

1 AN ACT in relation to stalking.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the  
5 Stalking No Contact Order Act.

6 Section 5. Purpose. Stalking generally refers to a course  
7 of conduct, not a single act. Stalking behavior includes  
8 following a person, conducting surveillance of the person,  
9 appearing at the person's home, work or school, making unwanted  
10 phone calls, sending unwanted emails or text messages, leaving  
11 objects for the person, vandalizing the person's property, or  
12 injuring a pet. Stalking is a serious crime. Victims experience  
13 fear for their safety, fear for the safety of others and suffer  
14 emotional distress. Many victims alter their daily routines to  
15 avoid the persons who are stalking them. Some victims are in  
16 such fear that they relocate to another city, town or state.  
17 While estimates suggest that 70% of victims know the  
18 individuals stalking them, only 30% of victims have dated or  
19 been in intimate relationships with their stalkers. All  
20 stalking victims should be able to seek a civil remedy  
21 requiring the offenders stay away from the victims and third  
22 parties.

1 Section 10. Definitions. For the purposes of this Act:

2 "Course of conduct" means 2 or more acts, including but not  
3 limited to acts in which a respondent directly, indirectly, or  
4 through third parties, by any action, method, device, or means  
5 follows, monitors, observes, surveils, threatens, or  
6 communicates to or about, a person, engages in other contact,  
7 or interferes with or damages a person's property or pet. A  
8 course of conduct may include contact via electronic  
9 communications. The incarceration of a person in a penal  
10 institution who commits the course of conduct is not a bar to  
11 prosecution under this Section.

12 "Emotional distress" means significant mental suffering,  
13 anxiety or alarm.

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

25 "Petitioner" means any named petitioner for the stalking no  
26 contact order or any named victim of stalking on whose behalf

1 the petition is brought.

2 "Reasonable person" means a person in the petitioner's  
3 circumstances with the petitioner's knowledge of the  
4 respondent and the respondent's prior acts.

5 "Stalking" means engaging in a course of conduct directed  
6 at a specific person, and he or she knows or should know that  
7 this course of conduct would cause a reasonable person to fear  
8 for his or her safety or the safety of a third person or suffer  
9 emotional distress. Stalking does not include an exercise of  
10 the right to free speech or assembly that is otherwise lawful  
11 or picketing occurring at the workplace that is otherwise  
12 lawful and arises out of a bona fide labor dispute, including  
13 any controversy concerning wages, salaries, hours, working  
14 conditions or benefits, including health and welfare, sick  
15 leave, insurance, and pension or retirement provisions, the  
16 making or maintaining of collective bargaining agreements, and  
17 the terms to be included in those agreements.

18 "Stalking No Contact Order" means an emergency order or  
19 plenary order granted under this Act, which includes a remedy  
20 authorized by Section 80 of this Act.

21 Section 15. Persons protected by this Act. A petition for a  
22 stalking no contact order may be filed when relief is not  
23 available to the petitioner under the Illinois Domestic  
24 Violence Act of 1986:

25 (1) by any person who is a victim of stalking; or

1           (2) by a person on behalf of a minor child or an adult  
2           who is a victim of stalking but, because of age,  
3           disability, health, or inaccessibility, cannot file the  
4           petition.

5           Section 20. Commencement of action; filing fees.

6           (a) An action for a stalking no contact order is commenced:

7           (1) independently, by filing a petition for a stalking  
8           no contact order in any civil court, unless specific courts  
9           are designated by local rule or order; or

10          (2) in conjunction with a delinquency petition or a  
11          criminal prosecution, by filing a petition for a stalking  
12          no contact order under the same case number as the  
13          delinquency petition or criminal prosecution, to be  
14          granted during pre-trial release of a defendant, with any  
15          dispositional order issued under Section 5-710 of the  
16          Juvenile Court Act of 1987 or as a condition of release,  
17          supervision, conditional discharge, probation, periodic  
18          imprisonment, parole, or mandatory supervised release, or  
19          in conjunction with imprisonment or a bond forfeiture  
20          warrant, provided that (i) the violation is alleged in an  
21          information, complaint, indictment, or delinquency  
22          petition on file and the alleged victim is a person  
23          protected by this Act, and (ii) the petition, which is  
24          filed by the State's Attorney, names a victim of the  
25          alleged crime as a petitioner.

1 (b) Withdrawal or dismissal of any petition for a stalking  
2 no contact order prior to adjudication where the petitioner is  
3 represented by the State shall operate as a dismissal without  
4 prejudice. No action for a stalking no contact order shall be  
5 dismissed because the respondent is being prosecuted for a  
6 crime against the petitioner. For any action commenced under  
7 item (2) of subsection (a) of this Section, dismissal of the  
8 conjoined case (or a finding of not guilty) shall not require  
9 dismissal of the action for a stalking no contact order;  
10 instead, it may be treated as an independent action and, if  
11 necessary and appropriate, transferred to a different court or  
12 division.

13 (c) No fee shall be charged by the clerk of the court for  
14 filing petitions or modifying or certifying orders. No fee  
15 shall be charged by the sheriff for service by the sheriff of a  
16 petition, rule, motion, or order in an action commenced under  
17 this Section.

18 (d) The court shall provide, through the office of the  
19 clerk of the court, simplified forms for filing of a petition  
20 under this Section by any person not represented by counsel.

21 Section 25. Pleading; non-disclosure of address.

22 (a) A petition for a stalking no contact order shall be in  
23 writing and verified or accompanied by affidavit and shall  
24 allege that the petitioner has been the victim of stalking by  
25 the respondent.

1           (b) If the petition states that disclosure of the  
2 petitioner's address would risk abuse of the petitioner or any  
3 member of the petitioner's family or household, that address  
4 may be omitted from all documents filed with the court. If the  
5 petitioner has not disclosed an address under this subsection,  
6 the petitioner shall designate an alternative address at which  
7 the respondent may serve notice of any motions.

8           Section 30. Application of rules of civil procedure; victim  
9 advocates.

10           (a) Any proceeding to obtain, modify, reopen or appeal a  
11 stalking no contact order shall be governed by the rules of  
12 civil procedure of this State. The standard of proof in such a  
13 proceeding is proof by a preponderance of the evidence. The  
14 Code of Civil Procedure and Supreme Court and local court rules  
15 applicable to civil proceedings shall apply, except as  
16 otherwise provided by this Act.

17           (b) In circuit courts, victim advocates shall be allowed to  
18 accompany the petitioner and confer with the petitioner, unless  
19 otherwise directed by the court. Court administrators shall  
20 allow victim advocates to assist victims of stalking in the  
21 preparation of petitions for stalking no contact orders. Victim  
22 advocates are not engaged in the unauthorized practice of law  
23 when providing assistance of the types specified in this  
24 subsection (b).

1           Section 35. Appointment of counsel. The court may appoint  
2 counsel to represent the petitioner if the respondent is  
3 represented by counsel.

4           Section 40. Trial by jury. There shall be no right to trial  
5 by jury in any proceeding to obtain, modify, vacate or extend  
6 any stalking no contact order under this Act. However, nothing  
7 in this Section shall deny any existing right to trial by jury  
8 in a criminal proceeding.

9           Section 45. Subject matter jurisdiction. Each of the  
10 circuit courts has the power to issue stalking no contact  
11 orders.

12           Section 50. Jurisdiction over persons. The courts of this  
13 State have jurisdiction to bind (1) State residents and (2)  
14 non-residents having minimum contacts with this State, to the  
15 extent permitted by the long-arm statute, Section 2-209 of the  
16 Code of Civil Procedure.

17           Section 55. Venue. A petition for a stalking no contact  
18 order may be filed in any county where (1) the petitioner  
19 resides, (2) the respondent resides, or (3) one or more acts of  
20 the alleged stalking occurred.

21           Section 60. Process.

1           (a) Any action for a stalking no contact order requires  
2 that a separate summons be issued and served. The summons shall  
3 be in the form prescribed by Supreme Court Rule 101(d), except  
4 that it shall require the respondent to answer or appear within  
5 7 days. Attachments to the summons or notice shall include the  
6 petition for stalking no contact order and supporting  
7 affidavits, if any, and any emergency stalking no contact order  
8 that has been issued.

9           (b) The summons shall be served by the sheriff or other law  
10 enforcement officer at the earliest time and shall take  
11 precedence over other summonses except those of a similar  
12 emergency nature. Special process servers may be appointed at  
13 any time, and their designation shall not affect the  
14 responsibilities and authority of the sheriff or other official  
15 process servers.

16           (c) Service of process on a member of the respondent's  
17 household or by publication shall be adequate if: (1) the  
18 petitioner has made all reasonable efforts to accomplish actual  
19 service of process personally upon the respondent, but the  
20 respondent cannot be found to effect such service; and (2) the  
21 petitioner files an affidavit or presents sworn testimony as to  
22 those efforts.

23           (d) A plenary stalking no contact order may be entered by  
24 default for the remedy sought in the petition, if the  
25 respondent has been served or given notice in accordance with  
26 subsection (a) and if the respondent then fails to appear as



1 directed or fails to appear on any subsequent appearance or  
2 hearing date agreed to by the parties or set by the court.

3 Section 65. Service of notice of hearings. Except as  
4 provided in Section 60, notice of hearings on petitions or  
5 motions shall be served in accordance with Supreme Court Rules  
6 11 and 12, unless notice is excused by Section 100 of this Act  
7 or by the Code of Civil Procedure, Supreme Court Rules, or  
8 local rules.

9 Section 70. Hearings. A petition for a stalking no contact  
10 order shall be treated as an expedited proceeding, and no court  
11 may transfer or otherwise decline to decide all or part of such  
12 petition. Nothing in this Section shall prevent the court from  
13 reserving issues if jurisdiction or notice requirements are not  
14 met.

15 Section 75. Continuances.

16 (a) Petitions for emergency remedies shall be granted or  
17 denied in accordance with the standards of Section 100,  
18 regardless of the respondent's appearance or presence in court.

19 (b) Any action for a stalking no contact order is an  
20 expedited proceeding. Continuances shall be granted only for  
21 good cause shown and kept to the minimum reasonable duration,  
22 taking into account the reasons for the continuance.

1 Section 80. Stalking no contact orders; remedies.

2 (a) If the court finds that the petitioner has been a  
3 victim of stalking, a stalking no contact order shall issue;  
4 provided that the petitioner must also satisfy the requirements  
5 of Section 95 on emergency orders or Section 100 on plenary  
6 orders. The petitioner shall not be denied a stalking no  
7 contact order because the petitioner or the respondent is a  
8 minor. The court, when determining whether or not to issue a  
9 stalking no contact order, may not require physical injury on  
10 the person of the petitioner. Modification and extension of  
11 prior stalking no contact orders shall be in accordance with  
12 this Act.

13 (b) A stalking no contact order shall order one or more of  
14 the following:

15 (1) prohibit the respondent from threatening to commit  
16 or committing stalking;

17 (2) order the respondent not to have any contact with  
18 the petitioner or a third person specifically named by the  
19 court;

20 (3) prohibit the respondent from knowingly coming  
21 within, or knowingly remaining within a specified distance  
22 of the petitioner or the petitioner's residence, school,  
23 daycare, or place of employment, or any specified place  
24 frequented by the petitioner; however, the court may order  
25 the respondent to stay away from the respondent's own  
26 residence, school, or place of employment only if the

1 respondent has been provided actual notice of the  
2 opportunity to appear and be heard on the petition;

3 (4) prohibit the respondent from possessing a Firearm  
4 Owners Identification Card, or possessing or buying  
5 firearms; and

6 (5) order other injunctive relief the court determines  
7 to be necessary to protect the petitioner or third party  
8 specifically named by the court.

9 (c) The court may award the petitioner costs and attorneys  
10 fees if a stalking no contact order is granted.

11 (d) Monetary damages are not recoverable as a remedy.

12 Section 85. Mutual stalking no contact orders are  
13 prohibited. Correlative separate orders undermine the purposes  
14 of this Act. If separate orders are sought, both must comply  
15 with all provisions of this Act.

16 Section 90. Accountability for actions of others. For the  
17 purposes of issuing a stalking no contact order, deciding what  
18 remedies should be included and enforcing the order, Article 5  
19 of the Criminal Code of 1961 shall govern whether respondent is  
20 legally accountable for the conduct of another person.

21 Section 95. Emergency stalking no contact order.

22 (a) An emergency stalking no contact order shall issue if  
23 the petitioner satisfies the requirements of this subsection

1 (a). The petitioner shall establish that:

2 (1) the court has jurisdiction under Section 50;

3 (2) the requirements of Section 80 are satisfied; and

4 (3) there is good cause to grant the remedy, regardless  
5 of prior service of process or of notice upon the  
6 respondent, because the harm which that remedy is intended  
7 to prevent would be likely to occur if the respondent were  
8 given any prior notice, or greater notice than was actually  
9 given, of the petitioner's efforts to obtain judicial  
10 relief.

11 An emergency stalking no contact order shall be issued by  
12 the court if it appears from the contents of the petition and  
13 the examination of the petitioner that the averments are  
14 sufficient to indicate stalking by the respondent and to  
15 support the granting of relief under the issuance of the  
16 stalking no contact order.

17 An emergency stalking no contact order shall be issued if  
18 the court finds that items (1), (2), and (3) of this subsection  
19 (a) are met.

20 (b) If the respondent appears in court for this hearing for  
21 an emergency order, he or she may elect to file a general  
22 appearance and testify. Any resulting order may be an emergency  
23 order, governed by this Section. Notwithstanding the  
24 requirements of this Section, if all requirements of Section  
25 100 have been met, the court may issue a plenary order.

26 (c) Emergency orders; court holidays and evenings.

1           (1) When the court is unavailable at the close of  
2 business, the petitioner may file a petition for a 21-day  
3 emergency order before any available circuit judge or  
4 associate judge who may grant relief under this Act. If the  
5 judge finds that there is an immediate and present danger  
6 of abuse against the petitioner and that the petitioner has  
7 satisfied the prerequisites set forth in subsection (a),  
8 that judge may issue an emergency stalking no contact  
9 order.

10           (2) The chief judge of the circuit court may designate  
11 for each county in the circuit at least one judge to be  
12 reasonably available to issue orally, by telephone, by  
13 facsimile, or otherwise, an emergency stalking no contact  
14 order at all times, whether or not the court is in session.

15           (3) Any order issued under this Section and any  
16 documentation in support of the order shall be certified on  
17 the next court day to the appropriate court. The clerk of  
18 that court shall immediately assign a case number, file the  
19 petition, order, and other documents with the court, and  
20 enter the order of record and file it with the sheriff for  
21 service, in accordance with Section 60. Filing the petition  
22 shall commence proceedings for further relief under  
23 Section 20. Failure to comply with the requirements of this  
24 paragraph (3) does not affect the validity of the order.

25           Section 100. Plenary stalking no contact order. A plenary

1 stalking no contact order shall issue if the petitioner has  
2 served notice of the hearing for that order on the respondent,  
3 in accordance with Section 65, and satisfies the requirements  
4 of this Section. The petitioner must establish that:

5 (1) the court has jurisdiction under Section 50;

6 (2) the requirements of Section 80 are satisfied;

7 (3) a general appearance was made or filed by or for  
8 the respondent or process was served on the respondent in  
9 the manner required by Section 60; and

10 (4) the respondent has answered or is in default.

11 Section 105. Duration and extension of orders.

12 (a) Unless re-opened or extended or voided by entry of an  
13 order of greater duration, an emergency order shall be  
14 effective for not less than 14 nor more than 21 days.

15 (b) Except as otherwise provided in this Section, a plenary  
16 stalking no contact order shall be effective for a fixed period  
17 of time, not to exceed 2 years. A plenary stalking no contact  
18 order entered in conjunction with a criminal prosecution shall  
19 remain in effect as follows:

20 (1) if entered during pre-trial release, until  
21 disposition, withdrawal, or dismissal of the underlying  
22 charge; if however, the case is continued as an independent  
23 cause of action, the order's duration may be for a fixed  
24 period of time not to exceed 2 years;

25 (2) if in effect in conjunction with a bond forfeiture

1 warrant, until final disposition or an additional period of  
2 time not exceeding 2 years; no stalking no contact order,  
3 however, shall be terminated by a dismissal that is  
4 accompanied by the issuance of a bond forfeiture warrant;

5 (3) permanent if a judgment of conviction for stalking  
6 is entered.

7 (c) Any emergency or plenary order may be extended one or  
8 more times, as required, provided that the requirements of  
9 Section 95 or 100, as appropriate, are satisfied. If the motion  
10 for extension is uncontested and the petitioner seeks no  
11 modification of the order, the order may be extended on the  
12 basis of the petitioner's motion or affidavit stating that  
13 there has been no material change in relevant circumstances  
14 since entry of the order and stating the reason for the  
15 requested extension. Extensions may be granted only in open  
16 court and not under the provisions of subsection (c) of Section  
17 95, which applies only when the court is unavailable at the  
18 close of business or on a court holiday.

19 (d) Any stalking no contact order which would expire on a  
20 court holiday shall instead expire at the close of the next  
21 court business day.

22 (e) The practice of dismissing or suspending a criminal  
23 prosecution in exchange for the issuance of a stalking no  
24 contact order undermines the purposes of this Act. This Section  
25 shall not be construed as encouraging that practice.

1 Section 110. Contents of orders.

2 (a) Any stalking no contact order shall describe each  
3 remedy granted by the court, in reasonable detail and not by  
4 reference to any other document, so that the respondent may  
5 clearly understand what he or she must do or refrain from  
6 doing.

7 (b) A stalking no contact order shall further state the  
8 following:

9 (1) The name of each petitioner that the court finds  
10 was the victim of stalking by the respondent.

11 (2) The date and time the stalking no contact order was  
12 issued, whether it is an emergency or plenary order, and  
13 the duration of the order.

14 (3) The date, time, and place for any scheduled hearing  
15 for extension of that stalking no contact order or for  
16 another order of greater duration or scope.

17 (4) For each remedy in an emergency stalking no contact  
18 order, the reason for entering that remedy without prior  
19 notice to the respondent or greater notice than was  
20 actually given.

21 (5) For emergency stalking no contact orders, that the  
22 respondent may petition the court, in accordance with  
23 Section 120, to reopen the order if he or she did not  
24 receive actual prior notice of the hearing as required  
25 under Section 65 of this Act and if the respondent alleges  
26 that he or she had a meritorious defense to the order or



1 that the order or its remedy is not authorized by this Act.

2 (c) A stalking no contact order shall include the following  
3 notice, printed in conspicuous type: "An initial knowing  
4 violation of a stalking no contact order is a Class A  
5 misdemeanor. Any second or subsequent knowing violation is a  
6 Class 4 felony."

7 Section 115. Notice of orders.

8 (a) Upon issuance of any stalking no contact order, the  
9 clerk shall immediately, or on the next court day if an  
10 emergency order is issued in accordance with subsection (c) of  
11 Section 95:

12 (1) enter the order on the record and file it in  
13 accordance with the circuit court procedures; and

14 (2) provide a file stamped copy of the order to the  
15 respondent, if present, and to the petitioner.

16 (b) The clerk of the issuing judge shall, or the petitioner  
17 may, on the same day that a stalking no contact order is  
18 issued, file a certified copy of that order with the sheriff or  
19 other law enforcement officials charged with maintaining  
20 Department of State Police records or charged with serving the  
21 order upon the respondent. If the order was issued in  
22 accordance with subsection (c) of Section 95, the clerk shall,  
23 on the next court day, file a certified copy of the order with  
24 the sheriff or other law enforcement officials charged with  
25 maintaining Department of State Police records.

1 (c) Unless the respondent was present in court when the  
2 order was issued, the sheriff, other law enforcement official,  
3 or special process server shall promptly serve that order upon  
4 the respondent and file proof of such service in the manner  
5 provided for service of process in civil proceedings. If  
6 process has not yet been served upon the respondent, it shall  
7 be served with the order or short form notification.

8 (d) If the person against whom the stalking no contact  
9 order is issued is arrested and the written order is issued in  
10 accordance with subsection (c) of Section 95 and received by  
11 the custodial law enforcement agency before the respondent or  
12 arrestee is released from custody, the custodial law  
13 enforcement agent shall promptly serve the order upon the  
14 respondent or arrestee before the respondent or arrestee is  
15 released from custody. In no event shall detention of the  
16 respondent or arrestee be extended for hearing on the petition  
17 for stalking no contact order or receipt of the order issued  
18 under Section 95 of this Act.

19 (e) Any order extending, modifying, or revoking any  
20 stalking no contact order shall be promptly recorded, issued,  
21 and served as provided in this Section.

22 (f) Upon the request of the petitioner, within 24 hours of  
23 the issuance of a stalking no contact order, the clerk of the  
24 issuing judge shall send written notice of the order along with  
25 a certified copy of the order to any school, daycare, college,  
26 or university at which the petitioner is enrolled.

1 Section 120. Modification; reopening of orders.

2 (a) Except as otherwise provided in this Section, upon  
3 motion by the petitioner, the court may modify an emergency or  
4 plenary stalking no contact order by altering the remedy,  
5 subject to Section 80.

6 (b) After 30 days following entry of a plenary stalking no  
7 contact order, a court may modify that order only when a change  
8 in the applicable law or facts since that plenary order was  
9 entered warrants a modification of its terms.

10 (c) Upon 2 days' notice to the petitioner, or such shorter  
11 notice as the court may prescribe, a respondent subject to an  
12 emergency stalking no contact order issued under this Act may  
13 appear and petition the court to rehear the original or amended  
14 petition. Any petition to rehear shall be verified and shall  
15 allege the following:

16 (1) that the respondent did not receive prior notice of  
17 the initial hearing in which the emergency order was  
18 entered under Sections 65 and 95; and

19 (2) that the respondent had a meritorious defense to  
20 the order or any of its remedies or that the order or any  
21 of its remedies was not authorized by this Act.

22 Section 125. Violation. An initial knowing violation of a  
23 stalking no contact order is a Class A misdemeanor. A second or  
24 subsequent knowing violation is a Class 4 felony.

1 Section 130. Arrest without warrant.

2 (a) Any law enforcement officer may make an arrest without  
3 warrant if the officer has probable cause to believe that the  
4 person has committed or is committing a violation of a stalking  
5 no contact order.

6 (b) The law enforcement officer may verify the existence of  
7 a stalking no contact order by telephone or radio communication  
8 with his or her law enforcement agency or by referring to the  
9 copy of the order provided by the petitioner or the respondent.

10 Section 135. Data maintenance by law enforcement agencies.

11 (a) All sheriffs shall furnish to the Department of State  
12 Police, on the same day as received, in the form and detail the  
13 Department requires, copies of any recorded emergency or  
14 plenary stalking no contact orders issued by the court and  
15 transmitted to the sheriff by the clerk of the court in  
16 accordance with subsection (b) of Section 115 of this Act. Each  
17 stalking no contact order shall be entered in the Law  
18 Enforcement Agencies Data System on the same day it is issued  
19 by the court. If an emergency stalking no contact order was  
20 issued in accordance with subsection (c) of Section 100, the  
21 order shall be entered in the Law Enforcement Agencies Data  
22 System as soon as possible after receipt from the clerk of the  
23 court.

24 (b) The Department of State Police shall maintain a

1 complete and systematic record and index of all valid and  
2 recorded stalking no contact orders issued under this Act. The  
3 data shall be used to inform all dispatchers and law  
4 enforcement officers at the scene of an alleged incident of  
5 stalking or violation of a stalking no contact order of any  
6 recorded prior incident of stalking involving the petitioner  
7 and the effective dates and terms of any recorded stalking no  
8 contact order.