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COLTON'S TASK FORCE: A 2025 ILLINOIS DOMESTIC VIOLENCE TASK FORCE REPORT



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Colton's Task Force: A 2025 Illinois Domestic Violence Task Force Report

A report to the Illinois Governor and General Assembly

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Acknowledgment



This report is dedicated in memory of Colton Tanner Miller, whose tragic loss underscores the need for stronger firearm relinquishment policies.

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Introduction

Colton Tanner Miller and Cassandra Tanner Miller's Story

On September 21, 2019, one-and-a-half-year-old Colton Michael Miller was shot and killed by his father, Christopher Michael Miller. Despite his Firearm Owner Identification (FOID) card being revoked in January 2018 due to an aggravated battery charge, Christopher Miller retained possession of his firearm. In the 20 months leading up to Colton's death, his mother, Cassandra Tanner Miller, repeatedly contacted multiple agencies in Illinois to seek assistance in removing Christopher's firearm, but he was never forced to relinquish it. On September 21, Miller went to Cassandra's home intending to kill her, Colton, and Cassandra's nine-year-old daughter. Cassandra was injured but escaped with her daughter. However, Miller used his firearm to kill both himself and Colton.

The tragic case of Colton Tanner Miller's death underscores the urgent need for stronger enforcement of firearm regulations, particularly for individuals with a history of violence.¹ This circumstance exposes systemic gaps in ensuring compliance with revoked firearm permits and the failure of authorities to enforce restrictions effectively. In response to Cassandra's sustained advocacy efforts, the Domestic Violence Task Force, also known as Colton's Task force, was created to assess, address, and identify gaps within domestic violence laws, interventions, and compliance within the state of Illinois.

Legislative Requirements

Per 20 ILCS 4106/10, the Domestic Violence Task Force Act (2021), the Task Force was to:

- Conduct a comprehensive review of the process, operation, and enforcement of current domestic violence laws across the state.
- Identify gaps in the process, operation, and enforcement of those laws.
- Develop recommendations to address those gaps.
- Establish a framework for specialized protective networks for victims, treatment options for victims and individuals who have committed domestic violence, and specialty courts designed to enhance judicial expertise in domestic violence cases.

Membership

The task force consisted of 18 members (*Table 1*). Mary Ratliff, Director of Strategic Project Administrators at the Illinois Criminal Justice Information Authority, served as Chair.

¹ Throughout this document we have intentionally avoided the term 'offender' and instead used person-first language. This approach aligns with best practices in trauma-informed and anti-stigmatizing communication. Referring to individuals as 'people convicted of domestic violence' or 'individuals required to relinquish firearms' acknowledges accountability while recognizing that no person should be solely defined by their past actions. Person-first language promotes dignity and aligns with evolving standards in the criminal legal system, behavioral health fields, and victim advocacy communities. Additionally, Illinois House Bill 4409 and similar legislative efforts encourage state agencies to adopt person-first terminology to foster respect and accuracy in public discourse. Finally, some of the statutes listed in Appendix 1 use the term 'offender.' Due to this being the official language in the statute, "offender" will be used in the cited statutes.

Table 1***Colton's Task Force Membership List***

As required by statute, members included:

Appointment	Name	Title	Agency/Organization
Judge appointed by the Illinois Supreme Court	Hon. Ramona Sullivan	Circuit Judge	Champaign County, 6 th Judicial Circuit of Illinois
Judge appointed by the Illinois Supreme Court	Hon. Judith Rice	Circuit Judge, Domestic Violence Division	Circuit Court of Cook County
Director of the Administrative Office of the Illinois Courts, or the Director's designee	Heather Dorsey	Director of the Courts, Children and Families Division & The Court Improvement Program	Administrative Office of the Illinois Courts
Probation officer appointed by the Chief Justice of the Illinois Supreme Court who has significant experience with domestic violence cases	Nicole Bockhorn	Supervisor	Winnebago County Adult Probation
Attorney General, or the Attorney General's designee	Wendy Cohen	Senior Policy Advisor	Illinois Attorney General's Office
Director of the Illinois Criminal Justice Information Authority, or the Director's designee	Mary Ratliff	Director of Strategic Project Administrators	Illinois Criminal Justice Information Authority
Member representing victims' rights organizations	Amanda Pyron	Executive Director/CEO	The Network, Advocating Against Domestic Violence
Member representing victims' rights organizations	Sara Block	Managing Director of Advocacy and Partnerships	Ascend Justice

Appointment	Name	Title	Agency/Organization
Member representing State's Attorneys based on recommendations from the Illinois State's Attorneys Association of which shall have experience with domestic violence cases	Jamie Mosser	State's Attorney	Kane County
Member representing State's Attorneys based on recommendations from the Illinois State's Attorneys Association of which shall have experience with domestic violence cases	Jodi Hoos	State's Attorney	Peoria County
Member representing law enforcement of which shall have experience with domestic violence cases	Tom Weitzel	Retired Chief of Police	Riverside Police Department
Member representing family law lawyers who shall have experience with domestic violence cases based on a recommendation from a statewide bar association	Sally Kolb	Senior Staff Attorney	Land of Lincoln Legal Aid
Director of the Illinois State Police, or the Director's designee	Rebecca Hooks	First Deputy Director	Illinois State Police
Secretary of Human Services, or the Secretary's designee	Teresa Tudor	Program Administrator	Illinois Department of Human Services

Appointment	Name	Title	Agency/Organization
Representative appointed by the Speaker of the House of Representatives	Joyce Mason	State Representative	61 st District of Illinois
Senator appointed by the President of the Senate	Karina Villa	State Senator	25 th District of Illinois
Senator appointed by the Minority Leader of the Senate	Sue Resin	State Senator	38 th District of Illinois
Survivor of domestic violence appointed by the Minority Leader of the House of Representatives	Cassandra Tanner Miller	Survivor	N/A

Meetings

The task force met on the following dates:

- August 3, 2023
- October 13, 2023
- February 7, 2024
- April 3, 2024
- June 5, 2024
- October 2, 2024
- November 6, 2024
- December 6, 2024

Task force meetings were discussion-based meetings with invited speakers who explored existing domestic violence legislation and state and national criminal justice protocols. The initial meetings centered on exploring domestic violence laws to identify a clear focus for future meetings. Based on this focus, task force members then identified probation and firearm relinquishment as priority topics. To address these topics, guest speakers were invited to give presentations on strategies to revoke firearms from individuals convicted of domestic violence through community supervision, probation and parole; on federal domestic violence firearms laws and court cases; and on a regional domestic violence firearms enforcement unit in the state of Washington. This initiative was inspired by Colton's memory, with the goal of preventing similar tragedies.

Findings

Review of Existing Domestic Violence Laws and Resources

The initial meetings for this task force revolved around the exploration of existing domestic violence laws, processes, and personnel. The group examined the following laws (links and descriptions for these laws can be found in Appendix A):

- Illinois Domestic Violence Act of 1986 (750 ILCS 60/) (relating to law enforcement responses, orders of protection, health care providers, and general provisions)
- Illinois Criminal Code– Domestic Battery (720 ILCS 5/12-3.2)
- Illinois Criminal Code – Stalking (720 ILCS 5/12-7.3)
- Rights of Crime Victims and Witnesses Act (725 ILCS 120/)
- Firearms Restraining Order Act (430 ILCS 67/)
- Safe Homes Act (765 ILCS 750/)
- Crime Victims Compensation Act (740 ILCS 45/)
- Victims Economic Security and Safety Act (820 ILCS 180/)
- Mental Health and Developmental Disabilities Code (405 ILCS 5/6-103.3)

The task force also examined Karina’s Law (HB 4469), which was introduced during a presentation by Jennifer Waindle on probation and parole strategies. Karina’s Law aims to protect domestic violence survivors by requiring law enforcement in Illinois to confiscate firearms due to an emergency order of protection (a full description of Karina’s Law can be found in Appendix A). At the time of the presentation, Karina’s Law had not been voted on in the Illinois State Senate. However, it has now been signed into law as of February 10, 2025.

Additionally, the task force discussed initiatives like the Illinois Family Violence Coordinating Councils (IFVCC). The IFVCC provide a multidisciplinary forum to build relationships with local victim service programs and criminal justice entities (Illinois Criminal Justice Information Authority, 2025). This forum is made up of individual local councils and a centralized steering committee. The aims of the IFVCC are to identify, address, and expand community responses to family violence across the state of Illinois. The IFVCC have five main activities: discussing issues, sharing information, identifying weaknesses in system response, providing training for key stakeholders, and engaging in public/community education. Additionally, the IFVCC conduct regular outreach to nonmember stakeholders to improve community responses to violence. To realize these goals and activities, the IFVCC take a three-pronged approach of systemic change, trainings, and community awareness. Systemic change, for IFVCC, involves coordinating and convening committees and workgroups to create policy, protocol, and updated best practices for domestic violence cases. They provide trainings to educate criminal justice and social service professionals and expand their knowledge of family/domestic violence. Finally, IFVCC upholds their tenet of community awareness by increasing knowledge on family violence issues across Illinois (Illinois Criminal Justice Information Authority, 2025).

The exploration of these domestic violence laws and initiatives informed the task force about the robust legislation and resources that exist within the state of Illinois regarding domestic violence. However, the task force members identified a need for strengthening firearm relinquishment

legislation and protocols. To better understand the current climate of firearm relinquishment, the task force sought out presentations on current community strategies in Illinois, on firearm relinquishment in probation and parole, on information that related domestic violence and firearms nationally, and on an existing firearm relinquishment unit.

Current Processes and Enforcement of Existing Laws

To help task force members better understand firearm relinquishment in relation to domestic violence on a national level, Jennifer Waindle from the National Center on Improving Community Supervision Responses presented on firearm relinquishment during probation or parole. In this presentation, Waindle affirmed that best practices for firearm relinquishment should begin by identifying individuals eligible for relinquishment. Waindle suggested that, depending on state laws, this identification can be achieved by investigating domestic violence restraining orders, extreme risk protection orders, and convictions for misdemeanor crimes of domestic violence. In Illinois, a person may lose their firearm rights if convicted of a misdemeanor or felony related to domestic violence (Giffords Law Center, 2023).

According to Waindle, a key priority remains the continued restriction of firearm access. This restriction is enforced through the use of comprehensive background check databases and detailed federal reporting practices that track individuals who have relinquished firearms or who are legally prohibited from possession due to court rulings. Throughout this process, staff involved with firearm relinquishment must prioritize safe relinquishment and ensure accountability through potential sanctions or revocations if the person subject to firearm relinquishment fails to comply. In summary, executing firearm relinquishment effectively, along with ongoing monitoring during probation and parole provides a strong protective framework for preventing future offenses and harm.

Nicole Bockhorn from Winnebago County's Adult Probation Unit expanded on Waindle's presentation by discussing community supervision strategies in Illinois for individuals convicted of domestic violence. She focused on probationary cases within a specialized domestic violence court in the 17th Judicial Circuit, emphasizing the role of education, assessments, and communication in enhancing survivor safety and accountability for those accused or charged with domestic violence. The presentation detailed how the 17th Judicial Circuit offers programming focused on psychoeducation, mental health, anger management, recovery, and job preparedness. It also underscored how preventing recidivism requires well trained staff to implement programs and to address the barriers perpetrators face, like access to care for substance use disorders. In addition, the presentation pointed out that the 17th Judicial Circuit regularly reassesses program members and their goals. It emphasized that swift and clear communication, along with immediate responses to violations, is integral to effective community supervision. Overall, the 17th Judicial Circuit provides a promising framework for community supervision within domestic violence cases.

Finally, the task force wanted to understand what firearm relinquishment could look like on a larger scale. This led to the final presentation by Sandra Shanahan, the program manager for the Regional Domestic Violence Enforcement Unit. Her presentation focused on a dedicated firearm relinquishment unit in the state of Washington. Currently, this risk-based inter-jurisdictional and interdisciplinary unit in King County exists to review all civil domestic violence cases and to screen cases specifically for firearm information and concerns. This unit formed in January 2018 and comprises:

- Three firearm deputy prosecuting attorneys
- Court ordered problem solvers
- Law enforcement detectives/officers
- Two domestic violence firearms advocates/court coordinators
- Extreme risk protection order advocate
- Threat assessment specialist
- Paralegal
- Legal administrative specialists
- Law enforcement-based data technician
- Program manager
- District prosecuting attorney
- Firearm enforcement advocate
- Outreach coordinator
- Two unit co-chairs

Individuals in this unit conduct in-depth assessments, investigations, and interviews on cases that have been flagged for firearm concerns. They then share information with law enforcement officials and courts, which includes sharing information with the District Prosecuting Attorneys and advocates throughout the case process to prioritize victims' concerns. Next, law enforcement officials conduct the firearm relinquishment process with the help of standardized court forms and court orders. The forms and orders include firearm possession and access information. The unit has operationalized its definition of harm reduction by including several activities. These include providing early identification of incidents involving threats of harm to self and others; conducting outreach to family, law enforcement, and survivors to focus on safety planning and comprehensive investigation of firearm information; and sharing the firearm information gathered with law enforcement and court. The presentation clearly conveyed the promise that a formal unit of multidisciplinary officials and resources provides for mitigating continued harm for victims, for gaining compliance from those required to relinquish firearms, and for supporting law enforcement in confiscating them.

Framework of Specialized Protective Networks

The task force discussed specialty courts like the 17th Judicial Circuit, along with coordinating bodies like the IFVCC. Within Illinois, additional support is offered by the Illinois Coalition Against Domestic Violence; the Illinois Coalition Against Sexual Assault; The Network; Family Justice Centers; other specialized domestic violence courts; and Partner Abuse Intervention Programs (PAIP), which are offered through the Illinois Department of Human Services. A task force member also mentioned another existing firearm relinquishment unit within Illinois, called the Firearm Services Bureau. This unit regulates the eligibility of applicants who seek to acquire, possess, or transfer firearms. It manages a firearm transfer program, as well, allowing licensed firearm dealers to perform checks on potential buyers. Finally, to ensure compliance with firearm regulations, the Firearm Services Bureau monitors individuals who have federal licenses to sell firearms in Illinois (Illinois State Police, 2024). In the public sector, domestic violence nonprofits; public and private therapeutic services; national and local hotlines; and social workers, who connect victims to resources, all exist to support the people involved in domestic violence cases. Overall, Illinois has an existing framework of specialized protective networks for all parties in domestic violence cases.

Gaps within Existing Laws and Structures

Beyond the networks described in the previous section, task force members researched existing resources, laws, the criminal justice system, and presentations on local and national strategies and experiences. They found that Illinois has existing structures in place for firearm relinquishment and for responding to domestic violence. Task force members learned, however, that despite this wide range of resources, a lack of actionable protocols, multidisciplinary coordinated responses, and funding for training, staff, and the IFVCC exists. Consequently, until adequate training and funding are provided, firearm relinquishment may not be possible nationally or in Illinois.

In a presentation on the relationship between firearms and domestic violence at the national level, Jennifer Becker from the National Resource Center on Violence and Firearms highlighted that the lack of established protocols, coordination, and resources is a barrier to firearm relinquishment. To counteract these barriers an effective surrender policy should have:

- Necessary firearm information
- A court order
- Specific, identified service members to carry out relinquishment
- A clear understanding of the service members' responsibilities
- An outline for the surrender process
- Continued compliance monitoring to state and federal laws
- Coordination of stakeholders

According to Becker, the stakeholders who need to be coordinated and engaged are the courts, law enforcement, prosecutors, victim/witness coordinators, domestic violence advocates, and probation/parole officers. Currently, Illinois does not have a multidisciplinary coordinated response, which leaves this portion of firearm relinquishment best practices unfilled.

Additionally, the task force discussed how nuances with firearm ownership further complicate the firearm relinquishment process. Specifically, some firearm owners may possess illegal firearms. Due to this, owners of illegal firearms may not want to relinquish their firearms out of fear they may be prosecuted, and the possibility of their firearms not being returned. The task force discussed the option of law enforcement not asking if the firearms were acquired legally or illegally. This was proposed as a potential way to combat this issue and increase the likelihood of firearm relinquishment for owners of illegal firearms.

Other logistical issues create additional hurdles to the firearm relinquishment process, as well. At present, screener usage varies across Illinois and can create issues related to identification. For instance, courts like the 17th Judicial Circuit utilize validated assessment tools that look at domestic violence recidivism in addition to general recidivism. However, other jurisdictions do not use assessment tools that assess specifically for the risk of domestic violence recidivism. This variation across jurisdictions can lead to differences in the kinds of services offered both to survivors and people who have committed domestic violence. Additionally, lack of explicit protocols, standardized procedures, training, and adequate funding create significant barriers to firearm relinquishment. The absence of a clear protocol specifying the roles and responsibilities of personnel in the relinquishment process raises concerns about enforcement. Moreover, without standardized forms or designated storage facilities, law enforcement and the courts face

additional challenges in executing firearm surrender orders. These gaps persist due to the absence of statewide guidance, training, and oversight. Limited funding further strains resources, restricting the IFVCC from effectively coordinating interventions and providing education on domestic violence. Overall, the absence of standardized protocols, uniform screening tools, and coordinated responses combined with insufficient funding undermine the effectiveness of firearm relinquishment efforts.

Recommendations For Addressing Gaps

Given the aforementioned gaps in the firearm relinquishment process within domestic violence cases, the task force suggested four recommendations. They focused on utilizing a multidisciplinary coordinated response, establishing a domestic violence firearm relinquishment unit, developing a formal and explicit protocol, and allocating funds to pilot the proposed firearm relinquishment unit.

Additionally, task force members advised that the adoption of additional firearm relinquishment laws would fill gaps in current firearm relinquishment practices. Some task force members discussed their support for Karina's Law, which was signed into law on February 10, 2025.

Recommendation #1: Construct a Multidisciplinary Coordinated Response

In order to effectively safeguard victims, hold people accountable for committing domestic violence, and enhance overall community safety, Illinois must develop consistent, multidisciplinary coordination among criminal justice and community professionals handling domestic violence cases. The task force recommends a multidisciplinary coordinated response that draws from the King County model. This statewide coordinated response would bring together key stakeholders across Illinois and local communities to develop strategies and procedures aimed at strengthening local community's responses to domestic violence. Additionally, it would be supported by the IFVCC, since they have much of the necessary infrastructure and the relationships to assemble this response. The coordinated response should be risk-based, inter-jurisdictional, and interdisciplinary, including but not limited to:

- Specialized firearm prosecutors
- Law enforcement detectives/officers
- A domestic violence-firearms advocate/court coordinator
- A Firearm Restraining Order (FRO) advocate
- A threat assessment specialist
- A program manager
- A training & outreach coordinator

The primary goal of the multidisciplinary, coordinated response would be to tailor community response to the needs of survivors and individuals who have committed domestic violence. To achieve this goal, participants, such as police, prosecutors, probation officers, victim advocates, counselors, and judges, would collaborate and coordinate efforts. This multidisciplinary initiative would facilitate the development and implementation of policies and interventions, which, in turn, would facilitate monitoring firearms in relation to domestic violence cases. This monitoring would show cases where firearm relinquishment would need to be executed by law enforcement. Overall, this coordinated response would improve interagency coordination and produce more uniform responses to domestic violence cases.

As previously mentioned, the multidisciplinary, coordinated response would parallel the structure of the multidisciplinary unit from King County. This composition has been found to be successful, with many studies highlighting the coordinated response model as a best practice for domestic violence intervention (Pence & McHanon 1997; Shepard & McGee, 1999; Warrier, 2022). Evaluations from King County have even highlighted improvements in judicial enforcement and

respondent compliance at the individual level (Ellyson et al., 2023). Additionally, implementation of the multidisciplinary unit in King County was associated with significant improvements in key relinquishment outcomes (Ellyson et al., 2023). These outcomes included a greater likelihood of domestic violence protection orders containing an order to relinquish weapons, compliance by respondents, and relinquishment of one or more weapons (Ellyson et al., 2023). In summary, the creation of a multidisciplinary, coordinated response unit shows the utmost promise for mitigating harm within domestic violence cases.

Recommendation #2: Pilot Two Domestic Violence Firearm Relinquishment Units

A dedicated domestic violence firearm relinquishment unit is needed in Illinois. To meet this need, the task force recommends the piloting of two firearm relinquishment units in Illinois, one in a predominantly rural area and one in a predominantly urban area. These units would address concerns with the execution of the firearm surrender process for domestic violence cases. Members of the units would review criminal and civil cases in the circuit that involve a court order to surrender firearms, including all civil protection order cases and family court cases. They would also screen cases for firearm information and concerns. Additionally, unit members would conduct thorough assessments, investigations, and interviews of survivors on all domestic violence cases. From here, law enforcement would inform the respondent of the court order, and the respondent would have to immediately surrender in person and in plain sight all firearms, ammunition, and firearm parts in the respondent's custody, control, or possession along with any FOID card. Law enforcement would take possession of all firearms, dangerous weapons, ammunition, firearm preparation materials, and FOID cards belonging to the respondent that need to be personally surrendered or those discovered in pursuit of a lawful search. The units would share all information with law enforcement on identification, search, and seizure via standardized reporting forms. Information would include but not be limited to:

- Type of order requiring relinquishment (was this a criminal case, an order of protection, etc.)
- Date of gun relinquishment
- Number of firearms relinquished
- Firearm and accessory information (amount of ammunition collected, type of gun like an assault rifle or hunting gun, etc.)
- Relinquishment of a FOID card, if relevant
- Notation of a date for returning a firearm, if relevant
- Notation of a repeat in relinquishment due to the firearm owner acquiring more firearms, accessories, ammunition, if relevant

Additionally, unit members would research cases that are flagged as high risk to ensure that cases are not missed. In addition, courts would be required to hold a compliance review hearing with unit members in attendance upon receipt of service from law enforcement. To ensure judicial officers receive accurate and comprehensive information on firearm compliance, a representative from the prosecuting attorney's office would appear, in addition to unit members, or would submit written information at any hearing related to compliance with an order to surrender and prohibit weapons.

Information regarding the firearm relinquishment pilots would be documented and used to assess operations, successes, and areas of improvement. This data would be used to inform and implement future domestic violence laws, policy, procedures, and protocols. Overall, the pilot units and corresponding duties would allow for identification, documentation, and, most importantly, execution of firearm relinquishment in Illinois.

Recommendation #3: Establish Formal and Explicit Protocol for Firearm Relinquishment Measures in Domestic Violence Cases

The task force recommends a formal protocol to make the process of firearm relinquishment clear and actionable. As exemplified in the presentations and in this report, the current relinquishment measures lack a clear and actionable protocol, raising issues for firearm relinquishment. The task force recommends that a firearm relinquishment protocol include but not be limited to:

- Explicitly outlining the steps, actions, and responsibilities required of each department and stakeholder (i.e., courts, law enforcement, parole and probation officers).
- Stating who is required to execute in-person relinquishment.
- Articulating specific steps for execution of in-person relinquishment.
- Identifying individuals who are not compliant with firearm relinquishment but are required to relinquish firearms due to a court order, revoked FOID, or uncertainty regarding whether they have relinquished their firearms.
- Extending the inclusion criteria for firearm removal to include all relationships as defined by the Illinois Domestic Violence Act (IDVA).
- Instituting a protocol for investigations into possession, access to, or possible acquisition of firearms.
- Complying with court rulings
- Specifying consequences for individuals who possess or have direct access to a firearm despite a court ruling or legislative mandate prohibiting them from doing so.
- Including necessary firearm information (e.g., make, model, quantity).
- Standardizing report forms for all stakeholders involved.
- Identifying space in which to hold relinquished firearms with standardized documentation forms.
- Complying with monitoring that accords with state and federal laws.

Additionally, research has shown that every month an average of 76 women are shot and killed by an intimate partner in the United States (Everytown, 2025). Moreover, findings have shown that a victim or survivor of intimate partner violence was five times more likely to die when an abusive partner had access to a gun (Vittes et al., 2013; Webster et al., 2010). Literature has even shown that in cases of intimate partner homicide, strangulation history and access to firearms increased lethality risk by 1100% (Spencer & Smith, 2020). Most importantly though, available research has shown that the most important element in preventing fatalities was removal of firearms in domestic violence cases (Carter & Cunningham, 2024). An analysis conducted on states that required firearm relinquishments within domestic violence cases found that this requirement translated into a 12% reduction in intimate partner homicides (Zeoli et al., 2019). But studies show, as found by this task force, as well, that a lack of a clear protocol remained a

persistent and universal barrier to firearm relinquishment (Angarola, 2024; Frattaroli & Teret, 2006; Frattaroli et al, 2021; Kafka et al., 2022; Wintemute et al., 2014). The task force, therefore, recommends a thorough, explicit, and highly detailed protocol for criminal justice officials and for all stakeholders involved in the firearm relinquishment process.

Recommendation #4: Allocate Funds to Pilot Firearm Relinquishment Unit, to Support Expansion of the Illinois Family Violence Coordinating Council Initiative, and to Support Domestic Violence Victim Services in Underserved Communities

Funding is needed to execute the firearm relinquishment unit. The recommended funding for a devoted domestic violence firearm relinquishment unit would be allocated towards, but not limited to, personnel, travel, storage of firearms, and other costs necessary to conduct firearm relinquishment. Funding should be allocated to the IFVCC, as well. This funding would support, but not be limited to, an expansion of the IFVCC to include additional counties and judicial circuits based on community need, supporting the pilot of the domestic firearm relinquishment unit, the creation of the firearm relinquishment protocol, related training, and outreach to increase community awareness. Finally, some citizens of Illinois have limited access to domestic violence victim services due to geography and limited resources. The task force recommends additional funding to victim services in unserved and underserved areas that could be used for, but not limited to, advocacy and counseling services for victims of domestic violence. Current literature echoes the need for funding, pointing to an increase of funds being an important necessity for making firearm relinquishment a reality (Angarola, 2024). Seeking increases in funding is a perennial challenge, but the benefits of piloting a domestic violence firearm relinquishment unit and strengthening the IFVCC allow for better firearm relinquishment and overall mitigation of harm for the citizens of Illinois.

Conclusion

Updates to the firearm relinquishment process are needed to ensure the safety and well-being of all Illinois citizens. Therefore, the task force recommends the creation of a multidisciplinary firearm relinquishment response, the piloting of two dedicated firearm relinquishment units, the development of clear protocols for firearm relinquishment in domestic violence cases, and the allocation of funding for implementation. These recommendations aim to address existing challenges, prevent future harm, and educate Illinois residents on domestic violence and firearm relinquishment. By implementing these recommendations, Illinois can take meaningful steps toward breaking the cycle of domestic violence and ensuring greater protection for survivors.

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Appendix A

Laws Reviewed

- **Illinois Domestic Violence Act of 1986 (750 ILCS 60/)** Relating to law enforcement responsibilities, orders of protection, health care providers, and general provisions)
 - **Orders of Protection:**
 - An individual who has been abused by a family or household member may file a petition for an order of protection (750 ILCS 60/201). An order of protection restricts the accused individual's behavior, such as prohibiting abuse, intimidation, or harassment or it compels them to take certain actions, like relinquishing firearms (750 ILCS 60/214). Emergency protective orders may be granted for up to 21 days, and plenary protective orders may be issued for up to two years (750 ILCS 60/220).
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- **Illinois Criminal Code – Domestic Battery (720 ILCS 5/12-3.2):**
 - (a) A person commits domestic battery if he or she knowingly without legal justification by any means:
 - (1) causes bodily harm to any family or household member;
 - (2) makes physical contact of an insulting or provoking nature with any family or household member.
 - (b) Sentence. Domestic battery is a Class A misdemeanor. Domestic battery is a Class 4 felony if the defendant has any prior conviction under this Code for violation of an order of protection (Section 12-3.4 or 12-30), or any prior conviction under the law of another jurisdiction for an offense which is substantially similar. Domestic battery is a Class 4 felony if the defendant has any prior conviction under this Code for first degree murder (Section 9-1), attempt to commit first degree murder (Section 8-4), aggravated domestic battery (Section 12-3.3), aggravated battery (Section 12-3.05 or 12-4), heinous battery (Section 12-4.1), aggravated battery with a firearm (Section 12-4.2), aggravated battery with a machine gun or a firearm equipped with a silencer (Section 12-4.2-5), aggravated battery of a child (Section 12-4.3), aggravated battery of an unborn child (subsection (a-5) of Section 12-3.1, or Section 12-4.4), aggravated battery of a senior citizen (Section 12-4.6), stalking (Section 12-7.3), aggravated stalking (Section 12-7.4), criminal sexual assault (Section 11-1.20 or 12-13), aggravated criminal sexual assault (Section 11-1.30 or 12-14), kidnapping (Section 10-1), aggravated kidnapping (Section 10-2), predatory criminal sexual assault of a child (Section 11-1.40 or 12-14.1), aggravated criminal sexual abuse (Section 11-1.60 or 12-16), unlawful restraint (Section 10-3), aggravated unlawful restraint (Section 10-3.1), aggravated arson (Section 20-1.1), or aggravated discharge of a firearm (Section 24-1.2), or any prior conviction under the law of another jurisdiction for any offense that is substantially similar to the offenses listed in this Section, when any of these offenses have been committed against a family or household member. Domestic battery is a Class 4 felony if the defendant has one

or 2 prior convictions under this Code for domestic battery (Section 12-3.2), or one or 2 prior convictions under the law of another jurisdiction for any offense which is substantially similar. Domestic battery is a Class 3 felony if the defendant had 3 prior convictions under this Code for domestic battery (Section 12-3.2), or 3 prior convictions under the law of another jurisdiction for any offense which is substantially similar. Domestic battery is a Class 2 felony if the defendant had 4 or more prior convictions under this Code for domestic battery (Section 12-3.2), or 4 or more prior convictions under the law of another jurisdiction for any offense which is substantially similar. In addition to any other sentencing alternatives, for any second or subsequent conviction of violating this Section, the offender shall be mandatorily sentenced to a minimum of 72 consecutive hours of imprisonment. The imprisonment shall not be subject to suspension, nor shall the person be eligible for probation in order to reduce the sentence.

(c) Domestic battery committed in the presence of a child. In addition to any other sentencing alternatives, a defendant who commits, in the presence of a child, a felony domestic battery (enhanced under subsection (b)), aggravated domestic battery (Section 12-3.3), aggravated battery (Section 12-3.05 or 12-4), unlawful restraint (Section 10-3), or aggravated unlawful restraint (Section 10-3.1) against a family or household member shall be required to serve a mandatory minimum imprisonment of 10 days or perform 300 hours of community service, or both. The defendant shall further be liable for the cost of any counseling required for the child at the discretion of the court in accordance with subsection (b) of Section 5-5-6 of the Unified Code of Corrections. For purposes of this Section, "child" means a person under 18 years of age who is the defendant's or victim's child or step-child or who is a minor child residing within or visiting the household of the defendant or victim.

(d) Upon conviction of domestic battery, the court shall advise the defendant orally or in writing, substantially as follows: "An individual convicted of domestic battery may be subject to federal criminal penalties for possessing, transporting, shipping, or receiving any firearm or ammunition in violation of the federal Gun Control Act of 1968 (18 U.S.C. 922(g)(8) and (9))." A notation shall be made in the court file that the admonition was given.

- **Illinois Criminal Code – Stalking ((720 ILCS 5/12-7.3):**

(a) A person commits stalking when he or she knowingly engages in a course of conduct directed at a specific person, and he or she knows or should know that this course of conduct would cause a reasonable person to:

- (1) fear for his or her safety or the safety of a third person; or
- (2) suffer other emotional distress.

(a-3) A person commits stalking when he or she, knowingly and without lawful justification, on at least 2 separate occasions follows another person or places the person under surveillance or any combination thereof and:

- (1) at any time transmits a threat of immediate or future bodily harm, sexual assault, confinement or restraint and the threat is directed towards that person or a family member of that person; or
- (2) places that person in reasonable apprehension of immediate or future bodily harm, sexual assault, confinement or restraint to or of that person or a family member of that person.

(a-5) A person commits stalking when he or she has previously been convicted of stalking another person and knowingly and without lawful justification on one occasion:

- (1) follows that same person or places that same person under surveillance; and
- (2) transmits a threat of immediate or future bodily harm, sexual assault, confinement or restraint to that person or a family member of that person.

(a-7) A person commits stalking when he or she knowingly makes threats that are a part of a course of conduct and is aware of the threatening nature of his or her speech.

(b) Sentence. Stalking is a Class 4 felony; a second or subsequent conviction is a Class 3 felony.

(c) Definitions. For purposes of this Section:

- (1) "Course of conduct" means 2 or more acts, including but not limited to acts in which a defendant directly, indirectly, or through third parties, by any action, method, device, or means follows, monitors, observes, surveils, threatens, or communicates to or about, a person, engages in other non-consensual contact, or interferes with or damages a person's property or pet. A course of conduct may include contact via electronic communications.
- (2) "Electronic communication" means any transfer of signs, signals, writings, sounds, data, or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic, photoelectric, or photo-optical system. "Electronic communication" includes transmissions by a computer through the Internet to another computer.
- (3) "Emotional distress" means significant mental suffering, anxiety or alarm.
- (4) "Family member" means a parent, grandparent, brother, sister, or child, whether by whole blood, half-blood, or adoption and includes a step-grandparent, step-parent, step-brother, step-sister or step-child. "Family member" also means any other person who regularly resides in the household, or who, within the prior 6 months, regularly resided in the household.
- (5) "Follows another person" means (i) to move in relative proximity to a person as that person moves from place to place or (ii) to remain in relative proximity to a person who is stationary or whose movements are

confined to a small area. "Follows another person" does not include a following within the residence of the defendant.

- (6) "Non-consensual contact" means any contact with the victim that is initiated or continued without the victim's consent, including but not limited to being in the physical presence of the victim; appearing within the sight of the victim; approaching or confronting the victim in a public place or on private property; appearing at the workplace or residence of the victim; entering onto or remaining on property owned, leased, or occupied by the victim; or placing an object on, or delivering an object to, property owned, leased, or occupied by the victim.
- (7) "Places a person under surveillance" means: (1) remaining present outside the person's school, place of employment, vehicle, other place occupied by the person, or residence other than the residence of the defendant; or (2) placing an electronic tracking device on the person or the person's property.
- (8) "Reasonable person" means a person in the victim's situation.
- (9) "Transmits a threat" means a verbal or written threat or a threat implied by a pattern of conduct or a combination of verbal or written statements or conduct.

(d) Exemptions.

- (1) This Section does not apply to any individual or organization (i) monitoring or attentive to compliance with public or worker safety laws, wage and hour requirements, or other statutory requirements, or (ii) picketing occurring at the workplace that is otherwise lawful and arises out of a bona fide labor dispute, including any controversy concerning wages, salaries, hours, working conditions or benefits, including health and welfare, sick leave, insurance, and pension or retirement provisions, the making or maintaining of collective bargaining agreements, and the terms to be included in those agreements.

- (2) This Section does not apply to an exercise of the right to free speech or assembly that is otherwise lawful.

- (3) Telecommunications carriers, commercial mobile service providers, and providers of information services, including, but not limited to, Internet service providers and hosting service providers, are not liable under this Section, except for willful and wanton misconduct, by virtue of the transmission, storage, or caching of

electronic communications or messages of others or by virtue of the provision of other related telecommunications, commercial mobile services, or information services used by others in violation of this Section.

- (d-5) The incarceration of a person in a penal institution who commits the course of conduct or transmits a threat is not a bar to prosecution under this Section.

- (d-10) A defendant who directed the actions of a third party to violate this

Section, under the principles of accountability set forth in Article 5 of this Code, is guilty of violating this Section as if the same had been personally done by the defendant, without regard to the mental state of the third party acting at the direction of the defendant.

- **Rights of Crime Victims and Witnesses Act (725 ILCS 120/):**
 - The purpose of this Act is to implement, preserve, protect, and enforce the rights guaranteed to crime victims by Article I, Section 8.1 of the Illinois Constitution to ensure that crime victims are treated with fairness and respect for their dignity and privacy throughout the criminal justice system, to ensure that crime victims are informed of their rights and have standing to assert their rights in the trial and appellate courts, to establish procedures for enforcement of those rights, and to increase the effectiveness of the criminal justice system by affording certain basic rights and considerations to the witnesses of crime who are essential to prosecution.
- **Firearms Restraining Order Act (430 ILCS 67/):**
 - **Firearm restraining orders (FRO):**
 - Relatives, former or current spouses, those who share a child, and household members may petition for a FRO to temporarily restrict an individual's ability to purchase or possess firearms (430 ILCS 67/5). In addition, FROs allow for removal of the individual's firearm owner's identification (FOID) card (430 ILCS 67/35-g; 430 ILCS 67/40-h). A petition for either an emergency FRO, valid for up to 14 days, or a six-month FRO can be filed when an individual is believed to be a danger to themselves or others (430 ILCS 67/35a, i; 430 ILCS 67/40a, g).
- **Safe Homes Act (765 ILCS 750/):**
 - The purpose of this Act is to promote the State's interest in reducing domestic violence, dating violence, sexual assault, and stalking by enabling victims of domestic or sexual violence and their families to flee existing dangerous housing in order to leave violent or abusive situations, achieve safety, and minimize the physical and emotional injuries from domestic or sexual violence, and to reduce the devastating economic consequences thereof
- **Crime Victims Compensation Act (740 ILCS 45/):**
 - A violent crime can have a lasting impact and can bring changes that one might not expect. The Office of the Attorney General led the way for legislation that created the Crime Victims Compensation Act. This law reserved resources to help those whose lives were interrupted by a violent crime. This financial assistance could include offsetting costs related to:
 - Accessibility and Usability of Property
 - Crime-Scene Clean Up
 - Funeral/Burial Expenses
 - Loss of Earnings

- Medical, Hospital and Dental Expenses
- Mental Health Counseling Expenses
- Relocation Costs
- Replacement Costs
- Tuition Expenses

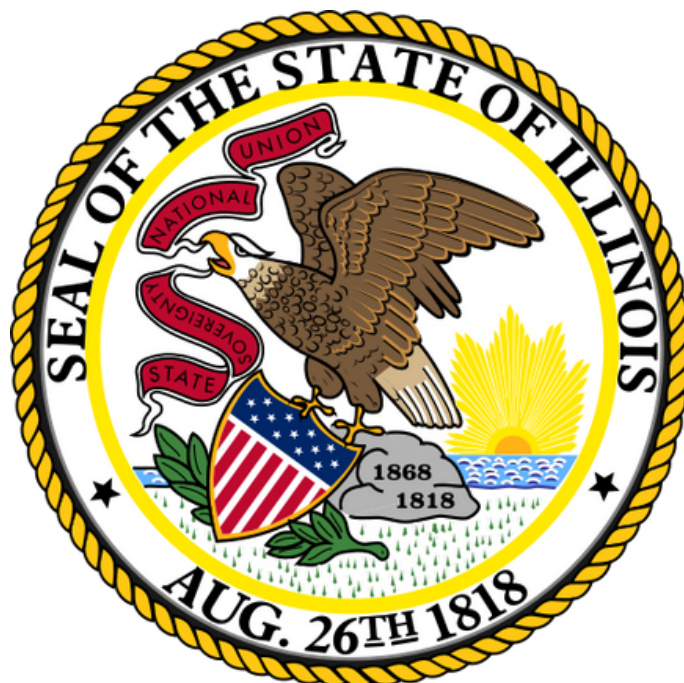
The Illinois Crime Victims Compensation Program offers reimbursement up to \$45,000 (\$27,000 for crimes before 8/7/22) for expenses incurred by eligible victims as a result of a violent crime.

- **Illinois Criminal Code – Criminal Sexual Abuse (720 ILCS 5/11-1.50):**
 - (a) A person commits criminal sexual abuse if that person: (1) commits an act of sexual conduct by the use of force or threat of force; or (2) commits an act of sexual conduct and knows that the victim is unable to understand the nature of the act or is unable to give knowing consent.
 - (b) A person commits criminal sexual abuse if that person is under 17 years of age and commits an act of sexual penetration or sexual conduct with a victim who is at least 9 years of age but under 17 years of age.
 - (c) A person commits criminal sexual abuse if that person commits an act of sexual penetration or sexual conduct with a victim who is at least 13 years of age but under 17 years of age and the person is less than 5 years older than the victim
- **Victims Economic Security and Safety Act (820 ILCS 180/):**
 - Allows employees who are victims of domestic violence, sexual violence, gender violence, or any other crime of violence or who have family or household members who are victims of such violence to take up to twelve (12) weeks of unpaid leave (depending on employer size) per any twelve (12) month period to seek medical help, legal assistance, counseling, safety planning, and other assistance. VESSA allows employees to take up to two weeks of unpaid, job-protected leave from work to attend a funeral, arrange a funeral, or grieve, if a family or household member is killed in a crime of violence. The Act also prohibits employers from discriminating against employees who are victims of domestic violence, sexual violence, gender violence, or any other crime of violence or who have family or household members who are victims of violence.
- **Mental Health and Developmental Disabilities Code (405 ILCS 5/6 - 103.3)**
 - **Clear and Present Danger Reporting:**
 - Law enforcement, school administrators, as well as physicians, clinical psychologists, and qualified examiners are required to file a report on any individuals who are clear and present dangers to themselves or others within 24 hours (430 ILCS 65/8.1-d). Individuals pose a clear and present danger if they communicate a serious threat of physical violence against a victim, if they pose an imminent risk of serious physical injury to themselves or others, or if they engage in threatening behavior (430 ILCS 65/1.1). Individuals determined to be a clear and present danger must

have their FOID card revoked or their FOID card application denied (430 ILCS 65/8).

- **Karina's Law (HB 4469)**

- Amends the Firearms Restraining Order Act to include in the definition of "petitioner" an intimate partner. Amends the Protective Orders Article of the Code of Criminal Procedures of 1963 and the Illinois Domestic Violence Act of 1986. Provides that, if the petitioner seeks a court order prohibiting the respondent from possessing firearms, firearm ammunition, and firearm parts that could be assembled to make an operable firearm, the court shall immediately issue a search warrant directing seizure of firearms at the time an ex parte or final order of protection is issued, if the court finds, based upon sworn testimony, that: (1) probable cause exists that the respondent possesses firearms, ammunition, or firearm parts that could be assembled to make an operable firearm; (2) probable cause exists to believe that the respondent poses a danger of causing personal injury to the petitioner or child and that the danger is imminent and present; and (3) probable cause exists that firearms, ammunition, or firearm parts that could be assembled to make an operable firearm are located at the residence, vehicle, or other property of the respondent. Provides that a finding of probable cause for a warrant upon oral testimony may be based on the same kind of evidence as is sufficient for a warrant upon affidavit. Effective immediately.



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