

AN ACT concerning civil law.

**Be it enacted by the People of the State of Illinois,
represented in the General Assembly:**

Section 5. The Stalking No Contact Order Act is amended by changing Section 10 as follows:

(740 ILCS 21/10)

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

"Course of conduct" means 2 or more acts, including but not limited to acts in which a respondent directly, indirectly, or through third parties, by any action, method, device, or means follows, monitors, observes, surveils, or threatens a person, workplace, school, or place of worship, engages in other contact, or interferes with or damages a person's property or pet. A course of conduct may include using any electronic tracking system or acquiring tracking information to determine the targeted person's location, movement, or travel patterns. A course of conduct may also include contact via electronic communications. The incarceration of a person in a penal institution who commits the course of conduct is not a bar to prosecution under this Section.

"Emotional distress" means significant mental suffering, anxiety or alarm. Unless the presumption is rebutted by a

preponderance of the evidence, the following conduct is presumed to cause emotional distress:

(1) creating a disturbance at the petitioner's place of employment or school;

(2) repeatedly telephoning the petitioner's place of employment, home, or residence after being told by the petitioner or the petitioner's employer to stop calling;

(3) repeatedly following the petitioner about in a public place or places;

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

(5) threatening the safety of the petitioner's minor child or family member; or

(6) threatening physical force, confinement, or restraint on one or more occasions.

"Contact" includes any contact with the victim, that is initiated or continued without the victim's consent, or that is in disregard of the victim's expressed desire that the contact be avoided or discontinued, including but not limited to being in the physical presence of the victim; appearing within the sight of the victim; approaching or confronting the victim in a public place or on private property; appearing at the workplace or residence of the victim; entering onto or

remaining on property owned, leased, or occupied by the victim; placing an object on, or delivering an object to, property owned, leased, or occupied by the victim; electronic communication as defined in Section 26.5-0.1 of the Criminal Code of 2012; and appearing at the prohibited workplace, school, or place of worship.

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

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

"Stalking" means engaging in a course of conduct directed at a specific person, and he or she knows or should know that this course of conduct would cause a reasonable person to fear for his or her safety, the safety of a workplace, school, or place of worship, or the safety of a third person or suffer emotional distress. "Stalking" also includes harassment that is conduct that is not necessary to accomplish a purpose that is reasonable under the circumstances, would cause a reasonable person emotional distress, and causes emotional distress to the petitioner. "Stalking" does not include an exercise of the right to free speech or assembly that is otherwise lawful, including (1) labor compliance activity,

such as monitoring compliance with public or worker safety laws, wage and hour requirements, or other statutory requirements; or (2) picketing occurring at the workplace that is otherwise lawful and arises out of a bona fide labor dispute, including any controversy concerning wages, salaries, hours, working conditions or benefits, including health and welfare, sick leave, insurance, and pension or retirement provisions, the making or maintaining of collective bargaining agreements, and the terms to be included in those agreements.

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

(Source: P.A. 102-220, eff. 1-1-22; 103-760, eff. 1-1-25.)

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