

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 10 and 80 as follows:

6 (740 ILCS 21/10)

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

8 "Course of conduct" means 2 or more acts, including but  
9 not limited to acts in which a respondent directly,  
10 indirectly, or through third parties, by any action, method,  
11 device, or means follows, monitors, observes, surveils, or  
12 threatens a person, workplace, school, or place of worship,  
13 engages in other contact, or interferes with or damages a  
14 person's property or pet. A course of conduct may include  
15 using any electronic tracking system or acquiring tracking  
16 information to determine the targeted person's location,  
17 movement, or travel patterns. A course of conduct may also  
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.

1 "Contact" includes any contact with the victim, that is  
2 initiated or continued without the victim's consent, or that  
3 is in disregard of the victim's expressed desire that the  
4 contact be avoided or discontinued, including but not limited  
5 to being in the physical presence of the victim; appearing  
6 within the sight of the victim; approaching or confronting the  
7 victim in a public place or on private property; appearing at  
8 the workplace or residence of the victim; entering onto or  
9 remaining on property owned, leased, or occupied by the  
10 victim; placing an object on, or delivering an object to,  
11 property owned, leased, or occupied by the victim; electronic  
12 communication as defined in Section 26.5-0.1 of the Criminal  
13 Code of 2012; and appearing at the prohibited workplace,  
14 school, or place of worship.

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

20 "Reasonable person" means a person in the petitioner's  
21 circumstances with the petitioner's knowledge of the  
22 respondent and the respondent's prior acts.

23 "Stalking" means engaging in a course of conduct directed  
24 at a specific person, and he or she knows or should know that  
25 this course of conduct would cause a reasonable person to fear  
26 for his or her safety, the safety of a workplace, school, or

1 place of worship, or the safety of a third person or suffer  
2 emotional distress. Stalking does not include an exercise of  
3 the right to free speech or assembly that is otherwise lawful  
4 or picketing occurring at the workplace that is otherwise  
5 lawful and arises out of a bona fide labor dispute, including  
6 any controversy concerning wages, salaries, hours, working  
7 conditions or benefits, including health and welfare, sick  
8 leave, insurance, and pension or retirement provisions, the  
9 making or maintaining of collective bargaining agreements, and  
10 the terms to be included in those agreements.

11 "Stalking no contact order" means an emergency order or  
12 plenary order granted under this Act, which includes a remedy  
13 authorized by Section 80 of this Act.

14 (Source: P.A. 102-220, eff. 1-1-22.)

15 (740 ILCS 21/80)

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

17 (a) If the court finds that the petitioner has been a  
18 victim of stalking, a stalking no contact order shall issue;  
19 provided that the petitioner must also satisfy the  
20 requirements of Section 95 on emergency orders or Section 100  
21 on plenary orders. The petitioner shall not be denied a  
22 stalking no contact order because the petitioner or the  
23 respondent is a minor. The court, when determining whether or  
24 not to issue a stalking no contact order, may not require  
25 physical injury on the person of the petitioner. Modification

1 and extension of prior stalking no contact orders shall be in  
2 accordance with this Act.

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

5 (1) prohibit the respondent from threatening to commit  
6 or committing stalking;

7 (2) order the respondent not to have any contact with  
8 the petitioner or a third person specifically named by the  
9 court;

10 (3) prohibit the respondent from knowingly coming  
11 within, or knowingly remaining within a specified distance  
12 of the petitioner or the petitioner's residence, school,  
13 daycare, or place of employment, or any specified place  
14 frequented by the petitioner; however, the court may order  
15 the respondent to stay away from the respondent's own  
16 residence, school, or place of employment only if the  
17 respondent has been provided actual notice of the  
18 opportunity to appear and be heard on the petition;

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

22 (5) prohibit the respondent from using any electronic  
23 tracking system or acquiring tracking information to  
24 determine the petitioner's location, movement, or travel  
25 pattern; and

26 (6) ~~(5)~~ order other injunctive relief the court

1 determines to be necessary to protect the petitioner or  
2 third party specifically named by the court.

3 (b-5) When the petitioner and the respondent attend the  
4 same public, private, or non-public elementary, middle, or  
5 high school, the court when issuing a stalking no contact  
6 order and providing relief shall consider the severity of the  
7 act, any continuing physical danger or emotional distress to  
8 the petitioner, the educational rights guaranteed to the  
9 petitioner and respondent under federal and State law, the  
10 availability of a transfer of the respondent to another  
11 school, a change of placement or a change of program of the  
12 respondent, the expense, difficulty, and educational  
13 disruption that would be caused by a transfer of the  
14 respondent to another school, and any other relevant facts of  
15 the case. The court may order that the respondent not attend  
16 the public, private, or non-public elementary, middle, or high  
17 school attended by the petitioner, order that the respondent  
18 accept a change of placement or program, as determined by the  
19 school district or private or non-public school, or place  
20 restrictions on the respondent's movements within the school  
21 attended by the petitioner. The respondent bears the burden of  
22 proving by a preponderance of the evidence that a transfer,  
23 change of placement, or change of program of the respondent is  
24 not available. The respondent also bears the burden of  
25 production with respect to the expense, difficulty, and  
26 educational disruption that would be caused by a transfer of

1 the respondent to another school. A transfer, change of  
2 placement, or change of program is not unavailable to the  
3 respondent solely on the ground that the respondent does not  
4 agree with the school district's or private or non-public  
5 school's transfer, change of placement, or change of program  
6 or solely on the ground that the respondent fails or refuses to  
7 consent to or otherwise does not take an action required to  
8 effectuate a transfer, change of placement, or change of  
9 program. When a court orders a respondent to stay away from the  
10 public, private, or non-public school attended by the  
11 petitioner and the respondent requests a transfer to another  
12 attendance center within the respondent's school district or  
13 private or non-public school, the school district or private  
14 or non-public school shall have sole discretion to determine  
15 the attendance center to which the respondent is transferred.  
16 In the event the court order results in a transfer of the minor  
17 respondent to another attendance center, a change in the  
18 respondent's placement, or a change of the respondent's  
19 program, the parents, guardian, or legal custodian of the  
20 respondent is responsible for transportation and other costs  
21 associated with the transfer or change.

22 (b-6) The court may order the parents, guardian, or legal  
23 custodian of a minor respondent to take certain actions or to  
24 refrain from taking certain actions to ensure that the  
25 respondent complies with the order. In the event the court  
26 orders a transfer of the respondent to another school, the

1 parents, guardian, or legal custodian of the respondent are  
2 responsible for transportation and other costs associated with  
3 the change of school by the respondent.

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

8 (b-8) The court may hold the parents, guardian, or legal  
9 custodian of a minor respondent in civil or criminal contempt  
10 for a violation of any provision of any order entered under  
11 this Act for conduct of the minor respondent in violation of  
12 this Act if the parents, guardian, or legal custodian  
13 directed, encouraged, or assisted the respondent minor in such  
14 conduct.

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

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

18 (e) If the stalking no contact order prohibits the  
19 respondent from possessing a Firearm Owner's Identification  
20 Card, or possessing or buying firearms; the court shall  
21 confiscate the respondent's Firearm Owner's Identification  
22 Card and immediately return the card to the Illinois State  
23 Police Firearm Owner's Identification Card Office.

24 (Source: P.A. 102-538, eff. 8-20-21.)