



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 12-2, 26.5-2, 26.5-3, and 26.5-5 as follows:

6 (720 ILCS 5/12-2) (from Ch. 38, par. 12-2)

7 Sec. 12-2. Aggravated assault.

8 (a) Offense based on location of conduct. A person commits  
9 aggravated assault when he or she commits an assault against  
10 an individual who is on or about a public way, public property,  
11 a public place of accommodation or amusement, or a sports  
12 venue, or in a church, synagogue, mosque, or other building,  
13 structure, or place used for religious worship.

14 (b) Offense based on status of victim. A person commits  
15 aggravated assault when, in committing an assault, he or she  
16 knows the individual assaulted to be any of the following:

17 (1) A person with a physical disability or a person 60  
18 years of age or older and the assault is without legal  
19 justification.

20 (2) A teacher or school employee upon school grounds  
21 or grounds adjacent to a school or in any part of a  
22 building used for school purposes.

23 (3) A park district employee upon park grounds or

1 grounds adjacent to a park or in any part of a building  
2 used for park purposes.

3 (4) A community policing volunteer, private security  
4 officer, or utility worker:

5 (i) performing his or her official duties;

6 (ii) assaulted to prevent performance of his or  
7 her official duties; or

8 (iii) assaulted in retaliation for performing his  
9 or her official duties.

10 (4.1) A peace officer, fireman, emergency management  
11 worker, or emergency medical services personnel:

12 (i) performing his or her official duties;

13 (ii) assaulted to prevent performance of his or  
14 her official duties; or

15 (iii) assaulted in retaliation for performing his  
16 or her official duties.

17 (5) A correctional officer or probation officer:

18 (i) performing his or her official duties;

19 (ii) assaulted to prevent performance of his or  
20 her official duties; or

21 (iii) assaulted in retaliation for performing his  
22 or her official duties.

23 (6) A correctional institution employee, a county  
24 juvenile detention center employee who provides direct and  
25 continuous supervision of residents of a juvenile  
26 detention center, including a county juvenile detention

1 center employee who supervises recreational activity for  
2 residents of a juvenile detention center, or a Department  
3 of Human Services employee, Department of Human Services  
4 officer, or employee of a subcontractor of the Department  
5 of Human Services supervising or controlling sexually  
6 dangerous persons or sexually violent persons:

7 (i) performing his or her official duties;

8 (ii) assaulted to prevent performance of his or  
9 her official duties; or

10 (iii) assaulted in retaliation for performing his  
11 or her official duties.

12 (7) An employee of the State of Illinois, a municipal  
13 corporation therein, or a political subdivision thereof,  
14 performing his or her official duties.

15 (8) A transit employee performing his or her official  
16 duties, or a transit passenger.

17 (9) A sports official or coach actively participating  
18 in any level of athletic competition within a sports  
19 venue, on an indoor playing field or outdoor playing  
20 field, or within the immediate vicinity of such a facility  
21 or field.

22 (10) A person authorized to serve process under  
23 Section 2-202 of the Code of Civil Procedure or a special  
24 process server appointed by the circuit court, while that  
25 individual is in the performance of his or her duties as a  
26 process server.

1           (11) A person under 13 years of age if the person  
2           committing the assault was at least 18 years of age at the  
3           time of the commission of the offense and threatens to  
4           kill the person under 13 years of age.

5           (c) Offense based on use of firearm, device, or motor  
6           vehicle. A person commits aggravated assault when, in  
7           committing an assault, he or she does any of the following:

8           (1) Uses a deadly weapon, an air rifle as defined in  
9           Section 24.8-0.1 of this Act, or any device manufactured  
10           and designed to be substantially similar in appearance to  
11           a firearm, other than by discharging a firearm.

12           (2) Discharges a firearm, other than from a motor  
13           vehicle.

14           (3) Discharges a firearm from a motor vehicle.

15           (4) Wears a hood, robe, or mask to conceal his or her  
16           identity.

17           (5) Knowingly and without lawful justification shines  
18           or flashes a laser gun sight or other laser device  
19           attached to a firearm, or used in concert with a firearm,  
20           so that the laser beam strikes near or in the immediate  
21           vicinity of any person.

22           (6) Uses a firearm, other than by discharging the  
23           firearm, against a peace officer, community policing  
24           volunteer, fireman, private security officer, emergency  
25           management worker, emergency medical services personnel,  
26           employee of a police department, employee of a sheriff's

1 department, or traffic control municipal employee:

2 (i) performing his or her official duties;

3 (ii) assaulted to prevent performance of his or  
4 her official duties; or

5 (iii) assaulted in retaliation for performing his  
6 or her official duties.

7 (7) Without justification operates a motor vehicle in  
8 a manner which places a person, other than a person listed  
9 in subdivision (b) (4), in reasonable apprehension of being  
10 struck by the moving motor vehicle.

11 (8) Without justification operates a motor vehicle in  
12 a manner which places a person listed in subdivision  
13 (b) (4), in reasonable apprehension of being struck by the  
14 moving motor vehicle.

15 (9) Knowingly video or audio records the offense with  
16 the intent to disseminate the recording.

17 (d) Sentence. Aggravated assault as defined in subdivision  
18 (a), (b) (1), (b) (2), (b) (3), (b) (4), (b) (7), (b) (8), (b) (9),  
19 (c) (1), (c) (4), or (c) (9) is a Class A misdemeanor, except  
20 that aggravated assault as defined in subdivision (b) (4) and  
21 (b) (7) is a Class 4 felony if a Category I, Category II, or  
22 Category III weapon is used in the commission of the assault.  
23 Aggravated assault as defined in subdivision (b) (4.1), (b) (5),  
24 (b) (6), (b) (10), (c) (2), (c) (5), (c) (6), or (c) (7) is a Class  
25 4 felony. Aggravated assault as defined in subdivision  
26 (b) (11), (c) (3), or (c) (8) is a Class 3 felony.

1 (e) For the purposes of this Section, "Category I weapon",  
2 "Category II weapon", and "Category III weapon" have the  
3 meanings ascribed to those terms in Section 33A-1 of this  
4 Code.

5 (Source: P.A. 101-223, eff. 1-1-20; revised 9-24-19.)

6 (720 ILCS 5/26.5-2)

7 Sec. 26.5-2. Harassment by telephone.

8 (a) A person commits harassment by telephone when he or  
9 she uses telephone communication for any of the following  
10 purposes:

11 (1) Making any comment, request, suggestion or  
12 proposal which is obscene, lewd, lascivious, filthy or  
13 indecent with an intent to offend;

14 (2) Making a telephone call, whether or not  
15 conversation ensues, with intent to abuse, threaten or  
16 harass any person at the called number;

17 (3) Making or causing the telephone of another  
18 repeatedly to ring, with intent to harass any person at  
19 the called number;

20 (4) Making repeated telephone calls, during which  
21 conversation ensues, solely to harass any person at the  
22 called number;

23 (5) Making a telephone call or knowingly inducing a  
24 person to make a telephone call for the purpose of  
25 harassing another person who is under 13 years of age,

1           regardless of whether the person under 13 years of age  
2           consents to the harassment, if the defendant is at least  
3           16 years of age at the time of the commission of the  
4           offense; ~~or~~

5           (6) Knowingly permitting any telephone under one's  
6           control to be used for any of the purposes mentioned  
7           herein; or

8           (7) Knowingly making a telephone call or knowingly  
9           inducing a person to make a telephone call for the purpose  
10           of threatening to kill another person who is under 13  
11           years of age, regardless of whether the person under 13  
12           years of age consents to the threat, if the defendant is at  
13           least 18 years of age at the time of the commission of the  
14           offense.

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

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

25           (720 ILCS 5/26.5-3)



1           Sec. 26.5-3. Harassment through electronic communications.

2           (a) A person commits harassment through electronic  
3 communications when he or she uses electronic communication  
4 for any of the following purposes:

5           (1) Making any comment, request, suggestion or  
6 proposal which is obscene with an intent to offend;

7           (2) Interrupting, with the intent to harass, the  
8 telephone service or the electronic communication service  
9 of any person;

10          (3) Transmitting to any person, with the intent to  
11 harass and regardless of whether the communication is read  
12 in its entirety or at all, any file, document, or other  
13 communication which prevents that person from using his or  
14 her telephone service or electronic communications device;

15          (4) Transmitting an electronic communication or  
16 knowingly inducing a person to transmit an electronic  
17 communication for the purpose of harassing another person  
18 who is under 13 years of age, regardless of whether the  
19 person under 13 years of age consents to the harassment,  
20 if the defendant is at least 16 years of age at the time of  
21 the commission of the offense;

22          (5) Threatening injury to the person or to the  
23 property of the person to whom an electronic communication  
24 is directed or to any of his or her family or household  
25 members; ~~or~~

26          (6) Knowingly permitting any electronic communications

1 device to be used for any of the purposes mentioned in this  
2 subsection (a); ~~or~~.

3 (7) Knowingly transmitting an electronic communication  
4 or knowingly inducing a person to transmit an electronic  
5 communication for the purpose of threatening to kill  
6 another person who is under 13 years of age, regardless of  
7 whether the person under 13 years of age consents to the  
8 threat, if the defendant was at least 18 years of age at  
9 the time of the commission of the offense.

10 (b) Telecommunications carriers, commercial mobile service  
11 providers, and providers of information services, including,  
12 but not limited to, Internet service providers and hosting  
13 service providers, are not liable under this Section, except  
14 for willful and wanton misconduct, by virtue of the  
15 transmission, storage, or caching of electronic communications  
16 or messages of others or by virtue of the provision of other  
17 related telecommunications, commercial mobile services, or  
18 information services used by others in violation of this  
19 Section.

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

21 (720 ILCS 5/26.5-5)

22 Sec. 26.5-5. Sentence.

23 (a) Except as provided in subsection (b), a person who  
24 violates any of the provisions of Section 26.5-1, 26.5-2, or  
25 26.5-3 of this Article is guilty of a Class B misdemeanor.

1 Except as provided in subsection (b), a second or subsequent  
2 violation of Section 26.5-1, 26.5-2, or 26.5-3 of this Article  
3 is a Class A misdemeanor, for which the court shall impose a  
4 minimum of 14 days in jail or, if public or community service  
5 is established in the county in which the offender was  
6 convicted, 240 hours of public or community service.

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

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

14 (2) The person has previously violated the harassment  
15 by telephone provisions, or the harassment through  
16 electronic communications provisions, or committed any  
17 similar offense in any other state with the same victim or  
18 a member of the victim's family or household;

19 (3) At the time of the offense, the offender was under  
20 conditions of bail, probation, conditional discharge,  
21 mandatory supervised release or was the subject of an  
22 order of protection, in this or any other state,  
23 prohibiting contact with the victim or any member of the  
24 victim's family or household;

25 (4) In the course of the offense, the offender  
26 threatened to kill the victim or any member of the

1 victim's family or household;

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

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

7 (7) The person was at least 18 years of age at the time  
8 of the commission of the offense and the victim was under  
9 18 years of age at the time of the commission of the  
10 offense.

11 (b-5) A person who violates paragraph (7) of subsection  
12 (a) of Section 26.5-2 or paragraph (7) of subsection (a) of  
13 Section 26.5-3 is guilty of a Class 3 felony.

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

16 (Source: P.A. 97-1108, eff. 1-1-13; 97-1150, eff. 1-25-13.)