

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 5. The Criminal Code of 1961 is amended by adding
5 Sections 12-7.7, 12-7.8, and 12-30.5 as follows:

6 (720 ILCS 5/12-7.7 new)

7 Sec. 12-7.7. Action for issuance or violation of stalking
8 protective order.

9 (a) A complainant may bring a civil action in a circuit
10 court for a court's stalking protective order against an
11 individual person as respondent if:

12 (1) the respondent intentionally, knowingly, or
13 recklessly engages in repeated and unwanted contact with
14 the complainant or a member of the complainant's immediate
15 family or household thereby alarming or coercing the
16 complainant;

17 (2) it is objectively reasonable for a person in the
18 complainant's situation to have been alarmed or coerced by
19 the respondent's contact; and

20 (3) the repeated and unwanted contact by the respondent
21 causes the complainant reasonable apprehension regarding
22 the personal safety of the complainant or a member of the
23 complainant's immediate family or household.

1 (b) At the time the petition is filed, the court, upon a
2 finding of probable cause based on the allegations in the
3 petition, shall enter a temporary court's stalking protective
4 order that may include, but is not limited to: (1) prohibiting
5 acts of stalking or aggravated stalking in violation of Section
6 12-7.3 or 12-7.4, (2) prohibiting such contacts by the
7 respondent with the complainant or the complainant's family or
8 household members as the court deems necessary to protect the
9 safety of those persons; and (3) any other conditions that the
10 court deems necessary to prevent further acts of stalking or
11 aggravated stalking, communication, or other contact of any
12 kind by the respondent. The petition and the temporary order
13 shall be served upon the respondent with an order requiring the
14 respondent to personally appear before the court to show cause
15 why the temporary order should not be continued for an
16 indefinite period.

17 (c) At the hearing, whether or not the respondent appears,
18 the court may continue the hearing for up to 30 days or may
19 proceed to enter a court's stalking protective order. If the
20 respondent fails to appear after being served as required by
21 subsection (b) of this Section, the court may issue a warrant
22 of arrest in order to ensure the appearance of the respondent
23 in court.

24 (d) The court may award reasonable attorney's fees as
25 follows:

26 (i) to the complainant, if the complainant is the

1 prevailing party; or

2 (ii) to the respondent, if the respondent is the
3 prevailing party and if the court determines that the
4 petition is frivolous in nature.

5 (e) The court may enter an order under this Section against
6 a minor respondent without appointment of a guardian ad litem.

7 (f) An action under this Section must be commenced within 2
8 years of the conduct giving rise to the claim.

9 (g) Proof of the claim shall be by a preponderance of the
10 evidence.

11 (h) The remedy provided by this Section is in addition to
12 any other remedy, civil or criminal, provided by law for the
13 conduct giving rise to the claim.

14 (i) No filing fee, service fee, or hearing fee shall be
15 charged for a proceeding under this Section if a court's
16 stalking order is the only relief sought.

17 (j) If the respondent was provided notice and an
18 opportunity to be heard, the court shall also include in the
19 order, when appropriate, terms and findings sufficient under 18
20 U.S.C. 922 (d) (8) and (g) (8) to affect the respondent's ability
21 to possess firearms and ammunition or engage in activities
22 involving firearms.

23 (k) Section 12-7.8 applies to protective orders issued
24 under this Section.

1 Sec. 12-7.8. Service of order; entry of order into LEADS.

2 (a) Whenever a stalking protective order, as authorized by
3 Section 12-7.7, is issued and the respondent has actual notice
4 of the order, the person serving the order shall deliver
5 forthwith to the county sheriff a true copy of the order and an
6 affidavit of proof of service on which it is stated that
7 personal service of the order was made on the respondent. If an
8 order entered by the court recites that the respondent appeared
9 in person before the court, the necessity for further service
10 of the order is waived and accompanying proof of service is not
11 necessary. Upon receipt of proof of service, when required, and
12 a true copy of the order, the county sheriff shall forthwith
13 enter the order into the Law Enforcement Agencies Data System
14 (LEADS) maintained by the Department of State Police and into
15 the databases of the National Crime Information Center of the
16 United States Department of Justice. The sheriff shall also
17 provide the complainant with a true copy of the proof of
18 service. Entry into the Law Enforcement Agencies Data System
19 (LEADS) constitutes notice to all law enforcement agencies of
20 the existence of such order. Law enforcement agencies shall
21 establish procedures adequate to ensure that an officer at the
22 scene of an alleged violation of such order may be informed of
23 the existence and terms of the order. The order shall be fully
24 enforceable in any county in this State. The complainant may
25 elect to deliver documents personally to a county sheriff or to
26 have them delivered by a private person for entry into the Law

1 Enforcement Agencies Data System (LEADS) and the databases of
2 the National Crime Information Center of the United States
3 Department of Justice.

4 (b) When a stalking protective order has been entered into
5 the Law Enforcement Agencies Data System (LEADS) and the
6 databases of the National Crime Information Center of the
7 United States Department of Justice under subsection (a) of
8 this Section, a county sheriff shall cooperate with a request
9 from a law enforcement agency from any other jurisdiction to
10 verify the existence of the stalking protective order or to
11 transmit a copy of the order to the requesting jurisdiction.

12 (c) When a stalking protective order described in
13 subsection (a) of this Section is terminated by order of the
14 court, the clerk of the court shall deliver forthwith a true
15 copy of the termination order to the county sheriff with whom
16 the original order was filed. Upon receipt of the termination
17 order, the county sheriff shall promptly remove the original
18 order from the Law Enforcement Agencies Data System (LEADS) and
19 the databases of the National Crime Information Center of the
20 United States Department of Justice.

21 (720 ILCS 5/12-30.5 new)

22 Sec. 12-30.5. Violating a court's stalking protective
23 order.

24 (a) A person commits the offense of violating a court's
25 stalking protective order when:

1 (1) the person has been served with a court's stalking
2 protective order for which he or she is the respondent as
3 provided in Section 12-7.7 or if further service was waived
4 under Section 12-7.8 because the person appeared before the
5 court; and

6 (2) the person, subsequent to the service of the order,
7 has engaged intentionally, knowingly, or recklessly in
8 conduct prohibited by the order.

9 (b) Sentence.

10 (1) Violating a court's stalking protective order is a
11 Class A misdemeanor.

12 (2) Violating a court's stalking protective order is a
13 Class 4 felony if the person has a prior conviction for:

14 (A) stalking or aggravated stalking; or

15 (B) violating a court's stalking protective order.

16 Section 99. Effective date. This Act takes effect upon
17 becoming law.