

1 AN ACT in relation to stalking.

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 1961 is amended by adding
5 Sections 12-7.7, 12-7.8, and 12-30.5 as follows:

6 (720 ILCS 5/12-7.7 new)

7 Sec. 12-7.7. Action for issuance or violation of stalking
8 protective order.

9 (a) A person may bring a civil action in a circuit court
10 for a court's stalking protective order against a person if:

11 (1) The person intentionally, knowingly, or
12 recklessly engages in repeated and unwanted contact with
13 the other person or a member of that person's immediate
14 family or household thereby alarming or coercing the
15 other person;

16 (2) It is objectively reasonable for a person in
17 the victim's situation to have been alarmed or coerced by
18 the contact; and

19 (3) The repeated and unwanted contact causes the
20 victim reasonable apprehension regarding the personal
21 safety of the victim or a member of the victim's
22 immediate family or household.

23 (b) At the time the petition is filed, the court, upon a
24 finding of probable cause based on the allegations in the
25 petition, shall enter a temporary court's stalking protective
26 order that may include, but is not limited to: (1)
27 prohibiting acts of stalking or aggravated stalking in
28 violation of Section 12-7.3 or 12-7.4, (2) prohibiting such
29 contacts by the respondent with the allegedly stalked person
30 or that person's family or household members as the court
31 deems necessary to protect the safety of those persons; and

1 (3) any other conditions that the court deems necessary to
2 prevent further acts of stalking or aggravated stalking,
3 communication, or other contact of any kind by the
4 respondent. The petition and the temporary order shall be
5 served upon the respondent with an order requiring the
6 respondent to personally appear before the court to show
7 cause why the temporary order should not be continued for an
8 indefinite period.

9 (c) At the hearing, whether or not the respondent
10 appears, the court may continue the hearing for up to 30 days
11 or may proceed to enter a court's stalking protective order.
12 If the respondent fails to appear after being served as
13 required by subsection (b) of this Section, the court may
14 issue a warrant of arrest in order to ensure the appearance
15 of the respondent in court.

16 (d) The court may award reasonable attorney's fees as
17 follows:

18 (i) to the petitioner, if the petitioner is the
19 prevailing party; or

20 (ii) to the respondent, if the respondent is the
21 prevailing party and if the court determines that the
22 petition is frivolous in nature.

23 (e) The court may enter an order under this Section
24 against a minor respondent without appointment of a guardian
25 ad litem.

26 (f) An action under this Section must be commenced
27 within 2 years of the conduct giving rise to the claim.

28 (g) Proof of the claim shall be by a preponderance of
29 the evidence.

30 (h) The remedy provided by this Section is in addition
31 to any other remedy, civil or criminal, provided by law for
32 the conduct giving rise to the claim.

33 (i) No filing fee, service fee, or hearing fee shall be
34 charged for a proceeding under this Section if a court's

1 stalking order is the only relief sought.

2 (j) If the respondent was provided notice and an
3 opportunity to be heard, the court shall also include in the
4 order, when appropriate, terms and findings sufficient under
5 18 U.S.C. 922 (d)(8) and (g)(8) to affect the respondent's
6 ability to possess firearms and ammunition or engage in
7 activities involving firearms.

8 (k) Section 12-7.8 applies to protective orders issued
9 under this Section.

10 (720 ILCS 5/12-7.8 new)

11 Sec. 12-7.8. Service of order; entry of order into LEADS.

12 (a) Whenever a stalking protective order, as authorized
13 by Section 12-7.7, is issued and the person to be restrained
14 has actual notice of the order, the person serving the order
15 shall deliver forthwith to the county sheriff a true copy of
16 the order and an affidavit of proof of service on which it is
17 stated that personal service of the order was made on the
18 respondent. If an order entered by the court recites that the
19 respondent appeared in person before the court, the necessity
20 for further service of the order is waived and accompanying
21 proof of service is not necessary. Upon receipt of proof of
22 service, when required, and a true copy of the order, the
23 county sheriff shall forthwith enter the order into the Law
24 Enforcement Agencies Data System (LEADS) maintained by the
25 Department of State Police and into the databases of the
26 National Crime Information Center of the United States
27 Department of Justice. The sheriff shall also provide the
28 complainant with a true copy of the proof of service. Entry
29 into the Law Enforcement Agencies Data System (LEADS)
30 constitutes notice to all law enforcement agencies of the
31 existence of such order. Law enforcement agencies shall
32 establish procedures adequate to ensure that an officer at
33 the scene of an alleged violation of such order may be

1 informed of the existence and terms of the order. The order
2 shall be fully enforceable in any county in this State. The
3 complainant may elect to deliver documents personally to a
4 county sheriff or to have them delivered by a private person
5 for entry into the Law Enforcement Agencies Data System
6 (LEADS) and the databases of the National Crime Information
7 Center of the United States Department of Justice.

8 (b) When a stalking protective order has been entered
9 into the Law Enforcement Agencies Data System (LEADS) and the
10 databases of the National Crime Information Center of the
11 United States Department of Justice under subsection (a) of
12 this Section, a county sheriff shall cooperate with a request
13 from a law enforcement agency from any other jurisdiction to
14 verify the existence of the stalking protective order or to
15 transmit a copy of the order to the requesting jurisdiction.

16 (c) When a stalking protective order described in
17 subsection (a) of this Section is terminated by order of the
18 court, the clerk of the court shall deliver forthwith a true
19 copy of the termination order to the county sheriff with whom
20 the original order was filed. Upon receipt of the termination
21 order, the county sheriff shall promptly remove the original
22 order from the Law Enforcement Agencies Data System (LEADS)
23 and the databases of the National Crime Information Center of
24 the United States Department of Justice.

25 (720 ILCS 5/12-30.5 new)

26 Sec. 12-30.5. Violating a court's stalking protective
27 order.

28 (a) A person commits the offense of violating a court's
29 stalking protective order when:

30 (1) The person has been served with a court's
31 stalking protective order as provided in Section 12-7.7
32 or if further service was waived under Section 12-7.8
33 because the person appeared before the court; and

1 (2) The person, subsequent to the service of the
2 order, has engaged intentionally, knowingly, or
3 recklessly in conduct prohibited by the order.

4 (b) Sentence.

5 (1) Violating a court's stalking protective order
6 is a Class A misdemeanor.

7 (2) Violating a court's stalking protective order
8 is a Class 4 felony if the person has a prior conviction
9 for:

10 (A) Stalking or aggravated stalking; or

11 (B) Violating a court's stalking protective
12 order.

13 Section 99. Effective date. This Act takes effect upon
14 becoming law.