



**94TH GENERAL ASSEMBLY**  
**State of Illinois**  
**2005 and 2006**  
**HB5812**

Introduced 07/28/06, by Rep. Tom Cross

**SYNOPSIS AS INTRODUCED:**

720 ILCS 135/2

from Ch. 134, par. 16.5

Amends the Harassing and Obscene Communications Act. Increases from a Class 4 felony to a Class 3 felony any violation of the Act if, in the course of the offense, the offender threatened to kill the victim or any member of the victim's family or household.

LRB094 21087 RLC 59415 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 Harassing and Obscene Communications Act is  
5 amended by changing Section 2 as follows:

6 (720 ILCS 135/2) (from Ch. 134, par. 16.5)

7 Sec. 2. Sentence.

8 (a) Except as provided in subsection (b), a person who  
9 violates any of the provisions of Section 1, 1-1, or 1-2 of  
10 this Act is guilty of a Class B misdemeanor. Except as provided  
11 in subsection (b), a second or subsequent violation of Section  
12 1, 1-1, or 1-2 of this Act is a Class A misdemeanor, for which  
13 the court shall impose a minimum of 14 days in jail or, if  
14 public or community service is established in the county in  
15 which the offender was convicted, 240 hours of public or  
16 community service.

17 (b) In any of the following circumstances, a person who  
18 violates Section 1, 1-1, or 1-2 of this Act shall be guilty of  
19 a Class 4 felony:

20 (1) The person has 3 or more prior violations in the  
21 last 10 years of harassment by telephone under Section 1-1  
22 of this Act, harassment through electronic communications  
23 under Section 1-2 of this Act, or any similar offense of  
24 any state;

25 (2) The person has previously violated the harassment  
26 by telephone provisions of Section 1-1 of this Act or the  
27 harassment through electronic communications provisions of  
28 Section 1-2 of this Act or committed any similar offense in  
29 any state with the same victim or a member of the victim's  
30 family or household;

31 (3) At the time of the offense, the offender was under  
32 conditions of bail, probation, mandatory supervised

1 release or was the subject of an order of protection, in  
2 this or any other state, prohibiting contact with the  
3 victim or any member of the victim's family or household;

4 (4) (Blank) ~~In the course of the offense, the offender~~  
5 ~~threatened to kill the victim or any member of the victim's~~  
6 ~~family or household;~~

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

10 (6) The person violates paragraph (4.1) of Section 1-1  
11 or paragraph (3.1) of subsection (a) of Section 1-2.

12 (c) Any violation of Section 1, 1-1, or 2 is a Class 3  
13 felony if, in the course of the offense, the offender  
14 threatened to kill the victim or any member of the victim's  
15 family or household.

16 (Source: P.A. 90-578, eff. 6-1-98; 91-878, eff. 1-1-01.)