



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB0397

Introduced 2/3/2009, by Rep. Dan Brady

SYNOPSIS AS INTRODUCED:

720 ILCS 5/12-7.3

from Ch. 38, par. 12-7.3

Amends the Criminal Code of 1961. Changes the elements of stalking. Provides that a person commits stalking when he or she, without lawful justification, engages in a course of conduct directed toward another person or a family member of that person that would cause a reasonable person to feel terrorized, frightened, intimidated, or threatened, and that such conduct actually causes that person to feel terrorized, frightened, intimidated, or threatened. Defines "course of conduct".

LRB096 03308 RLC 13327 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 12-7.3 as follows:

6 (720 ILCS 5/12-7.3) (from Ch. 38, par. 12-7.3)

7 Sec. 12-7.3. Stalking.

8 (a) A person commits stalking when he or she, ~~knowingly and~~
9 without lawful justification, engages in a course of conduct
10 directed toward another person or a family member of that
11 person that would cause a reasonable person to feel terrorized,
12 frightened, intimidated, or threatened, and that such conduct
13 actually causes that person to feel terrorized, frightened,
14 intimidated, or threatened. ~~on at least 2 separate occasions~~
15 ~~follows another person or places the person under surveillance~~
16 ~~or any combination thereof and:~~

17 ~~(1) at any time transmits a threat of immediate or~~
18 ~~future bodily harm, sexual assault, confinement or~~
19 ~~restraint and the threat is directed towards that person or~~
20 ~~a family member of that person; or~~

21 ~~(2) places that person in reasonable apprehension of~~
22 ~~immediate or future bodily harm, sexual assault,~~
23 ~~confinement or restraint; or~~

1 ~~(3) places that person in reasonable apprehension that~~
2 ~~a family member will receive immediate or future bodily~~
3 ~~harm, sexual assault, confinement, or restraint.~~

4 (a-5) (Blank). ~~A person commits stalking when he or she has~~
5 ~~previously been convicted of stalking another person and~~
6 ~~knowingly and without lawful justification on one occasion:~~

7 ~~(1) follows that same person or places that same person~~
8 ~~under surveillance; and~~

9 ~~(2) transmits a threat of immediate or future bodily~~
10 ~~harm, sexual assault, confinement or restraint; and~~

11 ~~(3) the threat is directed towards that person or a~~
12 ~~family member of that person.~~

13 (b) Sentence. Stalking is a Class 4 felony. A second or
14 subsequent conviction for stalking is a Class 3 felony.

15 (b-5) The incarceration of a person in a penal institution
16 who transmits a threat is not a bar to prosecution under this
17 Section.

18 (c) Exemption. This Section does not apply to picketing
19 occurring at the workplace that is otherwise lawful and arises
20 out of a bona fide labor dispute, or any exercise of the right
21 of free speech or assembly that is otherwise lawful.

22 (d) (Blank) ~~For the purpose of this Section, a defendant~~
23 ~~"places a person under surveillance" by: (1) remaining present~~
24 ~~outside the person's school, place of employment, vehicle,~~
25 ~~other place occupied by the person, or residence other than the~~
26 ~~residence of the defendant; or (2) placing an electronic~~

1 ~~tracking device on the person or the person's property.~~

2 (e) (Blank) ~~For the purpose of this Section, "follows~~
3 ~~another person" means (i) to move in relative proximity to a~~
4 ~~person as that person moves from place to place or (ii) to~~
5 ~~remain in relative proximity to a person who is stationary or~~
6 ~~whose movements are confined to a small area. "Follows another~~
7 ~~person" does not include a following within the residence of~~
8 ~~the defendant.~~

9 (f) For the purposes of this Section and Section 12-7.4,
10 "bona fide labor dispute" means any controversy concerning
11 wages, salaries, hours, working conditions, or benefits,
12 including health and welfare, sick leave, insurance, and
13 pension or retirement provisions, the making or maintaining of
14 collective bargaining agreements, and the terms to be included
15 in those agreements.

16 (g) (Blank) ~~For the purposes of this Section, "transmits a~~
17 ~~threat" means a verbal or written threat or a threat implied by~~
18 ~~a pattern of conduct or a combination of verbal or written~~
19 ~~statements or conduct.~~

20 (h) For the purposes of this Section, "family member" means
21 a parent, grandparent, brother, sister, or child, whether by
22 whole blood, half-blood, or adoption and includes a
23 step-grandparent, step-parent, step-brother, step-sister or
24 step-child. "Family member" also means any other person who
25 regularly resides in the household, or who, within the prior 6
26 months, regularly resided in the household.

1 (i) For the purposes of this Section, "engages in a course
2 of conduct" means to act with knowledge or to act in a manner
3 that a reasonable person should have knowledge, directed at a
4 specific person that involves repeated visual or physical
5 proximity, non-consensual communication, or verbal, written,
6 electronic, tracking, implied threats, or a combination
7 thereof, that would cause a reasonable person to fear the
8 person engaging in that course of conduct.

9 (Source: P.A. 95-33, eff. 1-1-08.)