

SB0282



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

SB0282

Introduced 1/24/2025, by Sen. Sue Rezin

SYNOPSIS AS INTRODUCED:

720 ILCS 5/12-7.3

from Ch. 38, par. 12-7.3

Amends the Criminal Code of 2012. Provides that a person commits stalking when he or she uses any electronic tracking system or acquires tracking information to determine the targeted person's location, movement, or travel patterns without the targeted person's consent and the person knows or should know that the use of the electronic tracking system or the acquisition of tracking information would cause a reasonable person to fear for his or her safety or the safety of a third person. Defines "electronic tracking system".

LRB104 03949 RLC 13973 b

A BILL FOR

1 AN ACT concerning criminal law.

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 2012 is amended by
5 changing Section 12-7.3 as follows:

6 (720 ILCS 5/12-7.3) (from Ch. 38, par. 12-7.3)

7 Sec. 12-7.3. Stalking.

8 (a) A person commits stalking when he or she knowingly
9 engages in a course of conduct directed at a specific person,
10 and he or she knows or should know that this course of conduct
11 would cause a reasonable person to:

12 (1) fear for his or her safety or the safety of a third
13 person; or

14 (2) suffer other emotional distress.

15 (a-3) A person commits stalking when he or she, knowingly
16 and without lawful justification, on at least 2 separate
17 occasions follows another person or places the person under
18 surveillance or any combination thereof and:

19 (1) at any time transmits a threat of immediate or
20 future bodily harm, sexual assault, confinement or
21 restraint and the threat is directed towards that person
22 or a family member of that person; or

23 (2) places that person in reasonable apprehension of

1 immediate or future bodily harm, sexual assault,
2 confinement or restraint to or of that person or a family
3 member of that person.

4 (a-5) A person commits stalking when he or she has
5 previously been convicted of stalking another person and
6 knowingly and without lawful justification on one occasion:

7 (1) follows that same person or places that same
8 person under surveillance; and

9 (2) transmits a threat of immediate or future bodily
10 harm, sexual assault, confinement or restraint to that
11 person or a family member of that person.

12 (a-7) A person commits stalking when he or she knowingly
13 makes threats that are a part of a course of conduct and is
14 aware of the threatening nature of his or her speech.

15 (a-10) A person commits stalking when he or she uses any
16 electronic tracking system or acquires tracking information to
17 determine the targeted person's location, movement, or travel
18 patterns without the targeted person's consent and the person
19 knows or should know that the use of the electronic tracking
20 system or the acquisition of tracking information would cause
21 a reasonable person to fear for his or her safety or the safety
22 of a third person.

23 (b) Sentence. Stalking is a Class 4 felony; a second or
24 subsequent conviction is a Class 3 felony.

25 (c) Definitions. For purposes of this Section:

26 (1) "Course of conduct" means 2 or more acts,

1 including but not limited to acts in which a defendant
2 directly, indirectly, or through third parties, by any
3 action, method, device, or means follows, monitors,
4 observes, surveils, threatens, or communicates to or
5 about, a person, engages in other non-consensual contact,
6 or interferes with or damages a person's property or pet.
7 A course of conduct may include contact via electronic
8 communications.

9 (2) "Electronic communication" means any transfer of
10 signs, signals, writings, sounds, data, or intelligence of
11 any nature transmitted in whole or in part by a wire,
12 radio, electromagnetic, photoelectric, or photo-optical
13 system. "Electronic communication" includes transmissions
14 by a computer through the Internet to another computer.

15 (2.1) "Electronic tracking system" means a device
16 capable of emitting an electronic frequency or other
17 signal that may be used by a person to identify, monitor,
18 or record the location of another person or object.

19 (3) "Emotional distress" means significant mental
20 suffering, anxiety or alarm.

21 (4) "Family member" means a parent, grandparent,
22 brother, sister, or child, whether by whole blood,
23 half-blood, or adoption and includes a step-grandparent,
24 step-parent, step-brother, step-sister or step-child.
25 "Family member" also means any other person who regularly
26 resides in the household, or who, within the prior 6

1 months, regularly resided in the household.

2 (5) "Follows another person" means (i) to move in
3 relative proximity to a person as that person moves from
4 place to place or (ii) to remain in relative proximity to a
5 person who is stationary or whose movements are confined
6 to a small area. "Follows another person" does not include
7 a following within the residence of the defendant.

8 (6) "Non-consensual contact" means any contact with
9 the victim that is initiated or continued without the
10 victim's consent, including but not limited to being in
11 the physical presence of the victim; appearing within the
12 sight of the victim; approaching or confronting the victim
13 in a public place or on private property; appearing at the
14 workplace or residence of the victim; entering onto or
15 remaining on property owned, leased, or occupied by the
16 victim; or placing an object on, or delivering an object
17 to, property owned, leased, or occupied by the victim.

18 (7) "Places a person under surveillance" means: (1)
19 remaining present outside the person's school, place of
20 employment, vehicle, other place occupied by the person,
21 or residence other than the residence of the defendant; or
22 (2) placing an electronic tracking device on the person or
23 the person's property.

24 (8) "Reasonable person" means a person in the victim's
25 situation.

26 (9) "Transmits a threat" means a verbal or written

1 threat or a threat implied by a pattern of conduct or a
2 combination of verbal or written statements or conduct.

3 (d) Exemptions.

4 (1) This Section does not apply to any individual or
5 organization (i) monitoring or attentive to compliance
6 with public or worker safety laws, wage and hour
7 requirements, or other statutory requirements, or (ii)
8 picketing occurring at the workplace that is otherwise
9 lawful and arises out of a bona fide labor dispute,
10 including any controversy concerning wages, salaries,
11 hours, working conditions or benefits, including health
12 and welfare, sick leave, insurance, and pension or
13 retirement provisions, the making or maintaining of
14 collective bargaining agreements, and the terms to be
15 included in those agreements.

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

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

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

3 (d-5) The incarceration of a person in a penal institution
4 who commits the course of conduct or transmits a threat is not
5 a bar to prosecution under this Section.

6 (d-10) A defendant who directed the actions of a third
7 party to violate this Section, under the principles of
8 accountability set forth in Article 5 of this Code, is guilty
9 of violating this Section as if the same had been personally
10 done by the defendant, without regard to the mental state of
11 the third party acting at the direction of the defendant.

12 (Source: P.A. 102-547, eff. 1-1-22.)