

# HB3369



## 103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB3369

Introduced 2/17/2023, by Rep. Lilian Jiménez

### SYNOPSIS AS INTRODUCED:

720 ILCS 5/26.5-0.1  
720 ILCS 5/26.5-2

Amends the Criminal Code of 2012. Provides that it is a crime to engage in telephonic solicitation of a person who is 65 years of age or older. Defines "telephonic solicitation".

LRB103 30345 RLC 56775 b

A BILL FOR

1 AN ACT concerning criminal law.

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

4 Section 5. The Criminal Code of 2012 is amended by  
5 changing Sections 26.5-0.1 and 26.5-2 as follows:

6 (720 ILCS 5/26.5-0.1)

7 Sec. 26.5-0.1. Definitions. As used in this Article:

8 "Electronic communication" means any transfer of signs,  
9 signals, writings, images, sounds, data or intelligence of any  
10 nature transmitted in whole or in part by a wire, radio,  
11 electromagnetic, photoelectric or photo-optical system.  
12 "Electronic communication" includes transmissions through an  
13 electronic device including, but not limited to, a telephone,  
14 cellular phone, computer, or pager, which communication  
15 includes, but is not limited to, e-mail, instant message, text  
16 message, or voice mail.

17 "Family or household member" includes spouses, former  
18 spouses, parents, children, stepchildren and other persons  
19 related by blood or by present or prior marriage, persons who  
20 share or formerly shared a common dwelling, persons who have  
21 or allegedly share a blood relationship through a child,  
22 persons who have or have had a dating or engagement  
23 relationship, and persons with disabilities and their personal

1 assistants. For purposes of this Article, neither a casual  
2 acquaintanceship nor ordinary fraternization between 2  
3 individuals in business or social contexts shall be deemed to  
4 constitute a dating relationship.

5 "Harass" or "harassing" means knowing conduct which is not  
6 necessary to accomplish a purpose that is reasonable under the  
7 circumstances, that would cause a reasonable person emotional  
8 distress and does cause emotional distress to another.

9 "Telephonic solicitation" means any voice or data  
10 communication made by a person to a telephonic subscriber for  
11 the purpose of: (i) encouraging a sale or rental of or  
12 investment in property, consumer goods, or services; (ii)  
13 encouraging an extension of credit for property, consumer  
14 goods, or services; (iii) obtaining information that will or  
15 may be used for the direct solicitation of a sale or rental of  
16 or investment in property, consumer goods, or services, or an  
17 extension of credit for such purposes; or (iv) a contribution  
18 to a charitable organization.

19 (Source: P.A. 97-1108, eff. 1-1-13.)

20 (720 ILCS 5/26.5-2)

21 Sec. 26.5-2. Harassment by telephone.

22 (a) A person commits harassment by telephone when he or  
23 she uses telephone communication for any of the following  
24 purposes:

25 (1) Making any comment, request, suggestion or

1 proposal which is obscene, lewd, lascivious, filthy or  
2 indecent with an intent to offend;

3 (2) Making a telephone call, whether or not  
4 conversation ensues, with intent to abuse, threaten or  
5 harass any person at the called number;

6 (3) Making or causing the telephone of another  
7 repeatedly to ring, with intent to harass any person at  
8 the called number;

9 (4) Making repeated telephone calls, during which  
10 conversation ensues, solely to harass any person at the  
11 called number;

12 (5) Making a telephone call or knowingly inducing a  
13 person to make a telephone call for the purpose of  
14 harassing another person who is under 13 years of age,  
15 regardless of whether the person under 13 years of age  
16 consents to the harassment, if the defendant is at least  
17 16 years of age at the time of the commission of the  
18 offense; ~~or~~

19 (6) Knowingly permitting any telephone under one's  
20 control to be used for any of the purposes mentioned  
21 herein; or

22 (7) Engaging in telephonic solicitation of a person  
23 who is 65 years of age or older.

24 (b) Every telephone directory published for distribution  
25 to members of the general public shall contain a notice  
26 setting forth a summary of the provisions of this Section. The

1 notice shall be printed in type which is no smaller than any  
2 other type on the same page and shall be preceded by the word  
3 "WARNING". All telephone companies in this State shall  
4 cooperate with law enforcement agencies in using their  
5 facilities and personnel to detect and prevent violations of  
6 this Article.

7 (Source: P.A. 97-1108, eff. 1-1-13.)