



Sen. Sue Rezin

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10300SB0961sam001

LRB103 05380 RLC 70179 a

1 AMENDMENT TO SENATE BILL 961

2 AMENDMENT NO. _____. Amend Senate Bill 961 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Criminal Code of 2012 is amended by
5 changing Section 12-7.3 as follows:

6 (720 ILCS 5/12-7.3) (from Ch. 38, par. 12-7.3)

7 Sec. 12-7.3. Stalking.

8 (a) A person commits stalking when he or she knowingly
9 engages in a course of conduct directed at a specific person,
10 and he or she knows or should know that this course of conduct
11 would cause a reasonable person to:

12 (1) fear for his or her safety or the safety of a third
13 person; or

14 (2) suffer other emotional distress.

15 (a-3) A person commits stalking when he or she, knowingly
16 and without lawful justification, on at least 2 separate

1 occasions follows another person or places the person under
2 surveillance or any combination thereof and:

3 (1) at any time transmits a threat of immediate or
4 future bodily harm, sexual assault, confinement or
5 restraint and the threat is directed towards that person
6 or a family member of that person; or

7 (2) places that person in reasonable apprehension of
8 immediate or future bodily harm, sexual assault,
9 confinement or restraint to or of that person or a family
10 member of that person.

11 (a-5) A person commits stalking when he or she has
12 previously been convicted of stalking another person and
13 knowingly and without lawful justification on one occasion:

14 (1) follows that same person or places that same
15 person under surveillance; and

16 (2) transmits a threat of immediate or future bodily
17 harm, sexual assault, confinement or restraint to that
18 person or a family member of that person.

19 (a-7) A person commits stalking when he or she knowingly
20 makes threats that are a part of a course of conduct and is
21 aware of the threatening nature of his or her speech.

22 (a-10) A person commits stalking when he or she uses any
23 electronic tracking system or acquires tracking information to
24 determine the targeted person's location, movement, or travel
25 patterns without the targeted person's consent and the person
26 knows or should know that the use of the electronic tracking

1 system or the acquisition of tracking information would cause
2 a reasonable person to fear for his or her safety or the safety
3 of a third person.

4 (b) Sentence. Stalking is a Class 4 felony; a second or
5 subsequent conviction is a Class 3 felony.

6 (c) Definitions. For purposes of this Section:

7 (1) "Course of conduct" means 2 or more acts,
8 including but not limited to acts in which a defendant
9 directly, indirectly, or through third parties, by any
10 action, method, device, or means follows, monitors,
11 observes, surveils, threatens, or communicates to or
12 about, a person, engages in other non-consensual contact,
13 or interferes with or damages a person's property or pet.
14 A course of conduct may include contact via electronic
15 communications.

16 (2) "Electronic communication" means any transfer of
17 signs, signals, writings, sounds, data, or intelligence of
18 any nature transmitted in whole or in part by a wire,
19 radio, electromagnetic, photoelectric, or photo-optical
20 system. "Electronic communication" includes transmissions
21 by a computer through the Internet to another computer.

22 (2.1) "Electronic tracking system" means a device
23 capable of emitting an electronic frequency or other
24 signal that may be used by a person to identify, monitor,
25 or record the location of another person or object.

26 (3) "Emotional distress" means significant mental

1 suffering, anxiety or alarm.

2 (4) "Family member" means a parent, grandparent,
3 brother, sister, or child, whether by whole blood,
4 half-blood, or adoption and includes a step-grandparent,
5 step-parent, step-brother, step-sister or step-child.
6 "Family member" also means any other person who regularly
7 resides in the household, or who, within the prior 6
8 months, regularly resided in the household.

9 (5) "Follows another person" means (i) to move in
10 relative proximity to a person as that person moves from
11 place to place or (ii) to remain in relative proximity to a
12 person who is stationary or whose movements are confined
13 to a small area. "Follows another person" does not include
14 a following within the residence of the defendant.

15 (6) "Non-consensual contact" means any contact with
16 the victim that is initiated or continued without the
17 victim's consent, including but not limited to being in
18 the physical presence of the victim; appearing within the
19 sight of the victim; approaching or confronting the victim
20 in a public place or on private property; appearing at the
21 workplace or residence of the victim; entering onto or
22 remaining on property owned, leased, or occupied by the
23 victim; or placing an object on, or delivering an object
24 to, property owned, leased, or occupied by the victim.

25 (7) "Places a person under surveillance" means: (1)
26 remaining present outside the person's school, place of

1 employment, vehicle, other place occupied by the person,
2 or residence other than the residence of the defendant; or
3 (2) placing an electronic tracking device on the person or
4 the person's property.

5 (8) "Reasonable person" means a person in the victim's
6 situation.

7 (9) "Transmits a threat" means a verbal or written
8 threat or a threat implied by a pattern of conduct or a
9 combination of verbal or written statements or conduct.

10 (d) Exemptions.

11 (1) This Section does not apply to any individual or
12 organization (i) monitoring or attentive to compliance
13 with public or worker safety laws, wage and hour
14 requirements, or other statutory requirements, or (ii)
15 picketing occurring at the workplace that is otherwise
16 lawful and arises out of a bona fide labor dispute,
17 including any controversy concerning wages, salaries,
18 hours, working conditions or benefits, including health
19 and welfare, sick leave, insurance, and pension or
20 retirement provisions, the making or maintaining of
21 collective bargaining agreements, and the terms to be
22 included in those agreements.

23 (2) This Section does not apply to an exercise of the
24 right to free speech or assembly that is otherwise lawful.

25 (3) Telecommunications carriers, commercial mobile
26 service providers, and providers of information services,

1 including, but not limited to, Internet service providers
2 and hosting service providers, are not liable under this
3 Section, except for willful and wanton misconduct, by
4 virtue of the transmission, storage, or caching of
5 electronic communications or messages of others or by
6 virtue of the provision of other related
7 telecommunications, commercial mobile services, or
8 information services used by others in violation of this
9 Section.

10 (d-5) The incarceration of a person in a penal institution
11 who commits the course of conduct or transmits a threat is not
12 a bar to prosecution under this Section.

13 (d-10) A defendant who directed the actions of a third
14 party to violate this Section, under the principles of
15 accountability set forth in Article 5 of this Code, is guilty
16 of violating this Section as if the same had been personally
17 done by the defendant, without regard to the mental state of
18 the third party acting at the direction of the defendant.

19 (Source: P.A. 102-547, eff. 1-1-22.)".