

SB2741



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

SB2741

Introduced 1/13/2026, by Sen. Linda Holmes

SYNOPSIS AS INTRODUCED:

720 ILCS 5/12-7.1 from Ch. 38, par. 12-7.1
720 ILCS 5/26.5-2
720 ILCS 5/26.5-5
720 ILCS 5/26.5-3 rep.

Amends the Criminal Code of 2012. Combines harassment by telephone and harassment through electronic communications into one statute. Provides that a person also commits the offense by knowingly making any comment, request, suggestion, or proposal with the intent to harass another and that comment, request, suggestion, or proposal is not necessary to accomplish a purpose that is reasonable under the circumstances, that would cause a reasonable person emotional distress and does cause emotional distress to another.

LRB104 16302 RLC 29688 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 Sections 12-7.1, 26.5-2 and 26.5-5 as follows:

6 (720 ILCS 5/12-7.1) (from Ch. 38, par. 12-7.1)

7 Sec. 12-7.1. Hate crime.

8 (a) A person commits hate crime when, by reason of the
9 actual or perceived race, color, creed, religion, ancestry,
10 gender, sexual orientation, physical or mental disability,
11 citizenship, immigration status, or national origin of another
12 individual or group of individuals, regardless of the
13 existence of any other motivating factor or factors, he or she
14 commits assault, battery, aggravated assault, intimidation,
15 stalking, cyberstalking, misdemeanor theft, criminal trespass
16 to residence, misdemeanor criminal damage to property,
17 criminal trespass to vehicle, criminal trespass to real
18 property, mob action, disorderly conduct, transmission of
19 obscene messages, harassment by telephone, or harassment
20 through electronic communications as these crimes are defined
21 in Sections 12-1, 12-2, 12-3(a), 12-7.3, 12-7.5, 16-1, 19-4,
22 21-1, 21-2, 21-3, 25-1, 26-1, 26.5-1, 26.5-2, and paragraphs
23 (a) (1), (a) (2), and (a) (3) of Section 12-6, ~~and paragraphs~~

1 ~~(a) (2) and (a) (5) of Section 26.5-3~~ of this Code,
2 respectively.

3 (b) Except as provided in subsection (b-5), hate crime is
4 a Class 4 felony for a first offense and a Class 2 felony for a
5 second or subsequent offense.

6 (b-5) Hate crime is a Class 3 felony for a first offense
7 and a Class 2 felony for a second or subsequent offense if
8 committed:

9 (1) in, or upon the exterior or grounds of, a church,
10 synagogue, mosque, or other building, structure, or place
11 identified or associated with a particular religion or
12 used for religious worship or other religious purpose;

13 (2) in a cemetery, mortuary, or other facility used
14 for the purpose of burial or memorializing the dead;

15 (3) in a school or other educational facility,
16 including an administrative facility or public or private
17 dormitory facility of or associated with the school or
18 other educational facility;

19 (4) in a public park or an ethnic or religious
20 community center;

21 (5) on the real property comprising any location
22 specified in clauses (1) through (4) of this subsection
23 (b-5); or

24 (6) on a public way within 1,000 feet of the real
25 property comprising any location specified in clauses (1)
26 through (4) of this subsection (b-5).

1 (b-10) Upon imposition of any sentence, the trial court
2 shall also either order restitution paid to the victim or
3 impose a fine in an amount to be determined by the court based
4 on the severity of the crime and the injury or damages suffered
5 by the victim. In addition, any order of probation or
6 conditional discharge entered following a conviction or an
7 adjudication of delinquency shall include a condition that the
8 offender perform public or community service of no less than
9 200 hours if that service is established in the county where
10 the offender was convicted of hate crime. In addition, any
11 order of probation or conditional discharge entered following
12 a conviction or an adjudication of delinquency shall include a
13 condition that the offender enroll in an educational program
14 discouraging hate crimes involving the protected class
15 identified in subsection (a) that gave rise to the offense the
16 offender committed. The educational program must be attended
17 by the offender in-person and may be administered, as
18 determined by the court, by a university, college, community
19 college, non-profit organization, the Illinois Holocaust and
20 Genocide Commission, or any other organization that provides
21 educational programs discouraging hate crimes, except that
22 programs administered online or that can otherwise be attended
23 remotely are prohibited. The court may also impose any other
24 condition of probation or conditional discharge under this
25 Section. If the court sentences the offender to imprisonment
26 or periodic imprisonment for a violation of this Section, as a

1 condition of the offender's mandatory supervised release, the
2 court shall require that the offender perform public or
3 community service of no less than 200 hours and enroll in an
4 educational program discouraging hate crimes involving the
5 protected class identified in subsection (a) that gave rise to
6 the offense the offender committed.

7 (c) Independent of any criminal prosecution or the result
8 of a criminal prosecution, any person suffering injury to his
9 or her person, damage to his or her property, intimidation as
10 defined in paragraphs (a)(1), (a)(2), and (a)(3) of Section
11 12-6 of this Code, stalking as defined in Section 12-7.3 of
12 this Code, cyberstalking as defined in Section 12-7.5 of this
13 Code, disorderly conduct as defined in paragraph (a)(1),
14 (a)(4), (a)(5), or (a)(6) of Section 26-1 of this Code,
15 transmission of obscene messages as defined in Section 26.5-1
16 of this Code, harassment by telephone or electronic
17 communication, or both, as defined in Section 26.5-2 of this
18 Code, ~~or harassment through electronic communications as~~
19 ~~defined in paragraphs (a)(2) and (a)(5) of Section 26.5-3 of~~
20 ~~this Code~~ as a result of a hate crime may bring a civil action
21 for damages, injunction or other appropriate relief. The court
22 may award actual damages, including damages for emotional
23 distress, as well as punitive damages. The court may impose a
24 civil penalty up to \$25,000 for each violation of this
25 subsection (c). A judgment in favor of a person who brings a
26 civil action under this subsection (c) shall include

1 attorney's fees and costs. After consulting with the local
2 State's Attorney, the Attorney General may bring a civil
3 action in the name of the People of the State for an injunction
4 or other equitable relief under this subsection (c). In
5 addition, the Attorney General may request and the court may
6 impose a civil penalty up to \$25,000 for each violation under
7 this subsection (c). The parents or legal guardians, other
8 than guardians appointed pursuant to the Juvenile Court Act or
9 the Juvenile Court Act of 1987, of an unemancipated minor
10 shall be liable for the amount of any judgment for all damages
11 rendered against such minor under this subsection (c) in any
12 amount not exceeding the amount provided under Section 5 of
13 the Parental Responsibility Law.

14 (d) "Sexual orientation" has the meaning ascribed to it in
15 paragraph (O-1) of Section 1-103 of the Illinois Human Rights
16 Act.

17 (Source: P.A. 102-235, eff. 1-1-22; 102-468, eff. 1-1-22;
18 102-813, eff. 5-13-22.)

19 (720 ILCS 5/26.5-2)

20 Sec. 26.5-2. Harassment by telephone or electronic
21 communication, or both.

22 (a) A person commits harassment by telephone or electronic
23 communication, or both, when he or she uses telephone
24 communication or electronic communication, or both, for any of
25 the following purposes:

1 (1) Making any comment, request, suggestion or
2 proposal which is obscene, lewd, lascivious, filthy or
3 indecent with an intent to offend or knowingly making any
4 comment, request, suggestion, or proposal with the intent
5 to harass another and that comment, request, suggestion,
6 or proposal is not necessary to accomplish a purpose that
7 is reasonable under the circumstances, that would cause a
8 reasonable person emotional distress and does cause
9 emotional distress to another;

10 (2) Making a telephone call or transmitting an
11 electronic communication, or both, whether or not
12 conversation or electronic communication ensues, with
13 intent to abuse, threaten injury to, or the property of,
14 any person to whom an electronic communication is directed
15 or to any of his or her family or household members or
16 harass any person at the called number or at the person's
17 email or text message address;

18 (3) Making or causing the telephone or electronic
19 communication, or both, of another repeatedly to ring or
20 the electronic communication to be repeatedly made, with
21 intent to harass any person at the called number or at the
22 person's email or text message address;

23 (4) Making repeated telephone calls or electronic
24 communications, or both, during which conversation or text
25 or email messages ensue ~~ensues~~, solely to harass any
26 person at the called number or at the intended electronic

1 address;

2 (5) Making a telephone call or electronic
3 communication, or both, or knowingly inducing a person to
4 make a telephone call or electronic communication, or
5 both, for the purpose of harassing another person who is
6 under 13 years of age, regardless of whether the person
7 under 13 years of age consents to the harassment, if the
8 defendant is at least 16 years of age at the time of the
9 commission of the offense; or

10 (6) Knowingly permitting any telephone or electronic
11 communication, or both, under one's control to be used for
12 any of the purposes mentioned herein.

13 (b) Every telephone directory published for distribution
14 to members of the general public shall contain a notice
15 setting forth a summary of the provisions of this Section. The
16 notice shall be printed in type which is no smaller than any
17 other type on the same page and shall be preceded by the word
18 "WARNING". All telephone companies in this State shall
19 cooperate with law enforcement agencies in using their
20 facilities and personnel to detect and prevent violations of
21 this Article.

22 (c) Telecommunications carriers, commercial mobile service
23 providers, and providers of information services, including,
24 but not limited to, Internet service providers and hosting
25 service providers, are not liable under this Section, except
26 for willful and wanton misconduct, by virtue of the

1 transmission, storage, or caching of electronic communications
2 or messages of others or by virtue of the provision of other
3 related telecommunications, commercial mobile services, or
4 information services used by others in violation of this
5 Section.

6 (Source: P.A. 97-1108, eff. 1-1-13.)

7 (720 ILCS 5/26.5-5)

8 Sec. 26.5-5. Sentence.

9 (a) Except as provided in subsection (b), a person who
10 violates any of the provisions of Section 26.5-1 or ~~26.5-2~~
11 ~~or 26.5-3~~ of this Article is guilty of a Class B misdemeanor.
12 Except as provided in subsection (b), a second or subsequent
13 violation of Section 26.5-1 or ~~26.5-2~~, ~~or 26.5-3~~ of this
14 Article is a Class A misdemeanor, for which the court shall
15 impose a minimum of 14 days in jail or, if public or community
16 service is established in the county in which the offender was
17 convicted, 240 hours of public or community service.

18 (b) In any of the following circumstances, a person who
19 violates Section 26.5-1 or ~~26.5-2~~, ~~or 26.5-3~~ of this Article
20 shall be guilty of a Class 4 felony:

21 (1) The person has 3 or more prior violations in the
22 last 10 years of harassment by telephone, harassment
23 through electronic communications, or any similar offense
24 of any other state;

25 (2) The person has previously violated the harassment

1 by telephone provisions, or the harassment through
2 electronic communications provisions, or committed any
3 similar offense in any other state with the same victim or
4 a member of the victim's family or household;

5 (3) At the time of the offense, the offender was under
6 conditions of pretrial release, probation, conditional
7 discharge, mandatory supervised release or was the subject
8 of an order of protection, in this or any other state,
9 prohibiting contact with the victim or any member of the
10 victim's family or household;

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

14 (5) The person has been convicted in the last 10 years
15 of a forcible felony as defined in Section 2-8 of the
16 Criminal Code of 1961 or the Criminal Code of 2012;

17 (6) The person violates paragraph (5) of Section
18 26.5-2 ~~or paragraph (4) of Section 26.5-3~~; or

19 (7) The person was at least 18 years of age at the time
20 of the commission of the offense and the victim was under
21 18 years of age at the time of the commission of the
22 offense.

23 (c) The court may order any person convicted under this
24 Article to submit to a psychiatric examination.

25 (Source: P.A. 101-652, eff. 1-1-23.)

1 (720 ILCS 5/26.5-3 rep.)

2 Section 10. The Criminal Code of 2012 is amended by

3 repealing Section 26.5-3.