



93RD GENERAL ASSEMBLY
State of Illinois
2003 and 2004
HB4538

Introduced 02/03/04, by Patricia Bailey

SYNOPSIS AS INTRODUCED:

720 ILCS 5/32-4a

from Ch. 38, par. 32-4a

Amends the Criminal Code of 1961. Provides that the offense of harassing a witness also applies to the harassment of a person or the family member of a person who was expected to serve as a witness but who was not called as a witness because the defendant pleaded guilty to the offense charged or because the charges against the defendant were dismissed. Effective immediately.

LRB093 15198 RLC 40794 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

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 1961 is amended by changing
5 Section 32-4a as follows:

6 (720 ILCS 5/32-4a) (from Ch. 38, par. 32-4a)

7 Sec. 32-4a. Harassment of representatives for the child,
8 jurors, witnesses and others ~~family members of representatives~~
9 ~~for the child, jurors, and witnesses.~~

10 (a) A person who, with intent to harass or annoy one who
11 has served or is serving or who is a family member of a person
12 who has served or is serving (1) as a juror because of the
13 verdict returned by the jury in a pending legal proceeding or
14 the participation of the juror in the verdict or (2) as a
15 witness, or who may be expected to serve as a witness in a
16 pending legal proceeding, or who was expected to serve as a
17 witness but who did not serve as a witness because the charges
18 against the defendant were dismissed or because the defendant
19 pleaded guilty to the charges against him or her, because of
20 the testimony or potential testimony of the witness or person
21 who may be expected or may have been expected to serve as a
22 witness, communicates directly or indirectly with the juror,
23 witness or person who may be expected or may have been expected
24 to serve as a witness, or family member of a juror or witness
25 or person who may be expected or may have been expected to
26 serve as a witness in such manner as to produce mental anguish
27 or emotional distress or who conveys a threat of injury or
28 damage to the property or person of any juror, witness or
29 person who may be expected or may have been expected to serve
30 as a witness, or family member of the juror or witness or
31 person who may be expected or may have been expected to serve
32 as a witness commits a Class 2 felony.

1 (b) A person who, with intent to harass or annoy one who
2 has served or is serving or who is a family member of a person
3 who has served or is serving as a representative for the child,
4 appointed under Section 506 of the Illinois Marriage and
5 Dissolution of Marriage Act or Section 2-502 of the Code of
6 Civil Procedure, because of the representative service of that
7 capacity, communicates directly or indirectly with the
8 representative or a family member of the representative in such
9 manner as to produce mental anguish or emotional distress or
10 who conveys a threat of injury or damage to the property or
11 person of any representative or a family member of the
12 representative commits a Class A misdemeanor.

13 (c) For purposes of this Section, "family member" means a
14 spouse, parent, child, stepchild or other person related by
15 blood or by present marriage, a person who has, or allegedly
16 has a child in common, and a person who shares or allegedly
17 shares a blood relationship through a child.

18 (Source: P.A. 93-108, eff. 1-1-04.)

19 Section 99. Effective date. This Act takes effect upon
20 becoming law.