



Rep. Darlene J. Senger

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09700HB4642ham004

LRB097 13960 RLC 68071 a

1 AMENDMENT TO HOUSE BILL 4642

2 AMENDMENT NO. _____. Amend House Bill 4642 on page 8, line
3 13, by replacing "Section 1-2" with "Sections 1-2 and 2"; and

4 on page 9, line 18, by inserting after "person" the following:
5 "within one week by transmitting any comment, request,
6 suggestion, or proposal which is obscene with an intent to
7 offend"; and

8 on page 11, by inserting immediately below line 3 the
9 following:

10 "(720 ILCS 135/2) (from Ch. 134, par. 16.5)

11 Sec. 2. Sentence.

12 (a) Except as provided in subsection (b), a person who
13 violates any of the provisions of Section 1, 1-1, or 1-2, other
14 than paragraph (4.1) of subsection (a) of Section 1-2, of this
15 Act is guilty of a Class B misdemeanor. Except as provided in

1 subsection (b), a violation of paragraph (4.1) of subsection
2 (a) of Section 1-2 is a Class A misdemeanor. Except as provided
3 in subsection (b), a second or subsequent violation of Section
4 1, 1-1, or 1-2 of this Act is a Class A misdemeanor, for which
5 the court shall impose a minimum of 14 days in jail or, if
6 public or community service is established in the county in
7 which the offender was convicted, 240 hours of public or
8 community service.

9 (b) In any of the following circumstances, a person who
10 violates Section 1, 1-1, or 1-2 of this Act shall be guilty of
11 a Class 4 felony:

12 (1) The person has 3 or more prior violations in the
13 last 10 years of harassment by telephone under Section 1-1
14 of this Act, harassment through electronic communications
15 under Section 1-2 of this Act, or any similar offense of
16 any state;

17 (2) The person has previously violated the harassment
18 by telephone provisions of Section 1-1 of this Act or the
19 harassment through electronic communications provisions of
20 Section 1-2 of this Act or committed any similar offense in
21 any state with the same victim or a member of the victim's
22 family or household;

23 (3) At the time of the offense, the offender was under
24 conditions of bail, probation, mandatory supervised
25 release or was the subject of an order of protection, in
26 this or any other state, prohibiting contact with the

1 victim or any member of the victim's family or household;

2 (4) In the course of the offense, the offender
3 threatened to kill the victim or any member of the victim's
4 family or household;

5 (5) The person has been convicted in the last 10 years
6 of a forcible felony as defined in Section 2-8 of the
7 Criminal Code of 1961;

8 (6) The person violates paragraph (4.1) of Section 1-1
9 or paragraph (3.1) of subsection (a) of Section 1-2; or

10 (7) The person was at least 18 years of age at the time
11 of the commission of the offense and the victim was under
12 18 years of age at the time of the commission of the
13 offense.

14 (Source: P.A. 95-984, eff. 6-1-09.)".