



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB5663

by Rep. Elizabeth Hernandez

SYNOPSIS AS INTRODUCED:

See Index

Amends the Peace Officer and Probation Officer Firearm Training Act. Expands the definition of "peace officer" to include any child protective investigator of a Child Protective Services Unit assigned to perform the duties and responsibilities provided under the Abused and Neglected Child Reporting Act. Requires a child protective investigator to complete a Crisis Intervention Team training program conducted by the Illinois Law Enforcement Training Standards Board before becoming a peace officer. Amends the Abused and Neglected Child Reporting Act. Requires all personnel of the Department of Children and Family Services to adhere to specified Department procedures when conducting a child abuse or neglect investigation. Requires the Department to adopt policies on self-defense training for Department personnel. Amends the Criminal Code of 2012. Creates the offense of criminal threatening. Makes changes to provisions on stalking and aggravated stalking offenses. Amends the Code of Criminal Procedure of 1963. In provisions concerning stalking offenses, makes changes to the definitions of "course of conduct", "contact", and "stalking".

LRB100 17180 KTG 32335 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

FISCAL NOTE ACT
MAY APPLY

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 Peace Officer and Probation Officer Firearm
5 Training Act is amended by changing Sections 1 and 2 and by
6 adding Section 4.5 as follows:

7 (50 ILCS 710/1) (from Ch. 85, par. 515)

8 Sec. 1. Definitions. As used in this Act:

9 (a) "Peace officer" means (i) any person who by virtue of
10 his office or public employment is vested by law with a primary
11 duty to maintain public order or to make arrests for offenses,
12 whether that duty extends to all offenses or is limited to
13 specific offenses, and who is employed in such capacity by any
14 county or municipality; ~~or~~ (ii) any retired law enforcement
15 officers qualified under federal law to carry a concealed
16 weapon; or (iii) any child protective investigator of a Child
17 Protective Services Unit assigned by the Director of the
18 Department of Children and Family Services to perform the
19 duties and responsibilities as provided under Section 7.2 of
20 the Abused and Neglected Child Reporting Act.

21 (a-5) "Probation officer" means a county probation officer
22 authorized by the Chief Judge of the Circuit Court to carry a
23 firearm as part of his or her duties under Section 12 of the

1 Probation and Probation Officers Act and Section 24-2 of the
2 Criminal Code of 2012.

3 (b) "Firearms" means any weapon or device defined as a
4 firearm in Section 1.1 of "An Act relating to the acquisition,
5 possession and transfer of firearms and firearm ammunition, to
6 provide a penalty for the violation thereof and to make an
7 appropriation in connection therewith", approved August 3,
8 1967, as amended.

9 (Source: P.A. 98-725, eff. 1-1-15.)

10 (50 ILCS 710/2) (from Ch. 85, par. 516)

11 Sec. 2. Training course for peace officers and probation
12 officers.

13 (a) Except as provided in subsection (f), successful
14 ~~Successful~~ completion of a 40 hour course of training in use of
15 a suitable type firearm shall be a condition precedent to the
16 possession and use of that respective firearm by any peace
17 officer or probation officer in this State in connection with
18 the officer's official duties. The training must be approved by
19 the Illinois Law Enforcement Training Standards Board ("the
20 Board") and may be given in logical segments but must be
21 completed by a peace officer within 6 months from the date of
22 the officer's initial employment and by a probation officer
23 before possession and use of a firearm in connection with the
24 probation officer's official duties. To satisfy the
25 requirements of this Act, the training must include the

1 following:

2 (1) Instruction in the dangers of misuse of the
3 firearm, safety rules, and care and cleaning of the
4 firearm.

5 (2) Practice firing on a range and qualification with
6 the firearm in accordance with the standards established by
7 the Board.

8 (3) Instruction in the legal use of firearms under the
9 Criminal Code of 2012 and relevant court decisions.

10 (4) A forceful presentation of the ethical and moral
11 considerations assumed by any person who uses a firearm.

12 (b) Any officer who successfully completes the Basic
13 Training Course prescribed for recruits by the Board shall be
14 presumed to have satisfied the requirements of this Act.

15 (c) The Board shall cause the training courses to be
16 conducted twice each year within each of the Mobile Team
17 Regions, but no training course need be held when there are no
18 police officers or probation officers requiring the training.

19 (d) (Blank).

20 (e) The Board may waive, or may conditionally waive, the 40
21 hour course of training if, in the Board's opinion, the officer
22 has previously successfully completed a course of similar
23 content and duration. In cases of waiver, the officer shall
24 demonstrate his or her knowledge and proficiency by passing the
25 written examination on firearms and by successfully passing the
26 range qualification portion of the prescribed course of

1 training.

2 (f) Notwithstanding any other provision of this Act or
3 other law, no peace officer who is a child protective
4 investigator of a Child Protective Services Unit assigned by
5 the Director of the Department of Children and Family Services
6 to perform the duties and responsibilities as provided under
7 Section 7.2 of the Abused and Neglected Child Reporting Act is
8 permitted to possess or use any firearm during the performance
9 of his or her official duties and responsibilities.

10 (Source: P.A. 97-1150, eff. 1-25-13; 98-725, eff. 1-1-15.)

11 (50 ILCS 710/4.5 new)

12 Sec. 4.5. Crisis Intervention Team training; child
13 protective investigator. Before becoming a peace officer, a
14 child protective investigator of a Child Protective Services
15 Unit assigned by the Director of the Department of Children and
16 Family Services to perform the duties and responsibilities as
17 provided under Section 7.2 of the Abused and Neglected Child
18 Reporting Act must complete a Crisis Intervention Team training
19 program conducted by the Illinois Law Enforcement Training
20 Standards Board as is required of law enforcement officers
21 under Section 10-17 of the Illinois Police Training Act before
22 becoming a peace officer.

23 Section 10. The Abused and Neglected Child Reporting Act is
24 amended by adding Section 7.2a as follows:

1 (325 ILCS 5/7.2a new)

2 Sec. 7.2a. Compliance with Department investigation rules;
3 safety training study.

4 (a) When conducting an investigation on a report of child
5 abuse or neglect all Department personnel, including child
6 protective investigators, child protective specialists, and
7 other members of a Child Protective Services Unit, must adhere
8 to the following procedures and policies enumerated in the
9 Policy Manual "REPORTS OF CHILD ABUSE AND NEGLECT October 9,
10 2015 - PT 2015.23 - PROCEDURES 300" published on the Department
11 of Children and Family Services' website:

12 (1) Procedure 300.50 (c)(1), Initiation of the
13 Investigation.

14 (2) Procedure 300.50(c)(2), Good Faith Attempt to
15 Initiate an Investigation.

16 (3) Procedure 300.50(c)(3), Attempts to Locate the
17 Child Victim.

18 (4) Procedure 300.50(c)(4), In-Person Contact with
19 Alleged Child Victims.

20 (5) Procedure 300.50(k), Referrals to Law Enforcement
21 and State's Attorney.

22 (6) Procedure 300.50(l), Parallel Investigations.

23 (7) Procedure 300.80, Child Protection Supervisor/Area
24 Administrator Waivers.

25 (8) Procedures 300.Appendix B, The Allegation System.

1 (b) When conducting an investigation on a report of child
2 abuse or neglect all Department personnel, including child
3 protective investigators, child protective specialists, and
4 other members of a Child Protective Services Unit, must contact
5 the appropriate local law enforcement agency for assistance if
6 necessary for the protection of the child, a Department
7 employee, or another person involved in the investigation.
8 Notification to the appropriate local law enforcement agency
9 must always be conducted in the following instances:

10 (1) to provide notification that a possible criminal
11 act was committed;

12 (2) to request assistance in protecting the child and
13 the child protective specialist or child protective
14 investigator;

15 (3) to request assistance in taking temporary
16 protective custody of a child;

17 (4) to request assistance in preserving evidence; or

18 (5) to request assistance in conducting a child abuse
19 or neglect investigation.

20 (c) To ensure the safety of all Department personnel,
21 including child protective investigators, child protective
22 specialists, and other members of a Child Protective Services
23 Unit, the Department must adopt and implement policies on:

24 (1) self-defense training for Department personnel,
25 including the use and possession of mace, pepper spray, or
26 any other toxic air-released compound; and

1 (2) official Department vehicle placards and outerwear
2 or uniforms for Department personnel to utilize when
3 conducting an investigation.

4 (d) The Director of the Department of Children and Family
5 Services, in collaboration with its grantees and contractors
6 and a labor organization representing State employees, shall
7 conduct a review of safety training available to Department
8 employees, contractors, and grantees and to other State
9 employees. On or before July 1, 2019, the Director shall report
10 any findings and recommendations on safety training for
11 Department employees to the following House committees:
12 Judiciary - Civil, Human Services, and State Government
13 Administration; and to the following Senate committees:
14 Judiciary, Human Services, and State Government.

15 Section 15. The Criminal Code of 2012 is amended by
16 changing Sections 12-7.3 and 12-7.4 and by adding Section 12-6a
17 as follows:

18 (720 ILCS 5/12-6a new)

19 Sec. 12-6a. Criminal threatening.

20 (a) As used in this Section:

21 "Serious bodily injury" has the meaning ascribed to that
22 term in Section 12C-60.

23 "Threat" and "threaten" shall not include constitutionally
24 protected activity.

1 (b) A person shall not by words or conduct knowingly:

2 (1) threaten another person; and

3 (2) as a result of the threat, place the other person
4 in reasonable apprehension of death or serious bodily
5 injury.

6 (c) A person who violates subsection (b) of this Section
7 shall be imprisoned not more than one year or fined not more
8 than \$1,000, or both.

9 (d) A person who violates subsection (b) of this Section
10 with the intent to prevent another person from reporting to the
11 Department for Children and Family Services the suspected abuse
12 or neglect of a child shall be imprisoned not more than 2 years
13 or fined not more than \$1,000 or both.

14 (e) Any person charged under this Section who is under 18
15 years of age shall be adjudicated as a juvenile delinquent.

16 (f) It shall be an affirmative defense to a charge under
17 this Section that the person did not have the ability to carry
18 out the threat. The burden shall be on the defendant to prove
19 the affirmative defense by a preponderance of the evidence.

20 (720 ILCS 5/12-7.3) (from Ch. 38, par. 12-7.3)

21 Sec. 12-7.3. Stalking.

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

1 (1) fear for his or her safety or the safety of a third
2 person; or

3 (2) would cause a reasonable person substantial ~~suffer~~
4 ~~other~~ emotional distress.

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

9 (1) at any time transmits a threat of immediate or
10 future bodily harm, sexual assault, confinement or
11 restraint and the threat is directed towards that person or
12 a family member of that person; or

13 (2) places that person in reasonable apprehension of
14 immediate or future bodily harm, sexual assault,
15 confinement or restraint to or of that person or a family
16 member of that person.

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

20 (1) follows that same person or places that same person
21 under surveillance; and

22 (2) transmits a threat of immediate or future bodily
23 harm, sexual assault, confinement or restraint to that
24 person or a family member of that person.

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

1 (c) Definitions. For purposes of this Section:

2 (1) "Course of conduct" means 2 or more acts, including
3 but not limited to acts in which a defendant directly,
4 indirectly, or through third parties, by any action,
5 method, device, or means follows, monitors, observes,
6 surveils, threatens or makes threats about another person,
7 or communicates to or about, a person, engages in other
8 non-consensual contact, or interferes with or damages a
9 person's property or pet. A course of conduct may include
10 contact via electronic communications. This definition
11 shall apply to acts conducted by the person directly or
12 indirectly, and by any action, method, device, or means. As
13 used in this paragraph, "threaten" shall not be construed
14 to require an express or overt threat.

15 (2) "Electronic communication" means any transfer of
16 signs, signals, writings, sounds, data, or intelligence of
17 any nature transmitted in whole or in part by a wire,
18 radio, electromagnetic, photoelectric, or photo-optical
19 system. "Electronic communication" includes transmissions
20 by a computer through the Internet to another computer.

21 (3) "Emotional distress" means significant mental
22 suffering, anxiety or alarm that may, but does not
23 necessarily, require medical or other professional
24 treatment or counseling.

25 (4) "Family member" means a parent, grandparent,
26 brother, sister, or child, whether by whole blood,

1 half-blood, or adoption and includes a step-grandparent,
2 step-parent, step-brother, step-sister or step-child.
3 "Family member" also means any other person who regularly
4 resides in the household, or who, within the prior 6
5 months, regularly resided in the household.

6 (5) "Follows another person" means (i) to move in
7 relative proximity to a person as that person moves from
8 place to place or (ii) to remain in relative proximity to a
9 person who is stationary or whose movements are confined to
10 a small area. "Follows another person" does not include a
11 following within the residence of the defendant.

12 (6) "Non-consensual contact" means any contact with
13 the victim that is initiated or continued without the
14 victim's consent, including but not limited to being in the
15 physical presence of the victim; appearing within the sight
16 of the victim; approaching or confronting the victim in a
17 public place or on private property; appearing at the
18 workplace or residence of the victim; entering onto or
19 remaining on property owned, leased, or occupied by the
20 victim; or placing an object on, or delivering an object
21 to, property owned, leased, or occupied by the victim.

22 (7) "Places a person under surveillance" means: (1)
23 remaining present outside the person's school, place of
24 employment, vehicle, other place occupied by the person, or
25 residence other than the residence of the defendant; or (2)
26 placing an electronic tracking device on the person or the

1 person's property.

2 (8) "Reasonable person" means a reasonable person in
3 the victim's situation.

4 (9) "Transmits a threat" means a verbal or written
5 threat or a threat implied by a pattern of conduct or a
6 combination of verbal or written statements or conduct.

7 (d) Exemptions.

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

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

22 (3) Telecommunications carriers, commercial mobile
23 service providers, and providers of information services,
24 including, but not limited to, Internet service providers
25 and hosting service providers, are not liable under this
26 Section, except for willful and wanton misconduct, by

1 virtue of the transmission, storage, or caching of
2 electronic communications or messages of others or by
3 virtue of the provision of other related
4 telecommunications, commercial mobile services, or
5 information services used by others in violation of this
6 Section.

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

10 (d-10) A defendant who directed the actions of a third
11 party to violate this Section, under the principles of
12 accountability set forth in Article 5 of this Code, is guilty
13 of violating this Section as if the same had been personally
14 done by the defendant, without regard to the mental state of
15 the third party acting at the direction of the defendant.

16 (e) It shall not be a defense under this Section that the
17 defendant was not provided actual notice that the course of
18 conduct was unwanted.

19 (Source: P.A. 96-686, eff. 1-1-10; 96-1551, eff. 7-1-11;
20 97-311, eff. 8-11-11; 97-1109, eff. 1-1-13.)

21 (720 ILCS 5/12-7.4) (from Ch. 38, par. 12-7.4)

22 Sec. 12-7.4. Aggravated stalking.

23 (a) A person commits aggravated stalking when he or she
24 commits stalking and:

25 (1) causes bodily harm to the victim;

1 (2) confines or restrains the victim; or

2 (3) violates a temporary restraining order, an order of
3 protection, a stalking no contact order, a civil no contact
4 order, or an injunction prohibiting the behavior described
5 in subsection (b)(1) of Section 214 of the Illinois
6 Domestic Violence Act of 1986.

7 (a-1) A person commits aggravated stalking when he or she
8 is required to register under the Sex Offender Registration Act
9 or has been previously required to register under that Act and
10 commits the offense of stalking when the victim of the stalking
11 is also the victim of the offense for which the sex offender is
12 required to register under the Sex Offender Registration Act or
13 a family member of the victim.

14 (b) Sentence. Aggravated stalking is a Class 3 felony; a
15 second or subsequent conviction is a Class 2 felony.

16 (c) Exemptions.

17 (1) This Section does not apply to any individual or
18 organization (i) monitoring or attentive to compliance
19 with public or worker safety laws, wage and hour
20 requirements, or other statutory requirements, or (ii)
21 picketing occurring at the workplace that is otherwise
22 lawful and arises out of a bona fide labor dispute
23 including any controversy concerning wages, salaries,
24 hours, working conditions or benefits, including health
25 and welfare, sick leave, insurance, and pension or
26 retirement provisions, the managing or maintenance of

1 collective bargaining agreements, and the terms to be
2 included in those agreements.

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

5 (3) Telecommunications carriers, commercial mobile
6 service providers, and providers of information services,
7 including, but not limited to, Internet service providers
8 and hosting service providers, are not liable under this
9 Section, except for willful and wanton misconduct, by
10 virtue of the transmission, storage, or caching of
11 electronic communications or messages of others or by
12 virtue of the provision of other related
13 telecommunications, commercial mobile services, or
14 information services used by others in violation of this
15 Section.

16 (d) A defendant who directed the actions of a third party
17 to violate this Section, under the principles of accountability
18 set forth in Article 5 of this Code, is guilty of violating
19 this Section as if the same had been personally done by the
20 defendant, without regard to the mental state of the third
21 party acting at the direction of the defendant.

22 (e) It shall not be a defense under this Section that the
23 defendant was not provided actual notice that the course of
24 conduct was unwanted.

25 (Source: P.A. 96-686, eff. 1-1-10; 96-1551, eff. 7-1-11;
26 97-311, eff. 8-11-11; 97-468, eff. 1-1-12; 97-1109, eff.

1 1-1-13.)

2 Section 20. The Code of Criminal Procedure of 1963 is
3 amended by changing Section 112A-3 as follows:

4 (725 ILCS 5/112A-3) (from Ch. 38, par. 112A-3)

5 Sec. 112A-3. Definitions.

6 (a) For the purposes of this Article, "protective order"
7 means a domestic violence order of protection, a civil no
8 contact order, or a stalking no contact order.

9 (b) For the purposes of domestic violence cases, the
10 following terms shall have the following meanings in this
11 Article:

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

17 (2) "Domestic violence" means abuse as described in
18 paragraph (1).

19 (3) "Family or household members" include spouses,
20 former spouses, parents, children, stepchildren and other
21 persons related by blood or by present or prior marriage,
22 persons who share or formerly shared a common dwelling,
23 persons who have or allegedly have a child in common,
24 persons who share or allegedly share a blood relationship

1 through a child, persons who have or have had a dating or
2 engagement relationship, persons with disabilities and
3 their personal assistants, and caregivers as defined in
4 subsection (e) of Section 12-4.4a of the Criminal Code of
5 2012. For purposes of this paragraph, neither a casual
6 acquaintanceship nor ordinary fraternization between 2
7 individuals in business or social contexts shall be deemed
8 to constitute a dating relationship.

9 (4) "Harassment" means knowing conduct which is not
10 necessary to accomplish a purpose which is reasonable under
11 the circumstances; would cause a reasonable person
12 emotional distress; and does cause emotional distress to
13 the petitioner. Unless the presumption is rebutted by a
14 preponderance of the evidence, the following types of
15 conduct shall be presumed to cause emotional distress:

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

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

20 (iii) repeatedly following petitioner about in a
21 public place or places;

22 (iv) repeatedly keeping petitioner under
23 surveillance by remaining present outside his or her
24 home, school, place of employment, vehicle or other
25 place occupied by petitioner or by peering in
26 petitioner's windows;

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

10 (vi) threatening physical force, confinement or
11 restraint on one or more occasions.

12 (5) "Interference with personal liberty" means
13 committing or threatening physical abuse, harassment,
14 intimidation or willful deprivation so as to compel another
15 to engage in conduct from which she or he has a right to
16 abstain or to refrain from conduct in which she or he has a
17 right to engage.

18 (6) "Intimidation of a dependent" means subjecting a
19 person who is dependent because of age, health or
20 disability to participation in or the witnessing of:
21 physical force against another or physical confinement or
22 restraint of another which constitutes physical abuse as
23 defined in this Article, regardless of whether the abused
24 person is a family or household member.

25 (7) "Order of protection" means an order, granted
26 pursuant to this Article, which includes any or all of the

1 remedies authorized by Section 112A-14 of this Code.

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

6 (9) "Physical abuse" includes sexual abuse and means
7 any of the following:

8 (i) knowing or reckless use of physical force,
9 confinement or restraint;

10 (ii) knowing, repeated and unnecessary sleep
11 deprivation; or

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

14 (9.3) "Respondent" in a petition for an order of
15 protection means the defendant.

16 (9.5) "Stay away" means for the respondent to refrain
17 from both physical presence and nonphysical contact with
18 the petitioner whether direct, indirect (including, but
19 not limited to, telephone calls, mail, email, faxes, and
20 written notes), or through third parties who may or may not
21 know about the order of protection.

22 (10) "Willful deprivation" means wilfully denying a
23 person who because of age, health or disability requires
24 medication, medical care, shelter, accessible shelter or
25 services, food, therapeutic device, or other physical
26 assistance, and thereby exposing that person to the risk of

1 physical, mental or emotional harm, except with regard to
2 medical care and treatment when such dependent person has
3 expressed the intent to forgo such medical care or
4 treatment. This paragraph does not create any new
5 affirmative duty to provide support to dependent persons.

6 (c) For the purposes of cases involving sexual offenses,
7 the following terms shall have the following meanings in this
8 Article:

9 (1) "Civil no contact order" means an order granted
10 under this Article, which includes a remedy authorized by
11 Section 112A-14.5 of this Code.

12 (2) "Family or household members" include spouses,
13 parents, children, stepchildren, and persons who share a
14 common dwelling.

15 (3) "Non-consensual" means a lack of freely given
16 agreement.

17 (4) "Petitioner" means not only any named petitioner
18 for the civil no contact order and any named victim of
19 non-consensual sexual conduct or non-consensual sexual
20 penetration on whose behalf the petition is brought, but
21 includes any other person sought to be protected under this
22 Article.

23 (5) "Respondent" in a petition for a civil no contact
24 order means the defendant.

25 (6) "Sexual conduct" means any intentional or knowing
26 touching or fondling by the petitioner or the respondent,

1 either directly or through clothing, of the sex organs,
2 anus, or breast of the petitioner or the respondent, or any
3 part of the body of a child under 13 years of age, or any
4 transfer or transmission of semen by the respondent upon
5 any part of the clothed or unclothed body of the
6 petitioner, for the purpose of sexual gratification or
7 arousal of the petitioner or the respondent.

8 (7) "Sexual penetration" means any contact, however
9 slight, between the sex organ or anus of one person by an
10 object, the sex organ, mouth or anus of another person, or
11 any intrusion, however slight, of any part of the body of
12 one person or of any animal or object into the sex organ or
13 anus of another person, including but not limited to
14 cunnilingus, fellatio or anal penetration. Evidence of
15 emission of semen is not required to prove sexual
16 penetration.

17 (8) "Stay away" means to refrain from both physical
18 presence and nonphysical contact with the petitioner
19 directly, indirectly, or through third parties who may or
20 may not know of the order. "Nonphysical contact" includes,
21 but is not limited to, telephone calls, mail, e-mail, fax,
22 and written notes.

23 (d) For the purposes of cases involving stalking offenses,
24 the following terms shall have the following meanings in this
25 Article:

26 (1) "Course of conduct" means 2 or more acts,

1 including, but not limited to, acts in which a respondent
2 directly, indirectly, or through third parties, by any
3 action, method, device, or means follows, monitors,
4 observes, surveils, threatens or makes threats about
5 another person, or communicates to or about, a person,
6 engages in other contact, or interferes with or damages a
7 person's property or pet. A course of conduct may include
8 contact via electronic communications. The incarceration
9 of a person in a penal institution who commits the course
10 of conduct is not a bar to prosecution. This definition
11 shall apply to acts conducted by the person directly or
12 indirectly, and by any action, method, device, or means. As
13 used in this paragraph, "threaten" shall not be construed
14 to require an express or overt threat.

15 (2) "Emotional distress" means significant mental
16 suffering, anxiety or alarm.

17 (3) "Contact" includes any contact with the victim,
18 that is initiated or continued without the victim's
19 consent, or that is in disregard of the victim's expressed
20 desire that the contact be avoided or discontinued,
21 including, but not limited to, being in the physical
22 presence of the victim; appearing within the sight of the
23 victim; approaching or confronting the victim in a public
24 place or on private property; appearing at the workplace or
25 residence of the victim; entering onto or remaining on
26 property owned, leased, or occupied by the victim; or

1 placing an object on, or delivering an object to, property
2 owned, leased, or occupied by the victim; or non-physical
3 contact. "Nonphysical contact" includes telephone calls,
4 mail, e-mail, social media commentary or comment, or other
5 electronic communication, fax, and written notes.

6 (4) "Petitioner" means any named petitioner for the
7 stalking no contact order or any named victim of stalking
8 on whose behalf the petition is brought.

9 (5) "Reasonable person" means a person in the
10 petitioner's circumstances with the petitioner's knowledge
11 of the respondent and the respondent's prior acts.

12 (6) "Respondent" in a petition for a civil no contact
13 order means the defendant.

14 (7) "Stalking" means engaging purposefully in a course
15 of conduct directed at a specific person, and he or she
16 knows or should know that this course of conduct would
17 cause a reasonable person to fear for his or her safety or
18 the safety of a third person; or suffer emotional distress
19 as evidenced by (i) a fear of unlawful sexual conduct,
20 unlawful restraint, bodily injury, or death, or (ii)
21 significant modifications in the person's actions or
22 routines, including moving from an established residence,
23 changes to established daily routes to and from work that
24 cause a serious disruption in the person's life, changes to
25 the person's employment or work schedule, or the loss of a
26 job or time from work. "Stalking" does not include an

1 exercise of the right to free speech or assembly that is
2 otherwise lawful or picketing occurring at the workplace
3 that is otherwise lawful and arises out of a bona fide
4 labor dispute, including any controversy concerning wages,
5 salaries, hours, working conditions or benefits, including
6 health and welfare, sick leave, insurance, and pension or
7 retirement provisions, the making or maintaining of
8 collective bargaining agreements, and the terms to be
9 included in those agreements.

10 (8) "Stalking no contact order" means an order granted
11 under this Article, which includes a remedy authorized by
12 Section 112A-14.7 of this Code.

13 (Source: P.A. 100-199, eff. 1-1-18.)

1 INDEX

2 Statutes amended in order of appearance

3 50 ILCS 710/1 from Ch. 85, par. 515

4 50 ILCS 710/2 from Ch. 85, par. 516

5 50 ILCS 710/4.5 new

6 325 ILCS 5/7.2a new

7 720 ILCS 5/12-6a new

8 720 ILCS 5/12-7.3 from Ch. 38, par. 12-7.3

9 720 ILCS 5/12-7.4 from Ch. 38, par. 12-7.4

10 725 ILCS 5/112A-3 from Ch. 38, par. 112A-3