

1 AN ACT concerning criminal law, which may be referred to as  
2 the Cyberbullying Law.

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

5 Section 5. The Criminal Code of 1961 is amended by changing  
6 Section 12-7.5 as follows:

7 (720 ILCS 5/12-7.5)

8 Sec. 12-7.5. Cyberstalking.

9 (a) A person commits cyberstalking when he or she,  
10 knowingly and without lawful justification, on at least 2  
11 separate occasions, harasses another person through the use of  
12 electronic communication and:

13 (1) at any time transmits a threat of immediate or  
14 future bodily harm, sexual assault, confinement, or  
15 restraint and the threat is directed towards that person or  
16 a family member of that person, or

17 (2) places that person or a family member of that  
18 person in reasonable apprehension of immediate or future  
19 bodily harm, sexual assault, confinement, or restraint; or

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21 (3) at any time knowingly solicits the commission of an  
22 act by any person which would be a violation of this Code  
23 directed towards that person or a family member of that

1 person.

2 (a-5) A person commits cyberstalking when he or she,  
3 knowingly and without lawful justification, creates and  
4 maintains an Internet website or webpage which is accessible to  
5 one or more third parties for a period of at least 24 hours,  
6 and which contains statements harassing another person and:

7 (1) which communicates a threat of immediate or future  
8 bodily harm, sexual assault, confinement, or restraint,  
9 where the threat is directed towards that person or a  
10 family member of that person, or

11 (2) which places that person or a family member of that  
12 person in reasonable apprehension of immediate or future  
13 bodily harm, sexual assault, confinement, or restraint, or

14 (3) which knowingly solicits the commission of an act  
15 by any person which would be a violation of this Code  
16 directed towards that person or a family member of that  
17 person.

18 (b) As used in this Section:

19 "Harass" means to engage in a knowing and willful course of  
20 conduct directed at a specific person that alarms, torments, or  
21 terrorizes that person.

22 "Third party" means any person other than the person  
23 violating these provisions and the person or persons towards  
24 whom the violator's actions are directed.

25 "Electronic communication" means any transfer of signs,  
26 signals, writings, sounds, data, or intelligence of any nature

1 transmitted in whole or in part by a wire, radio,  
2 electromagnetic, photoelectric, or photo-optical system.  
3 "Electronic communication" includes transmissions by a  
4 computer through the Internet to another computer.

5 (c) Sentence. Cyberstalking is a Class 4 felony. A second  
6 or subsequent conviction for cyberstalking is a Class 3 felony.

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

17 (Source: P.A. 92-199, eff. 8-1-01.)

18 Section 10. The Harassing and Obscene Communications Act is  
19 amended by changing Section 1-2 as follows:

20 (720 ILCS 135/1-2)

21 Sec. 1-2. Harassment through electronic communications.

22 (a) Harassment through electronic communications is the  
23 use of electronic communication for any of the following  
24 purposes:

1           (1) Making any comment, request, suggestion or  
2 proposal which is obscene with an intent to offend;

3           (2) Interrupting, with the intent to harass, the  
4 telephone service or the electronic communication service  
5 of any person;

6           (3) Transmitting to any person, with the intent to  
7 harass and regardless of whether the communication is read  
8 in its entirety or at all, any file, document, or other  
9 communication which prevents that person from using his or  
10 her telephone service or electronic communications device;

11           (3.1) Transmitting an electronic communication or  
12 knowingly inducing a person to transmit an electronic  
13 communication for the purpose of harassing another person  
14 who is under 13 years of age, regardless of whether the  
15 person under 13 years of age consents to the harassment, if  
16 the defendant is at least 16 years of age at the time of  
17 the commission of the offense;

18           (4) Threatening injury to the person or to the property  
19 of the person to whom an electronic communication is  
20 directed or to any of his or her family or household  
21 members; or

22           (5) Knowingly permitting any electronic communications  
23 device to be used for any of the purposes mentioned in this  
24 subsection (a).

25           (b) As used in this Act:

26           (1) "Electronic communication" means any transfer of

1 signs, signals, writings, images, sounds, data or  
2 intelligence of any nature transmitted in whole or in part  
3 by a wire, radio, electromagnetic, photoelectric or  
4 photo-optical system. "Electronic communication" includes  
5 transmissions by a computer through the Internet to another  
6 computer.

7 (2) "Family or household member" includes spouses,  
8 former spouses, parents, children, stepchildren and other  
9 persons related by blood or by present or prior marriage,  
10 persons who share or formerly shared a common dwelling,  
11 persons who have or allegedly share a blood relationship  
12 through a child, persons who have or have had a dating or  
13 engagement relationship, and persons with disabilities and  
14 their personal assistants. For purposes of this Act,  
15 neither a casual acquaintanceship nor ordinary  
16 fraternization between 2 individuals in business or social  
17 contexts shall be deemed to constitute a dating  
18 relationship.

19 (c) Telecommunications carriers, commercial mobile service  
20 providers, and providers of information services, including,  
21 but not limited to, Internet service providers and hosting  
22 service providers, are not liable under this Section, except  
23 for willful and wanton misconduct, by virtue of the  
24 transmission, storage, or caching of electronic communications  
25 or messages of others or by virtue of the provision of other  
26 related telecommunications, commercial mobile services, or

1 information services used by others in violation of this  
2 Section.

3 (Source: P.A. 90-578, eff. 6-1-98; 91-878, eff. 1-1-01.)