



Sen. Kwame Raoul

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10000SB3411sam001

LRB100 19997 HEP 36561 a

1 AMENDMENT TO SENATE BILL 3411

2 AMENDMENT NO. _____. Amend Senate Bill 3411 by replacing
3 everything after the enacting clause with the following:

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

1 stalking them. Some victims are in such fear that they relocate
2 to another city, town or state. While estimates suggest that
3 70% of victims know the individuals stalking them, only 30% of
4 victims have dated or been in intimate relationships with their
5 stalkers. All stalking victims should be able to seek a civil
6 remedy requiring the offenders stay away from the victims and
7 third parties.

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

9 (740 ILCS 21/10)

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

11 "Course of conduct" means 2 or more acts, including but not
12 limited to acts in which a respondent directly, indirectly, or
13 through third parties, by any action, method, device, or means
14 follows, monitors, observes, surveils, or threatens, ~~or~~
15 ~~communicates to or about~~, a person, workplace, school, or place
16 of worship, engages in other contact, or interferes with or
17 damages a person's property or pet. A course of conduct may
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.

24 "Contact" includes any contact with the victim, that is
25 initiated or continued without the victim's consent, or that is

1 in disregard of the victim's expressed desire that the contact
2 be avoided or discontinued, including but not limited to being
3 in the physical presence of the victim; appearing within the
4 sight of the victim; approaching or confronting the victim in a
5 public place or on private property; appearing at the workplace
6 or residence of the victim; entering onto or remaining on
7 property owned, leased, or occupied by the victim; ~~or~~ placing
8 an object on, or delivering an object to, property owned,
9 leased, or occupied by the victim; and appearing at the
10 prohibited workplace, school, or place of worship.

11 "Petitioner" means any named petitioner for the stalking no
12 contact order or any named victim of stalking on whose behalf
13 the petition is brought. "Petitioner" includes an authorized
14 agent of a place of employment, an authorized agent of a place
15 of worship, or an authorized agent of a school.

16 "Reasonable person" means a person in the petitioner's
17 circumstances with the petitioner's knowledge of the
18 respondent and the respondent's prior acts.

19 "Stalking" means engaging in a course of conduct directed
20 at a specific person, and he or she knows or should know that
21 this course of conduct would cause a reasonable person to fear
22 for his or her safety, the safety of a workplace, school, or
23 place of worship, or the safety of a third person or suffer
24 emotional distress. Stalking does not include an exercise of
25 the right to free speech or assembly that is otherwise lawful
26 or picketing occurring at the workplace that is otherwise

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

7 "Stalking No Contact Order" means an emergency order or
8 plenary order granted under this Act, which includes a remedy
9 authorized by Section 80 of this Act.

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

11 (740 ILCS 21/15)

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

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

17 (2) by a person on behalf of a minor child or an adult
18 who is a victim of stalking but, because of age,
19 disability, health, or inaccessibility, cannot file the
20 petition; ~~or~~

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

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

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

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

1 (740 ILCS 21/80)

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

3 (a) If the court finds that the petitioner has been a
4 victim of stalking, a stalking no contact order shall issue;
5 provided that the petitioner must also satisfy the requirements
6 of Section 95 on emergency orders or Section 100 on plenary
7 orders. The petitioner shall not be denied a stalking no
8 contact order because the petitioner or the respondent is a
9 minor. The court, when determining whether or not to issue a
10 stalking no contact order, may not require physical injury on
11 the person of the petitioner. Modification and extension of
12 prior stalking no contact orders shall be in accordance with
13 this Act.

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

16 (1) prohibit the respondent from threatening to commit
17 or committing stalking;

18 (2) order the respondent not to have any contact with
19 the petitioner or a third person specifically named by the
20 court;

21 (3) prohibit the respondent from knowingly coming
22 within, or knowingly remaining within a specified distance
23 of the petitioner or the petitioner's residence, school,
24 daycare, or place of employment, or any specified place
25 frequented by the petitioner; however, the court may order
26 the respondent to stay away from the respondent's own

1 residence, school, or place of employment only if the
2 respondent has been provided actual notice of the
3 opportunity to appear and be heard on the petition;

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

7 (5) order the respondent to submit to a mental health
8 evaluation;

9 (6) order a respondent to wear an electronic monitoring
10 device; and

11 (7) ~~(5)~~ order other injunctive relief the court
12 determines to be necessary to protect the petitioner or
13 third party specifically named by the court.

14 (b-5) When the petitioner and the respondent attend the
15 same public, private, or non-public elementary, middle, or high
16 school, the court when issuing a stalking no contact order and
17 providing relief shall consider the severity of the act, any
18 continuing physical danger or emotional distress to the
19 petitioner, the educational rights guaranteed to the
20 petitioner and respondent under federal and State law, the
21 availability of a transfer of the respondent to another school,
22 a change of placement or a change of program of the respondent,
23 the expense, difficulty, and educational disruption that would
24 be caused by a transfer of the respondent to another school,
25 and any other relevant facts of the case. The court may order
26 that the respondent not attend the public, private, or

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

1 in a transfer of the minor respondent to another attendance
2 center, a change in the respondent's placement, or a change of
3 the respondent's program, the parents, guardian, or legal
4 custodian of the respondent is responsible for transportation
5 and other costs associated with the transfer or change.

6 (b-6) The court may order the parents, guardian, or legal
7 custodian of a minor respondent to take certain actions or to
8 refrain from taking certain actions to ensure that the
9 respondent complies with the order. In the event the court
10 orders a transfer of the respondent to another school, the
11 parents, guardian, or legal custodian of the respondent are
12 responsible for transportation and other costs associated with
13 the change of school by the respondent.

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

18 (b-8) The court may hold the parents, guardian, or legal
19 custodian of a minor respondent in civil or criminal contempt
20 for a violation of any provision of any order entered under
21 this Act for conduct of the minor respondent in violation of
22 this Act if the parents, guardian, or legal custodian directed,
23 encouraged, or assisted the respondent minor in such conduct.

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

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

1 (e) If the stalking no contact order prohibits the
2 respondent from possessing a Firearm Owner's Identification
3 Card, or possessing or buying firearms; the court shall
4 confiscate the respondent's Firearm Owner's Identification
5 Card and immediately return the card to the Department of State
6 Police Firearm Owner's Identification Card Office.

7 (Source: P.A. 96-246, eff. 1-1-10; 97-294, eff. 1-1-12;
8 97-1131, eff. 1-1-13.)".