

HB4755



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB4755

by Rep. Sidney H. Mathias

SYNOPSIS AS INTRODUCED:

720 ILCS 135/1-2.5 new
720 ILCS 135/2

from Ch. 134, par. 16.5

Amends the Harassing and Obscene Communications Act. Creates the offense of harassment by Internet. Prohibits various forms of obscene, lewd, lascivious, filthy, or indecent communications with the intent to offend by use of the Internet or any abusive, threatening, or harassing communications by use of the Internet. Establishes penalties.

LRB095 14848 RLC 40788 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 Harassing and Obscene Communications Act is
5 amended by changing Section 2 and by adding Section 1-2.5 as
6 follows:

7 (720 ILCS 135/1-2.5 new)

8 Sec. 1-2.5. Harassment by Internet.

9 (a) Harassment by Internet is use of Internet communication
10 for any of the following purposes:

11 (1) making by spoken or written word any comment,
12 request, suggestion, or proposal which is obscene, lewd,
13 lascivious, filthy, or indecent with an intent to offend;
14 or

15 (2) making an Internet communication, whether or not
16 conversation ensues, with intent to abuse, threaten, or
17 harass any person; or

18 (3) making or causing the Internet or its services
19 repeatedly to accept messages, with intent to harass any
20 person; or

21 (4) sending repeated Internet messages, during which
22 conversation ensues, solely to harass any person; or

23 (5) making an Internet communication or knowingly

1 inducing a person to make an Internet communication for the
2 purpose of harassing another person who is under 13 years
3 of age, regardless of whether the person under 13 years of
4 age consents to the harassment, if the defendant is at
5 least 16 years of age at the time of the commission of the
6 offense; or

7 (6) knowingly permitting any Internet access under
8 one's control to be used for any of the purposes mentioned
9 in this Section.

10 (b) For purposes of this Section, "Internet" means an
11 interactive computer service or system or an information
12 service, system, or access software provider that provides or
13 enables computer access by multiple users to a computer server,
14 and includes, but is not limited to, an information service,
15 system, or access software provider that provides access to a
16 network system commonly known as the Internet, or any
17 comparable system or service and also includes, but is not
18 limited to, a World Wide Web page, newsgroup, message board,
19 mailing list, chat area, or social networking website on any
20 interactive computer service or system or other online service.

21 (720 ILCS 135/2) (from Ch. 134, par. 16.5)

22 Sec. 2. Sentence.

23 (a) Except as provided in subsection (b), a person who
24 violates any of the provisions of Section 1, 1-1, ~~or~~ 1-2, or
25 1-2.5 of this Act is guilty of a Class B misdemeanor. Except as

1 provided in subsection (b), a second or subsequent violation of
2 Section 1, 1-1, ~~or~~ 1-2, or 1-2.5 of this Act is a Class A
3 misdemeanor, for which the court shall impose a minimum of 14
4 days in jail or, if public or community service is established
5 in the county in which the offender was convicted, 240 hours of
6 public or community service.

7 (b) In any of the following circumstances, a person who
8 violates Section 1, 1-1, ~~or~~ 1-2, or 1-2.5 of this Act shall be
9 guilty of a Class 4 felony:

10 (1) The person has 3 or more prior violations in the
11 last 10 years of harassment by telephone under Section 1-1
12 of this Act, harassment through electronic communications
13 under Section 1-2 of this Act, harassment by Internet under
14 Section 1-2.5 of this Act, or any similar offense of any
15 state;

16 (2) The person has previously violated the harassment
17 by telephone provisions of Section 1-1 of this Act or the
18 harassment through electronic communications provisions of
19 Section 1-2 of this Act or harassment by Internet under
20 Section 1-2.5 of this Act, or committed any similar offense
21 in any state with the same victim or a member of the
22 victim's family or household;

23 (3) At the time of the offense, the offender was under
24 conditions of bail, probation, mandatory supervised
25 release or was the subject of an order of protection, in
26 this or any other state, prohibiting contact with the

1 victim or any member of the victim's family or household;

2 (4) In the course of the offense, the offender
3 threatened to kill the victim or any member of the victim's
4 family or household;

5 (5) The person has been convicted in the last 10 years
6 of a forcible felony as defined in Section 2-8 of the
7 Criminal Code of 1961; or

8 (6) The person violates paragraph (4.1) of Section 1-1
9 or paragraph (3.1) of subsection (a) of Section 1-2 or
10 paragraph (5) of subsection (a) of Section 1-2.5.

11 (Source: P.A. 90-578, eff. 6-1-98; 91-878, eff. 1-1-01.)