



H.B. 255, Protective Order Revisions

February 9, 2021

Summary of Changes in H.B. 255, First Substitute

The following is a summary of the changes made in H.B. 255, First Substitute, Protective Order Revisions.

Civil Protective Orders

H.B. 255 makes largely clarifying changes to provisions governing civil protective orders to clean-up cross references, protective order form requirements, and filing deadlines. The bill also clarifies that a civil provision of a cohabitant abuse protective order:

- may be dismissed or modified at any time during a divorce, parentage, custody, or guardianship proceeding between the parties (lines 639-646); and
- expires 150 days after the order is entered (lines 724-727).

Criminal Protective Orders

Jail Release Agreements and Court Orders

H.B. 255 makes both clarifying and substantive changes to provisions relating to jail release agreements and court orders, including changes that clarify the type of offenses covered and conduct prohibited. Specifically, the bill:

- provides that a jail release agreement and court order apply when an alleged perpetrator is issued a citation, not just upon arrest (line 785, 789);
- allows an alleged adult victim to waive a condition of a jail release agreement by appearing in person to the law enforcement agency, the correctional facility, or the court (lines 837-845); and
- prohibits a parent or guardian from waiving the conditions of a jail release agreement on behalf of an alleged minor victim without court approval (lines 853-854).

Criminal Protective Orders issued Against a Minor

The first substitute to H.B. 255 clarifies a cross reference that is found in the Juvenile Court Act that generally allows victims of an offense committed by a minor to obtain criminal protective orders (lines 195-201). Specifically, the first substitute:

- provides an expiration date for all criminal protective orders so a criminal protective order cannot extend beyond the date the juvenile court terminates jurisdiction (lines 916-923, 959-965, 1025-1032, 1071-1078); and
- prohibits a continuous protective order, which can last indefinitely, from being issued against a minor (lines 1025-1026, 1071-1072).