

HB5287



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB5287

by Rep. Charles E. Jefferson

SYNOPSIS AS INTRODUCED:

720 ILCS 135/1-2

Amends the Harassing and Obscene Communications Act. Provides that harassment through electronic communications includes knowingly transmitting an electronic communication or knowingly inducing a person to transmit an electronic communication for the purpose of deceiving another person who is under 18 years of age if the defendant is at least 18 years of age at the time of the commission of the offense.

LRB095 17293 RLC 43357 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 1-2 as follows:

6 (720 ILCS 135/1-2)

7 Sec. 1-2. Harassment through electronic communications.

8 (a) Harassment through electronic communications is the
9 use of electronic communication for any of the following
10 purposes:

11 (1) Making any comment, request, suggestion or
12 proposal which is obscene with an intent to offend;

13 (2) Interrupting, with the intent to harass, the
14 telephone service or the electronic communication service
15 of any person;

16 (3) Transmitting to any person, with the intent to
17 harass and regardless of whether the communication is read
18 in its entirety or at all, any file, document, or other
19 communication which prevents that person from using his or
20 her telephone service or electronic communications device;

21 (3.1) Transmitting an electronic communication or
22 knowingly inducing a person to transmit an electronic
23 communication for the purpose of harassing another person

1 who is under 13 years of age, regardless of whether the
2 person under 13 years of age consents to the harassment, if
3 the defendant is at least 16 years of age at the time of
4 the commission of the offense;

5 (3.2) Knowingly transmitting an electronic
6 communication or knowingly inducing a person to transmit an
7 electronic communication for the purpose of deceiving
8 another person who is under 18 years of age if the
9 defendant is at least 18 years of age at the time of the
10 commission of the offense;

11 (4) Threatening injury to the person or to the property
12 of the person to whom an electronic communication is
13 directed or to any of his or her family or household
14 members; or

15 (5) Knowingly permitting any electronic communications
16 device to be used for any of the purposes mentioned in this
17 subsection (a).

18 (b) As used in this Act:

19 (1) "Electronic communication" means any transfer of
20 signs, signals, writings, images, sounds, data or
21 intelligence of any nature transmitted in whole or in part
22 by a wire, radio, electromagnetic, photoelectric or
23 photo-optical system.

24 (2) "Family or household member" includes spouses,
25 former spouses, parents, children, stepchildren and other
26 persons related by blood or by present or prior marriage,

1 persons who share or formerly shared a common dwelling,
2 persons who have or allegedly share a blood relationship
3 through a child, persons who have or have had a dating or
4 engagement relationship, and persons with disabilities and
5 their personal assistants. For purposes of this Act,
6 neither a casual acquaintanceship nor ordinary
7 fraternization between 2 individuals in business or social
8 contexts shall be deemed to constitute a dating
9 relationship.

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