from
6 petitioner, repeatedly threatening to improperly remove a
7 minor child of petitioner's from the jurisdiction or from
8 the physical care of petitioner, repeatedly threatening
9 to conceal a minor child from petitioner, or making a
10 single such threat following an actual or attempted
11 improper removal or concealment, unless respondent was
12 fleeing an incident or pattern of domestic violence; or

13 (vi) threatening physical force, confinement or
14 restraint on one or more occasions.

15 (8) "High-risk adult with disabilities" means a person
16 aged 18 or over whose physical or mental disability impairs
17 his or her ability to seek or obtain protection from abuse,
18 neglect, or exploitation.

19 (9) "Interference with personal liberty" means
20 committing or threatening physical abuse, harassment,
21 intimidation or willful deprivation so as to compel another
22 to engage in conduct from which she or he has a right to
23 abstain or to refrain from conduct in which she or he has a
24 right to engage.

25 (10) "Intimidation of a dependent" means subjecting a
26 person who is dependent because of age, health or disability
27 to participation in or the witnessing of: physical force
28 against another or physical confinement or restraint of
29 another which constitutes physical abuse as defined in this
30 Act, regardless of whether the abused person is a family or
31 household member.

32 (11) (A) "Neglect" means the failure to exercise that
33 degree of care toward a high-risk adult with disabilities
34 which a reasonable person would exercise under the

1 circumstances and includes but is not limited to:

2 (i) the failure to take reasonable steps to protect
3 a high-risk adult with disabilities from acts of abuse;

4 (ii) the repeated, careless imposition of
5 unreasonable confinement;

6 (iii) the failure to provide food, shelter,
7 clothing, and personal hygiene to a high-risk adult with
8 disabilities who requires such assistance;

9 (iv) the failure to provide medical and
10 rehabilitative care for the physical and mental health
11 needs of a high-risk adult with disabilities; or

12 (v) the failure to protect a high-risk adult with
13 disabilities from health and safety hazards.

14 (B) Nothing in this subsection (10) shall be construed
15 to impose a requirement that assistance be provided to a
16 high-risk adult with disabilities over his or her objection
17 in the absence of a court order, nor to create any new
18 affirmative duty to provide support to a high-risk adult with
19 disabilities.

20 (12) "Order of protection" means an emergency order,
21 interim order or plenary order, granted pursuant to this Act,
22 which includes any or all of the remedies authorized by
23 Section 214 of this Act.

24 (13) "Petitioner" may mean not only any named petitioner
25 for the order of protection and any named victim of abuse on
26 whose behalf the petition is brought, but also any other
27 person protected by this Act.

28 (14) "Physical abuse" includes sexual abuse and means
29 any of the following:

30 (i) knowing or reckless use of physical force,
31 confinement or restraint;

32 (ii) knowing, repeated and unnecessary sleep
33 deprivation; or

34 (iii) knowing or reckless conduct which creates an

1 immediate risk of physical harm.

2 (15) "Willful deprivation" means wilfully denying a
3 person who because of age, health or disability requires
4 medication, medical care, shelter, accessible shelter or
5 services, food, therapeutic device, or other physical
6 assistance, and thereby exposing that person to the risk of
7 physical, mental or emotional harm, except with regard to
8 medical care or treatment when the dependent person has
9 expressed an intent to forgo such medical care or treatment.
10 This paragraph does not create any new affirmative duty to
11 provide support to dependent persons.

12 (Source: P.A. 86-542; 87-1186.)