



Sen. Kyle McCarter

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1 AMENDMENT TO SENATE BILL 995

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 995 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Criminal Code of 2012 is amended by  
5 changing Section 12-7.4 as follows:

6 (720 ILCS 5/12-7.4) (from Ch. 38, par. 12-7.4)

7 Sec. 12-7.4. Aggravated stalking.

8 (a) A person commits aggravated stalking when he or she  
9 commits stalking and:

10 (1) causes bodily harm to the victim;

11 (2) confines or restrains the victim; ~~or~~

12 (2.1) causes damage to the property of the victim;

13 (2.2) engages in harassment or intimidation of the  
14 victim; or

15 (3) violates a temporary restraining order, an order of  
16 protection, a stalking no contact order, a civil no contact

1 order, a workplace protection restraining order, or an  
2 injunction prohibiting the behavior described in  
3 subsection (b)(1) of Section 214 of the Illinois Domestic  
4 Violence Act of 1986.

5 (a-1) A person commits aggravated stalking when he or she  
6 is required to register under the Sex Offender Registration Act  
7 or has been previously required to register under that Act and  
8 commits the offense of stalking when the victim of the stalking  
9 is also the victim of the offense for which the sex offender is  
10 required to register under the Sex Offender Registration Act or  
11 a family member of the victim.

12 (b) Sentence. Aggravated stalking is a Class 3 felony; a  
13 second or subsequent conviction is a Class 2 felony.

14 (c) Exemptions.

15 (1) This Section does not apply to any individual or  
16 organization (i) monitoring or attentive to compliance  
17 with public or worker safety laws, wage and hour  
18 requirements, or other statutory requirements, or (ii)  
19 picketing occurring at the workplace that is otherwise  
20 lawful and arises out of a bona fide labor dispute  
21 including any controversy concerning wages, salaries,  
22 hours, working conditions or benefits, including health  
23 and welfare, sick leave, insurance, and pension or  
24 retirement provisions, the managing or maintenance of  
25 collective bargaining agreements, and the terms to be  
26 included in those agreements, unless the individual or

1       organization has engaged in acts of violence or there is a  
2       credible threat of violence. As used in this paragraph (1),  
3       "credible threat of violence" means a statement or course  
4       of conduct that causes a reasonable person to fear for the  
5       person's safety at his or her workplace or for the safety  
6       of others at his or her workplace or for the safety of any  
7       property owned, rented, or leased by the victim.

8           (2) This Section does not apply to an exercise of the  
9       right of free speech or assembly that is otherwise lawful.

10          (3) Telecommunications carriers, commercial mobile  
11       service providers, and providers of information services,  
12       including, but not limited to, Internet service providers  
13       and hosting service providers, are not liable under this  
14       Section, except for willful and wanton misconduct, by  
15       virtue of the transmission, storage, or caching of  
16       electronic communications or messages of others or by  
17       virtue of the provision of other related  
18       telecommunications, commercial mobile services, or  
19       information services used by others in violation of this  
20       Section.

21          (d) A defendant who directed the actions of a third party  
22       to violate this Section, under the principles of accountability  
23       set forth in Article 5 of this Code, is guilty of violating  
24       this Section as if the same had been personally done by the  
25       defendant, without regard to the mental state of the third  
26       party acting at the direction of the defendant.

1 (Source: P.A. 96-686, eff. 1-1-10; 96-1551, eff. 7-1-11;  
2 97-311, eff. 8-11-11; 97-468, eff. 1-1-12; 97-1109, eff.  
3 1-1-13.)

4 Section 10. The Workplace Violence Prevention Act is  
5 amended by changing Sections 10 and 130 as follows:

6 (820 ILCS 275/10)

7 Sec. 10. Definitions. As used in this Act:

8 "Credible threat of violence" means a statement or course  
9 of conduct that causes a reasonable person to fear for the  
10 person's safety at his or her workplace or for the safety of  
11 others at his or her workplace.

12 "Employee" means:

13 (1) a person employed or permitted to work or perform a  
14 service for remuneration;

15 (2) a member of a board of directors of any  
16 organization;

17 (3) an elected or appointed public officer; and

18 (4) a volunteer, independent contractor, agency  
19 worker, or any other person who performs services for an  
20 employer at the employer's place of work.

21 "Employer" means an individual, partnership, association,  
22 limited liability company, corporation, business trust, the  
23 State, a governmental agency, or a political subdivision ~~that~~  
24 ~~has at least 15 employees during any work week.~~

1 "Petitioner" means any employer who commences a proceeding  
2 for a workplace protection restraining order.

3 "Respondent" means a person against whom a workplace  
4 protection restraining order proceeding has been commenced.

5 "Workplace" or "place of work" means any property that is  
6 owned or leased by the employer and at which the official  
7 business of the petitioner is conducted.

8 "Unlawful violence" means any act of violence, harassment,  
9 or stalking as defined by the Criminal Code of 2012.

10 (Source: P.A. 98-430, eff. 1-1-14; 98-766, eff. 7-16-14.)

11 (820 ILCS 275/130)

12 Sec. 130. Exemption.

13 (a) This Act does not apply to any individual or  
14 organization that is lawfully (i) monitoring for compliance  
15 with public or worker safety laws, wage and hour requirements,  
16 or other statutory requirements or (ii) picketing, patrolling,  
17 using a banner, or otherwise protesting at the workplace in  
18 relation to a bona fide labor dispute including any controversy  
19 concerning wages, salaries, hours, working conditions or  
20 benefits, including health and welfare, sick leave, insurance,  
21 and pension or retirement provisions, the making or maintaining  
22 of collective bargaining agreements, and the terms to be  
23 included in those agreements, unless the individual or  
24 organization has engaged in unlawful violence against the  
25 employer seeking the workplace protection restraining order or

1 the property of the employer or there is a credible threat of  
2 violence against the employee, the employer, or the property of  
3 the employee or the employer.

4 (b) This Act does not apply to any lawful exercise of the  
5 right of free speech or assembly.

6 (Source: P.A. 98-766, eff. 7-16-14.)".