

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, and 15 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.)