



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

HB2873

Introduced 2/6/2025, by Rep. Jennifer Gong-Gershowitz

SYNOPSIS AS INTRODUCED:

740 ILCS 21/10

Amends the Stalking No Contact Order Act. Adds to the definition of "stalking" to include harassment that is conduct that is not necessary to accomplish a purpose that is reasonable under the circumstances, would cause a reasonable person emotional distress, and causes emotional distress to the petitioner. Creates a rebuttable presumption that the following conduct is presumed to cause emotional distress: (i) creating a disturbance at the petitioner's place of employment or school; (ii) repeatedly telephoning the petitioner's place of employment, home, or residence; (iii) repeatedly following the petitioner about in a public place or places; (iv) repeatedly keeping the petitioner under surveillance by remaining present outside his or her home, school, place of employment, vehicle, or other place occupied by the petitioner or by peering in the petitioner's windows; (v) threatening the safety of the petitioner's minor child or family member; or (vi) threatening physical force, confinement, or restraint on one or more occasions. Effective immediately.

LRB104 08507 JRC 18559 b

1 AN ACT concerning civil law.

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

4 Section 5. The Stalking No Contact Order Act is amended by
5 changing Section 10 as follows:

6 (740 ILCS 21/10)

7 Sec. 10. Definitions. For the purposes of this Act:

8 "Course of conduct" means 2 or more acts, including but
9 not limited to acts in which a respondent directly,
10 indirectly, or through third parties, by any action, method,
11 device, or means follows, monitors, observes, surveils, or
12 threatens a person, workplace, school, or place of worship,
13 engages in other contact, or interferes with or damages a
14 person's property or pet. A course of conduct may include
15 using any electronic tracking system or acquiring tracking
16 information to determine the targeted person's location,
17 movement, or travel patterns. A course of conduct may also
18 include contact via electronic communications. The
19 incarceration of a person in a penal institution who commits
20 the course of conduct is not a bar to prosecution under this
21 Section.

22 "Emotional distress" means significant mental suffering,
23 anxiety or alarm. Unless the presumption is rebutted by a

1 preponderance of the evidence, the following conduct is
2 presumed to cause emotional distress:

3 (1) creating a disturbance at the petitioner's place
4 of employment or school;

5 (2) repeatedly telephoning the petitioner's place of
6 employment, home, or residence;

7 (3) repeatedly following the petitioner about in a
8 public place or places;

9 (4) repeatedly keeping the petitioner under
10 surveillance by remaining present outside his or her home,
11 school, place of employment, vehicle, or other place
12 occupied by the petitioner or by peering in the
13 petitioner's windows;

14 (5) threatening the safety of the petitioner's minor
15 child or family member; or

16 (6) threatening physical force, confinement, or
17 restraint on one or more occasions.

18 "Contact" includes any contact with the victim, that is
19 initiated or continued without the victim's consent, or that
20 is in disregard of the victim's expressed desire that the
21 contact be avoided or discontinued, including but not limited
22 to being in the physical presence of the victim; appearing
23 within the sight of the victim; approaching or confronting the
24 victim in a public place or on private property; appearing at
25 the workplace or residence of the victim; entering onto or
26 remaining on property owned, leased, or occupied by the

1 victim; placing an object on, or delivering an object to,
2 property owned, leased, or occupied by the victim; electronic
3 communication as defined in Section 26.5-0.1 of the Criminal
4 Code of 2012; and appearing at the prohibited workplace,
5 school, or place of worship.

6 "Petitioner" means any named petitioner for the stalking
7 no contact order or any named victim of stalking on whose
8 behalf the petition is brought. "Petitioner" includes an
9 authorized agent of a place of employment, an authorized agent
10 of a place of worship, or an authorized agent of a school.

11 "Reasonable person" means a person in the petitioner's
12 circumstances with the petitioner's knowledge of the
13 respondent and the respondent's prior acts.

14 "Stalking" means engaging in a course of conduct directed
15 at a specific person, and he or she knows or should know that
16 this course of conduct would cause a reasonable person to fear
17 for his or her safety, the safety of a workplace, school, or
18 place of worship, or the safety of a third person or suffer
19 emotional distress. "Stalking" also includes harassment that
20 is conduct that is not necessary to accomplish a purpose that
21 is reasonable under the circumstances, would cause a
22 reasonable person emotional distress, and causes emotional
23 distress to the petitioner. "Stalking" does not include an
24 exercise of the right to free speech or assembly that is
25 otherwise lawful or picketing occurring at the workplace that
26 is otherwise lawful and arises out of a bona fide labor

1 dispute, including any controversy concerning wages, salaries,
2 hours, working conditions or benefits, including health and
3 welfare, sick leave, insurance, and pension or retirement
4 provisions, the making or maintaining of collective bargaining
5 agreements, and the terms to be included in those agreements.

6 "Stalking no contact order" means an emergency order or
7 plenary order granted under this Act, which includes a remedy
8 authorized by Section 80 of this Act.

9 (Source: P.A. 102-220, eff. 1-1-22; 103-760, eff. 1-1-25.)

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