



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB3292

Introduced 2/19/2021, by Rep. Joyce Mason

SYNOPSIS AS INTRODUCED:

720 ILCS 5/1-8	from Ch. 38, par. 1-8
720 ILCS 5/12-39 new	
725 ILCS 5/112A-3	from Ch. 38, par. 112A-3
750 ILCS 60/103	from Ch. 40, par. 2311-3

Amends the Criminal Code of 2012. Provides that it is unlawful for a person to knowingly coercively control another person without the other person's consent. Defines "coercive control". Provides that a violation is a Class A misdemeanor and provides for enhancements for multiple violations of the Section and for convictions of previous crimes. Amends the Illinois Domestic Violence Act of 1986 and Code of Criminal Procedure of 1963. Adds a definition of "coercive control" and adds coercive control to the definition of "abuse".

LRB102 13896 KMF 19247 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

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 Section 1-8 and by adding Section 12-39 as follows:

6 (720 ILCS 5/1-8) (from Ch. 38, par. 1-8)

7 Sec. 1-8. Order of protection; status. Whenever relief
8 sought under this Code is based on allegations of domestic
9 violence, as defined in the Illinois Domestic Violence Act of
10 1986, or coercive control, as defined in Section 12-39, the
11 court, before granting relief, shall determine whether any
12 order of protection has previously been entered in the instant
13 proceeding or any other proceeding in which any party, or a
14 child of any party, or both, if relevant, has been designated
15 as either a respondent or a protected person.

16 (Source: P.A. 87-743.)

17 (720 ILCS 5/12-39 new)

18 Sec. 12-39. Coercive control.

19 (a) As used in this Section, "coercive control" means a
20 pattern of threatening, humiliating, or intimidating actions,
21 which may include assaults or other abuse, that is used to
22 harm, punish, or frighten an individual. "Coercive control"

1 includes a pattern of behavior that seeks to take away the
2 individual's liberty or freedom and strip away the
3 individual's sense of self, including bodily integrity and
4 human rights, and is designed to make an individual dependent
5 through isolation from support, exploitation, deprivation of
6 independence, and regulation of everyday behavior, including:

7 (1) Isolating the individual from friends and family.

8 (2) Controlling how much money is accessible to the
9 individual and how it is spent.

10 (3) Monitoring the individual's activities,
11 communications, and movements.

12 (4) Name-calling, degradation, and demeaning the
13 individual frequently.

14 (5) Threatening to harm or kill the individual or a
15 child or relative of the individual.

16 (6) Threatening to publish information or make reports
17 to the police or the authorities.

18 (7) Damaging property or household goods.

19 (8) Forcing the individual to take part in criminal
20 activity or child abuse.

21 "Coercive control" does not include reasonable direction
22 of a minor child by a parent or person in loco parentis.

23 (b) It is unlawful for a person to knowingly coercively
24 control another person without the other person's consent.

25 (c) A violation of subsection (b) is a Class A
26 misdemeanor. A violation of subsection (b) is a Class 4 felony

1 if the defendant has any prior conviction under this Code for
2 violation of an order of protection (Section 12-3.4) or any
3 prior conviction under the law of another jurisdiction for an
4 offense that is substantially similar. A violation of
5 subsection (b) is a Class 4 felony if the defendant has any
6 prior conviction under this Code for first degree murder
7 (Section 9-1), attempt to commit first degree murder (Section
8 8-4), aggravated domestic battery (Section 12-3.3), aggravated
9 battery (Section 12-3.05), heinous battery (subdivision (a)(2)
10 of Section 12-3.05), aggravated battery with a firearm
11 (subdivision (e)(1), (e)(2), (e)(3), or (e)(4) of Section
12 12-3.05), aggravated battery with a machine gun or a firearm
13 equipped with a silencer (subdivision (e)(5), (e)(6), (e)(7),
14 or (e)(8) of Section 12-3.05), aggravated battery of a child
15 (subdivision (b)(1) of Section 12-3.05), aggravated battery of
16 an unborn child (subsection (a-5) of Section 12-3.1),
17 aggravated battery of a senior citizen (subdivision (a)(4) of
18 Section 12-3.05), stalking (Section 12-7.3), aggravated
19 stalking (Section 12-7.4), criminal sexual assault (Section
20 11-1.20), aggravated criminal sexual assault (Section
21 11-1.30), kidnapping (Section 10-1), aggravated kidnapping
22 (Section 10-2), predatory criminal sexual assault of a child
23 (Section 11-1.40), aggravated criminal sexual abuse (Section
24 11-1.60), unlawful restraint (Section 10-3), aggravated
25 unlawful restraint (Section 10-3.1), aggravated arson (Section
26 20-1.1), or aggravated discharge of a firearm (Section

1 24-1.2), or any prior conviction under the law of another
2 jurisdiction for any offense that is substantially similar to
3 the offenses listed in this Section, when any of these
4 offenses have been committed against a family or household
5 member. A violation of subsection (b) is a Class 4 felony if
6 the defendant has one or 2 prior convictions under this Code
7 for a violation of subsection (b), or one or 2 prior
8 convictions under the law of another jurisdiction for any
9 offense which is substantially similar. A violation of
10 subsection (b) is a Class 3 felony if the defendant had 3 prior
11 convictions under this Code for coercively controlling another
12 person under subsection (b), or 3 prior convictions under the
13 law of another jurisdiction for any offense which is
14 substantially similar. A violation of subsection (b) is a
15 Class 2 felony if the defendant had 4 or more prior convictions
16 under this Code for coercively controlling another person
17 under subsection (b), or 4 or more prior convictions under the
18 law of another jurisdiction for any offense that is
19 substantially similar. In addition to any other sentencing
20 alternatives, for any second or subsequent conviction of
21 violating this Section, the offender shall be mandatorily
22 sentenced to a minimum of 72 consecutive hours of
23 imprisonment. The imprisonment shall not be subject to
24 suspension, nor shall the person be eligible for probation in
25 order to reduce the sentence.

1 Section 10. The Code of Criminal Procedure of 1963 is
2 amended by changing Section 112A-3 as follows:

3 (725 ILCS 5/112A-3) (from Ch. 38, par. 112A-3)

4 Sec. 112A-3. Definitions.

5 (a) In this Article:

6 "Advocate" means a person whose communications with the
7 victim are privileged under Section 8-802.1 or 8-802.2 of the
8 Code of Civil Procedure or Section 227 of the Illinois
9 Domestic Violence Act of 1986.

10 "Named victim" means the person named as the victim in the
11 delinquency petition or criminal prosecution.

12 "Protective order" means a domestic violence order of
13 protection, a civil no contact order, or a stalking no contact
14 order.

15 (b) For the purposes of domestic violence cases, the
16 following terms shall have the following meanings in this
17 Article:

18 (1) "Abuse" means physical abuse, harassment,
19 intimidation of a dependent, interference with personal
20 liberty or willful deprivation, or coercive control, but
21 does not include reasonable direction of a minor child by
22 a parent or person in loco parentis.

23 (2) "Domestic violence" means abuse as described in
24 paragraph (1) of this subsection (b).

25 (3) "Family or household members" include spouses,

1 former spouses, parents, children, stepchildren, and other
2 persons related by blood or by present or prior marriage,
3 persons who share or formerly shared a common dwelling,
4 persons who have or allegedly have a child in common,
5 persons who share or allegedly share a blood relationship
6 through a child, persons who have or have had a dating or
7 engagement relationship, persons with disabilities and
8 their personal assistants, and caregivers as defined in
9 subsection (e) of Section 12-4.4a of the Criminal Code of
10 2012. For purposes of this paragraph (3), neither a casual
11 acquaintanceship nor ordinary fraternization between 2
12 individuals in business or social contexts shall be deemed
13 to constitute a dating relationship.

14 (4) "Harassment" means knowing conduct which is not
15 necessary to accomplish a purpose which is reasonable
16 under the circumstances; would cause a reasonable person
17 emotional distress; and does cause emotional distress to
18 the petitioner. Unless the presumption is rebutted by a
19 preponderance of the evidence, the following types of
20 conduct shall be presumed to cause emotional distress:

21 (i) creating a disturbance at petitioner's place
22 of employment or school;

23 (ii) repeatedly telephoning petitioner's place of
24 employment, home or residence;

25 (iii) repeatedly following petitioner about in a
26 public place or places;

1 (iv) repeatedly keeping petitioner under
2 surveillance by remaining present outside his or her
3 home, school, place of employment, vehicle or other
4 place occupied by petitioner or by peering in
5 petitioner's windows;

6 (v) improperly concealing a minor child from
7 petitioner, repeatedly threatening to improperly
8 remove a minor child of petitioner's from the
9 jurisdiction or from the physical care of petitioner,
10 repeatedly threatening to conceal a minor child from
11 petitioner, or making a single such threat following
12 an actual or attempted improper removal or
13 concealment, unless respondent was fleeing from an
14 incident or pattern of domestic violence; or

15 (vi) threatening physical force, confinement or
16 restraint on one or more occasions.

17 (5) "Interference with personal liberty" means
18 committing or threatening physical abuse, harassment,
19 intimidation or willful deprivation so as to compel
20 another to engage in conduct from which she or he has a
21 right to abstain or to refrain from conduct in which she or
22 he has a right to engage.

23 (6) "Intimidation of a dependent" means subjecting a
24 person who is dependent because of age, health, or
25 disability to participation in or the witnessing of:
26 physical force against another or physical confinement or

1 restraint of another which constitutes physical abuse as
2 defined in this Article, regardless of whether the abused
3 person is a family or household member.

4 (7) "Order of protection" or "domestic violence order
5 of protection" means an ex parte or final order, granted
6 pursuant to this Article, which includes any or all of the
7 remedies authorized by Section 112A-14 of this Code.

8 (8) "Petitioner" may mean not only any named
9 petitioner for the domestic violence order of protection
10 and any named victim of abuse on whose behalf the petition
11 is brought, but also any other person protected by this
12 Article.

13 (9) "Physical abuse" includes sexual abuse and means
14 any of the following:

15 (i) knowing or reckless use of physical force,
16 confinement or restraint;

17 (ii) knowing, repeated and unnecessary sleep
18 deprivation; or

19 (iii) knowing or reckless conduct which creates an
20 immediate risk of physical harm.

21 (9.3) "Respondent" in a petition for a domestic
22 violence order of protection means the defendant.

23 (9.5) "Stay away" means for the respondent to refrain
24 from both physical presence and nonphysical contact with
25 the petitioner whether direct, indirect (including, but
26 not limited to, telephone calls, mail, email, faxes, and

1 written notes), or through third parties who may or may
2 not know about the domestic violence order of protection.

3 (10) "Willful deprivation" means wilfully denying a
4 person who because of age, health or disability requires
5 medication, medical care, shelter, accessible shelter or
6 services, food, therapeutic device, or other physical
7 assistance, and thereby exposing that person to the risk
8 of physical, mental or emotional harm, except with regard
9 to medical care and treatment when such dependent person
10 has expressed the intent to forgo such medical care or
11 treatment. This paragraph (10) does not create any new
12 affirmative duty to provide support to dependent persons.

13 (11) "Coercive control" has the meaning given to that
14 term in Section 12-39 of the Criminal Code of 2012.

15 (c) For the purposes of cases involving sexual offenses,
16 the following terms shall have the following meanings in this
17 Article:

18 (1) "Civil no contact order" means an ex parte or
19 final order granted under this Article, which includes a
20 remedy authorized by Section 112A-14.5 of this Code.

21 (2) "Family or household members" include spouses,
22 parents, children, stepchildren, and persons who share a
23 common dwelling.

24 (3) "Non-consensual" means a lack of freely given
25 agreement.

26 (4) "Petitioner" means not only any named petitioner

1 for the civil no contact order and any named victim of
2 non-consensual sexual conduct or non-consensual sexual
3 penetration on whose behalf the petition is brought, but
4 includes any other person sought to be protected under
5 this Article.

6 (5) "Respondent" in a petition for a civil no contact
7 order means the defendant.

8 (6) "Sexual conduct" means any intentional or knowing
9 touching or fondling by the petitioner or the respondent,
10 either directly or through clothing, of the sex organs,
11 anus, or breast of the petitioner or the respondent, or
12 any part of the body of a child under 13 years of age, or
13 any transfer or transmission of semen by the respondent
14 upon any part of the clothed or unclothed body of the
15 petitioner, for the purpose of sexual gratification or
16 arousal of the petitioner or the respondent.

17 (7) "Sexual penetration" means any contact, however
18 slight, between the sex organ or anus of one person by an
19 object, the sex organ, mouth or anus of another person, or
20 any intrusion, however slight, of any part of the body of
21 one person or of any animal or object into the sex organ or
22 anus of another person, including, but not limited to,
23 cunnilingus, fellatio, or anal penetration. Evidence of
24 emission of semen is not required to prove sexual
25 penetration.

26 (8) "Stay away" means to refrain from both physical

1 presence and nonphysical contact with the petitioner
2 directly, indirectly, or through third parties who may or
3 may not know of the order. "Nonphysical contact" includes,
4 but is not limited to, telephone calls, mail, e-mail, fax,
5 and written notes.

6 (d) For the purposes of cases involving stalking offenses,
7 the following terms shall have the following meanings in this
8 Article:

9 (1) "Course of conduct" means 2 or more acts,
10 including, but not limited to, acts in which a respondent
11 directly, indirectly, or through third parties, by any
12 action, method, device, or means follows, monitors,
13 observes, surveils, threatens, or communicates to or
14 about, a person, engages in other contact, or interferes
15 with or damages a person's property or pet. A course of
16 conduct may include contact via electronic communications.
17 The incarceration of a person in a penal institution who
18 commits the course of conduct is not a bar to prosecution.

19 (2) "Emotional distress" means significant mental
20 suffering, anxiety, or alarm.

21 (3) "Contact" includes any contact with the victim,
22 that is initiated or continued without the victim's
23 consent, or that is in disregard of the victim's expressed
24 desire that the contact be avoided or discontinued,
25 including, but not limited to, being in the physical
26 presence of the victim; appearing within the sight of the

1 victim; approaching or confronting the victim in a public
2 place or on private property; appearing at the workplace
3 or residence of the victim; entering onto or remaining on
4 property owned, leased, or occupied by the victim; or
5 placing an object on, or delivering an object to, property
6 owned, leased, or occupied by the victim.

7 (4) "Petitioner" means any named petitioner for the
8 stalking no contact order or any named victim of stalking
9 on whose behalf the petition is brought.

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

13 (6) "Respondent" in a petition for a civil no contact
14 order means the defendant.

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

1 retirement provisions, the making or maintaining of
2 collective bargaining agreements, and the terms to be
3 included in those agreements.

4 (8) "Stalking no contact order" means an ex parte or
5 final order granted under this Article, which includes a
6 remedy authorized by Section 112A-14.7 of this Code.

7 (Source: P.A. 100-199, eff. 1-1-18; 100-597, eff. 6-29-18.)

8 Section 15. The Illinois Domestic Violence Act of 1986 is
9 amended by changing Section 103 as follows:

10 (750 ILCS 60/103) (from Ch. 40, par. 2311-3)

11 Sec. 103. Definitions. For the purposes of this Act, the
12 following terms shall have the following meanings:

13 (1) "Abuse" means physical abuse, harassment, intimidation
14 of a dependent, interference with personal liberty or willful
15 deprivation, or coercive control, but does not include
16 reasonable direction of a minor child by a parent or person in
17 loco parentis.

18 (2) "Adult with disabilities" means an elder adult with
19 disabilities or a high-risk adult with disabilities. A person
20 may be an adult with disabilities for purposes of this Act even
21 though he or she has never been adjudicated an incompetent
22 adult. However, no court proceeding may be initiated or
23 continued on behalf of an adult with disabilities over that
24 adult's objection, unless such proceeding is approved by his

1 or her legal guardian, if any.

2 (3) "Domestic violence" means abuse as defined in
3 paragraph (1).

4 (4) "Elder adult with disabilities" means an adult
5 prevented by advanced age from taking appropriate action to
6 protect himself or herself from abuse by a family or household
7 member.

8 (5) "Exploitation" means the illegal, including tortious,
9 use of a high-risk adult with disabilities or of the assets or
10 resources of a high-risk adult with disabilities. Exploitation
11 includes, but is not limited to, the misappropriation of
12 assets or resources of a high-risk adult with disabilities by
13 undue influence, by breach of a fiduciary relationship, by
14 fraud, deception, or extortion, or the use of such assets or
15 resources in a manner contrary to law.

16 (6) "Family or household members" include spouses, former
17 spouses, parents, children, stepchildren and other persons
18 related by blood or by present or prior marriage, persons who
19 share or formerly shared a common dwelling, persons who have
20 or allegedly have a child in common, persons who share or
21 allegedly share a blood relationship through a child, persons
22 who have or have had a dating or engagement relationship,
23 persons with disabilities and their personal assistants, and
24 caregivers as defined in Section 12-4.4a of the Criminal Code
25 of 2012. For purposes of this paragraph, neither a casual
26 acquaintanceship nor ordinary fraternization between 2

1 individuals in business or social contexts shall be deemed to
2 constitute a dating relationship. In the case of a high-risk
3 adult with disabilities, "family or household members"
4 includes any person who has the responsibility for a high-risk
5 adult as a result of a family relationship or who has assumed
6 responsibility for all or a portion of the care of a high-risk
7 adult with disabilities voluntarily, or by express or implied
8 contract, or by court order.

9 (7) "Harassment" means knowing conduct which is not
10 necessary to accomplish a purpose that is reasonable under the
11 circumstances; would cause a reasonable person emotional
12 distress; and does cause emotional distress to the petitioner.
13 Unless the presumption is rebutted by a preponderance of the
14 evidence, the following types of conduct shall be presumed to
15 cause emotional distress:

16 (i) creating a disturbance at petitioner's place of
17 employment or school;

18 (ii) repeatedly telephoning petitioner's place of
19 employment, home or residence;

20 (iii) repeatedly following petitioner about in a
21 public place or places;

22 (iv) repeatedly keeping petitioner under surveillance
23 by remaining present outside his or her home, school,
24 place of employment, vehicle or other place occupied by
25 petitioner or by peering in petitioner's windows;

26 (v) improperly concealing a minor child from

1 petitioner, repeatedly threatening to improperly remove a
2 minor child of petitioner's from the jurisdiction or from
3 the physical care of petitioner, repeatedly threatening to
4 conceal a minor child from petitioner, or making a single
5 such threat following an actual or attempted improper
6 removal or concealment, unless respondent was fleeing an
7 incident or pattern of domestic violence; or

8 (vi) threatening physical force, confinement or
9 restraint on one or more occasions.

10 (8) "High-risk adult with disabilities" means a person
11 aged 18 or over whose physical or mental disability impairs
12 his or her ability to seek or obtain protection from abuse,
13 neglect, or exploitation.

14 (9) "Interference with personal liberty" means committing
15 or threatening physical abuse, harassment, intimidation or
16 willful deprivation so as to compel another to engage in
17 conduct from which she or he has a right to abstain or to
18 refrain from conduct in which she or he has a right to engage.

19 (10) "Intimidation of a dependent" means subjecting a
20 person who is dependent because of age, health or disability
21 to participation in or the witnessing of: physical force
22 against another or physical confinement or restraint of
23 another which constitutes physical abuse as defined in this
24 Act, regardless of whether the abused person is a family or
25 household member.

26 (11) (A) "Neglect" means the failure to exercise that

1 degree of care toward a high-risk adult with disabilities
2 which a reasonable person would exercise under the
3 circumstances and includes but is not limited to:

4 (i) the failure to take reasonable steps to protect a
5 high-risk adult with disabilities from acts of abuse;

6 (ii) the repeated, careless imposition of unreasonable
7 confinement;

8 (iii) the failure to provide food, shelter, clothing,
9 and personal hygiene to a high-risk adult with
10 disabilities who requires such assistance;

11 (iv) the failure to provide medical and rehabilitative
12 care for the physical and mental health needs of a
13 high-risk adult with disabilities; or

14 (v) the failure to protect a high-risk adult with
15 disabilities from health and safety hazards.

16 (B) Nothing in this subsection (10) shall be construed to
17 impose a requirement that assistance be provided to a
18 high-risk adult with disabilities over his or her objection in
19 the absence of a court order, nor to create any new affirmative
20 duty to provide support to a high-risk adult with
21 disabilities.

22 (12) "Order of protection" means an emergency order,
23 interim order or plenary order, granted pursuant to this Act,
24 which includes any or all of the remedies authorized by
25 Section 214 of this Act.

26 (13) "Petitioner" may mean not only any named petitioner

1 for the order of protection and any named victim of abuse on
2 whose behalf the petition is brought, but also any other
3 person protected by this Act.

4 (14) "Physical abuse" includes sexual abuse and means any
5 of the following:

6 (i) knowing or reckless use of physical force,
7 confinement or restraint;

8 (ii) knowing, repeated and unnecessary sleep
9 deprivation; or

10 (iii) knowing or reckless conduct which creates an
11 immediate risk of physical harm.

12 (14.5) "Stay away" means for the respondent to refrain
13 from both physical presence and nonphysical contact with the
14 petitioner whether direct, indirect (including, but not
15 limited to, telephone calls, mail, email, faxes, and written
16 notes), or through third parties who may or may not know about
17 the order of protection.

18 (15) "Willful deprivation" means wilfully denying a person
19 who because of age, health or disability requires medication,
20 medical care, shelter, accessible shelter or services, food,
21 therapeutic device, or other physical assistance, and thereby
22 exposing that person to the risk of physical, mental or
23 emotional harm, except with regard to medical care or
24 treatment when the dependent person has expressed an intent to
25 forgo such medical care or treatment. This paragraph does not
26 create any new affirmative duty to provide support to

1 dependent persons.

2 (16) "Coercive control" has the meaning given to that term
3 in Section 12-39 of the Criminal Code of 2012.

4 (Source: P.A. 96-1551, eff. 7-1-11; 97-1150, eff. 1-25-13.)