

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 Sections 5, 10, 15, and 80 as follows:

6 (740 ILCS 21/5)

7 Sec. 5. Purpose. Stalking generally refers to a course of
8 conduct, not a single act. Stalking behavior includes following
9 a person, conducting surveillance of the person, appearing at
10 the person's home, work or school, making unwanted phone calls,
11 sending unwanted emails, unwanted messages via social media, or
12 text messages, leaving objects for the person, vandalizing the
13 person's property, or injuring a pet. Stalking is a serious
14 crime. Victims experience fear for their safety, fear for the
15 safety of others and suffer emotional distress. Many victims
16 alter their daily routines to avoid the persons who are
17 stalking them. Some victims are in such fear that they relocate
18 to another city, town or state. While estimates suggest that
19 70% of victims know the individuals stalking them, only 30% of
20 victims have dated or been in intimate relationships with their
21 stalkers. All stalking victims should be able to seek a civil
22 remedy requiring the offenders stay away from the victims and
23 third parties.

1 (Source: P.A. 96-246, eff. 1-1-10.)

2 (740 ILCS 21/10)

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

4 "Course of conduct" means 2 or more acts, including but not
5 limited to acts in which a respondent directly, indirectly, or
6 through third parties, by any action, method, device, or means
7 follows, monitors, observes, surveils, or threatens, ~~or~~
8 ~~communicates to or about~~, a person, workplace, school, or place
9 of worship, engages in other contact, or interferes with or
10 damages a person's property or pet. A course of conduct may
11 include contact via electronic communications. The
12 incarceration of a person in a penal institution who commits
13 the course of conduct is not a bar to prosecution under this
14 Section.

15 "Emotional distress" means significant mental suffering,
16 anxiety or alarm.

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

1 an object on, or delivering an object to, property owned,
2 leased, or occupied by the victim; and appearing at the
3 prohibited workplace, school, or place of worship.

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

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

12 "Stalking" means engaging in a course of conduct directed
13 at a specific person, and he or she knows or should know that
14 this course of conduct would cause a reasonable person to fear
15 for his or her safety, the safety of a workplace, school, or
16 place of worship, or the safety of a third person or suffer
17 emotional distress. Stalking does not include an exercise of
18 the right to free speech or assembly that is otherwise lawful
19 or picketing occurring at the workplace that is otherwise
20 lawful and arises out of a bona fide labor dispute, including
21 any controversy concerning wages, salaries, hours, working
22 conditions or benefits, including health and welfare, sick
23 leave, insurance, and pension or retirement provisions, the
24 making or maintaining of collective bargaining agreements, and
25 the terms to be included in those agreements.

26 "Stalking No Contact Order" means an emergency order or

1 plenary order granted under this Act, which includes a remedy
2 authorized by Section 80 of this Act.

3 (Source: P.A. 96-246, eff. 1-1-10.)

4 (740 ILCS 21/15)

5 Sec. 15. Persons protected by this Act. A petition for a
6 stalking no contact order may be filed when relief is not
7 available to the petitioner under the Illinois Domestic
8 Violence Act of 1986:

9 (1) by any person who is a victim of stalking; ~~or~~

10 (2) by a person on behalf of a minor child or an adult
11 who is a victim of stalking but, because of age,
12 disability, health, or inaccessibility, cannot file the
13 petition; ~~or~~

14 (3) by an authorized agent of a workplace;

15 (4) by an authorized agent of a place of worship; or

16 (5) by an authorized agent of a school.

17 (Source: P.A. 96-246, eff. 1-1-10.)

18 (740 ILCS 21/80)

19 Sec. 80. Stalking no contact orders; remedies.

20 (a) If the court finds that the petitioner has been a
21 victim of stalking, a stalking no contact order shall issue;
22 provided that the petitioner must also satisfy the requirements
23 of Section 95 on emergency orders or Section 100 on plenary
24 orders. The petitioner shall not be denied a stalking no

1 contact order because the petitioner or the respondent is a
2 minor. The court, when determining whether or not to issue a
3 stalking no contact order, may not require physical injury on
4 the person of the petitioner. Modification and extension of
5 prior stalking no contact orders shall be in accordance with
6 this Act.

7 (b) A stalking no contact order shall order one or more of
8 the following:

9 (1) prohibit the respondent from threatening to commit
10 or committing stalking;

11 (2) order the respondent not to have any contact with
12 the petitioner or a third person specifically named by the
13 court;

14 (3) prohibit the respondent from knowingly coming
15 within, or knowingly remaining within a specified distance
16 of the petitioner or the petitioner's residence, school,
17 daycare, or place of employment, or any specified place
18 frequented by the petitioner; however, the court may order
19 the respondent to stay away from the respondent's own
20 residence, school, or place of employment only if the
21 respondent has been provided actual notice of the
22 opportunity to appear and be heard on the petition;

23 (4) prohibit the respondent from possessing a Firearm
24 Owners Identification Card, or possessing or buying
25 firearms; ~~and~~

26 (5) order the respondent to submit to a mental health

1 evaluation;

2 (6) order a respondent to wear an electronic monitoring
3 device; and

4 (7) ~~(5)~~ order other injunctive relief the court
5 determines to be necessary to protect the petitioner or
6 third party specifically named by the court.

7 (b-5) When the petitioner and the respondent attend the
8 same public, private, or non-public elementary, middle, or high
9 school, the court when issuing a stalking no contact order and
10 providing relief shall consider the severity of the act, any
11 continuing physical danger or emotional distress to the
12 petitioner, the educational rights guaranteed to the
13 petitioner and respondent under federal and State law, the
14 availability of a transfer of the respondent to another school,
15 a change of placement or a change of program of the respondent,
16 the expense, difficulty, and educational disruption that would
17 be caused by a transfer of the respondent to another school,
18 and any other relevant facts of the case. The court may order
19 that the respondent not attend the public, private, or
20 non-public elementary, middle, or high school attended by the
21 petitioner, order that the respondent accept a change of
22 placement or program, as determined by the school district or
23 private or non-public school, or place restrictions on the
24 respondent's movements within the school attended by the
25 petitioner. The respondent bears the burden of proving by a
26 preponderance of the evidence that a transfer, change of

1 placement, or change of program of the respondent is not
2 available. The respondent also bears the burden of production
3 with respect to the expense, difficulty, and educational
4 disruption that would be caused by a transfer of the respondent
5 to another school. A transfer, change of placement, or change
6 of program is not unavailable to the respondent solely on the
7 ground that the respondent does not agree with the school
8 district's or private or non-public school's transfer, change
9 of placement, or change of program or solely on the ground that
10 the respondent fails or refuses to consent to or otherwise does
11 not take an action required to effectuate a transfer, change of
12 placement, or change of program. When a court orders a
13 respondent to stay away from the public, private, or non-public
14 school attended by the petitioner and the respondent requests a
15 transfer to another attendance center within the respondent's
16 school district or private or non-public school, the school
17 district or private or non-public school shall have sole
18 discretion to determine the attendance center to which the
19 respondent is transferred. In the event the court order results
20 in a transfer of the minor respondent to another attendance
21 center, a change in the respondent's placement, or a change of
22 the respondent's program, the parents, guardian, or legal
23 custodian of the respondent is responsible for transportation
24 and other costs associated with the transfer or change.

25 (b-6) The court may order the parents, guardian, or legal
26 custodian of a minor respondent to take certain actions or to

1 refrain from taking certain actions to ensure that the
2 respondent complies with the order. In the event the court
3 orders a transfer of the respondent to another school, the
4 parents, guardian, or legal custodian of the respondent are
5 responsible for transportation and other costs associated with
6 the change of school by the respondent.

7 (b-7) The court shall not hold a school district or private
8 or non-public school or any of its employees in civil or
9 criminal contempt unless the school district or private or
10 non-public school has been allowed to intervene.

11 (b-8) The court may hold the parents, guardian, or legal
12 custodian of a minor respondent in civil or criminal contempt
13 for a violation of any provision of any order entered under
14 this Act for conduct of the minor respondent in violation of
15 this Act if the parents, guardian, or legal custodian directed,
16 encouraged, or assisted the respondent minor in such conduct.

17 (c) The court may award the petitioner costs and attorneys
18 fees if a stalking no contact order is granted.

19 (d) Monetary damages are not recoverable as a remedy.

20 (e) If the stalking no contact order prohibits the
21 respondent from possessing a Firearm Owner's Identification
22 Card, or possessing or buying firearms; the court shall
23 confiscate the respondent's Firearm Owner's Identification
24 Card and immediately return the card to the Department of State
25 Police Firearm Owner's Identification Card Office.

26 (Source: P.A. 96-246, eff. 1-1-10; 97-294, eff. 1-1-12;

1 97-1131, eff. 1-1-13.)