

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 Section 12-7.5, 12-7.6, and 12-30.5 as follows:

6 (720 ILCS 5/12-7.5 new)

7 Sec. 12-7.5. Action for issuance or violation of stalking
8 protective order.

9 (a) A person may bring a civil action in a circuit court
10 for a court's stalking protective order or for damages, or
11 both, against a person if:

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

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

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

24 (b) At the time the petition is filed, the court, upon a
25 finding of probable cause based on the allegations in the
26 petition, shall enter a temporary court's stalking protective
27 order that may include, but is not limited to: (1)
28 prohibiting acts of stalking or aggravated stalking in
29 violation of Section 12-7.3 or 12-7.4, (2) prohibiting such
30 contacts by the respondent with the allegedly stalked person
31 or that person's family or household members as the court

1 deems necessary to protect the safety of those persons; and
2 (3) any other conditions that the court deems necessary to
3 prevent further acts of stalking or aggravated stalking,
4 communication, or other contact of any kind by the
5 respondent. The petition and the temporary order shall be
6 served upon the respondent with an order requiring the
7 respondent to personally appear before the court to show
8 cause why the temporary order should not be continued for an
9 indefinite period.

10 (c) At the hearing, whether or not the respondent
11 appears, the court may continue the hearing for up to 30 days
12 or may proceed to enter a court's stalking protective order.
13 If respondent fails to appear after being served as required
14 by subsection (b) of this Section, the court may issue a
15 warrant of arrest in order to ensure the appearance of the
16 respondent in court.

17 (d) The plaintiff may recover reasonable attorney's fees
18 and costs.

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

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

24 (g) Proof of the claim shall be by a preponderance of
25 the evidence.

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

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

32 (j) If the respondent was provided notice and an
33 opportunity to be heard, the court shall also include in the
34 order, when appropriate, terms and findings sufficient under

1 18 U.S.C. 922 (d)(8) and (g)(8) to affect the respondent's
2 ability to possess firearms and ammunition or engage in
3 activities involving firearms.

4 (k) Section 12-7.6 applies to protective orders issued
5 under this Section.

6 (720 ILCS 5/12-7.6 new)

7 Sec. 12-7.6. Service of order; entry of order into LEADS.

8 (a) Whenever a stalking protective order, as authorized
9 by Section 12-7.5, is issued and the person to be restrained
10 has actual notice of the order, the person serving the order
11 shall deliver forthwith to the county sheriff a true copy of
12 the order and an affidavit of proof of service on which it is
13 stated that personal service of the order was made on the
14 respondent. If an order entered by the court recites that the
15 respondent appeared in person before the court, the necessity
16 for further service of the order is waived and accompanying
17 proof of service is not necessary. Upon receipt of proof of
18 service, when required, and a true copy of the order, the
19 county sheriff shall forthwith enter the order into the Law
20 Enforcement Agencies Data System (LEADS) maintained by the
21 Department of State Police and into the databases of the
22 National Crime Information Center of the United States
23 Department of Justice. The sheriff shall also provide the
24 complainant with a true copy of the proof of service. Entry
25 into the Law Enforcement Agencies Data System (LEADS)
26 constitutes notice to all law enforcement agencies of the
27 existence of such order. Law enforcement agencies shall
28 establish procedures adequate to ensure that an officer at
29 the scene of an alleged violation of such order may be
30 informed of the existence and terms of the order. The order
31 shall be fully enforceable in any county in this State. The
32 complainant may elect to deliver documents personally to a
33 county sheriff or to have them delivered by a private person

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

4 (b) When a stalking protective order has been entered
5 into 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)
19 and the databases of the National Crime Information Center of
20 the 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:

26 (1) The person has been served with a court's
27 stalking protective order as provided in Section 12-7.5
28 or if further service was waived under Section 12-7.6
29 because the person appeared before the court; and

30 (2) The person, subsequent to the service of the
31 order, has engaged intentionally, knowingly, or
32 recklessly in conduct prohibited by the order.

33 (b) Sentence.

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

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

6 (A) Stalking or aggravated stalking; or

7 (B) Violating a court's stalking protective
8 order.

9 Section 99. Effective date. This Act takes effect upon
10 becoming law.