



Sen. Linda Holmes

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10400SB2741sam001

LRB104 16302 RLC 35762 a

1 AMENDMENT TO SENATE BILL 2741

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 2741 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Criminal Code of 2012 is amended by  
5 changing Sections 26.5-2 and 26.5-3 as follows:

6 (720 ILCS 5/26.5-2)

7 Sec. 26.5-2. Harassment by telephone.

8 (a) A person commits harassment by telephone when he or  
9 she uses telephone communication for any of the following  
10 purposes:

11 (1) Making any comment, request, suggestion or  
12 proposal which is obscene, lewd, lascivious, filthy or  
13 indecent with an intent to offend;

14 (1.1) Making any comment, request, suggestion, or  
15 proposal which is known or intended to cause another  
16 person significant emotional distress and would cause a

1       reasonable person to experience significant emotional  
2       distress;

3           (2) Making a telephone call, whether or not  
4       conversation ensues, with intent to abuse, threaten injury  
5       to, or the property of, any person at the called number or  
6       to any of his or her family or household members ~~or harass~~  
7       ~~any person at the called number;~~

8           (3) Making or causing the telephone of another  
9       repeatedly to ring, with intent to harass any person at  
10      the called number;

11          (4) Making repeated telephone calls, during which  
12      conversation ensues, solely to harass any person at the  
13      called number;

14          (5) Making a telephone call or knowingly inducing a  
15      person to make a telephone call for the purpose of  
16      harassing another person who is under 13 years of age,  
17      regardless of whether the person under 13 years of age  
18      consents to the harassment, if the defendant is at least  
19      16 years of age at the time of the commission of the  
20      offense; or

21          (6) Knowingly permitting any telephone under one's  
22      control to be used for any of the purposes mentioned  
23      herein.

24          (b) Every telephone directory published for distribution  
25      to members of the general public shall contain a notice  
26      setting forth a summary of the provisions of this Section. The

1 notice shall be printed in type which is no smaller than any  
2 other type on the same page and shall be preceded by the word  
3 "WARNING". All telephone companies in this State shall  
4 cooperate with law enforcement agencies in using their  
5 facilities and personnel to detect and prevent violations of  
6 this Article.

7 (Source: P.A. 97-1108, eff. 1-1-13.)

8 (720 ILCS 5/26.5-3)

9 Sec. 26.5-3. Harassment through electronic communications.

10 (a) A person commits harassment through electronic  
11 communications when he or she uses electronic communication  
12 for any of the following purposes:

13 (1) Making any comment, request, suggestion or  
14 proposal which is obscene with an intent to offend;

15 (1.1) Making any comment, request, suggestion, or  
16 proposal which is known or intended to cause another  
17 person significant emotional distress and would cause a  
18 reasonable person to experience significant emotional  
19 distress;

20 (2) Interrupting, with the intent to harass, the  
21 telephone service or the electronic communication service  
22 of any person, including transmitting any file, document,  
23 or other communication which prevents that person from  
24 using his or her telephone service or electronic  
25 communications device;

1           (3) Transmitting to any person, with the intent to  
2 harass, abuse, or threaten injury to, or the property of,  
3 the person to whom an electronic communication is  
4 directed, or to any of his or her family or household  
5 members, and regardless of whether the communication is  
6 read in its entirety or at all, ~~any file, document, or~~  
7 ~~other communication which prevents that person from using~~  
8 ~~his or her telephone service or electronic communications~~  
9 ~~device;~~

10           (4) Transmitting an electronic communication or  
11 knowingly inducing a person to transmit an electronic  
12 communication for the purpose of harassing another person  
13 who is under 13 years of age, regardless of whether the  
14 person under 13 years of age consents to the harassment,  
15 if the defendant is at least 16 years of age at the time of  
16 the commission of the offense;

17           (5) Making repeated electronic communications, during  
18 which conversation or text or email messages ensue, solely  
19 to harass the person to whom the electronic communication  
20 is directed ~~Threatening injury to the person or to the~~  
21 ~~property of the person to whom an electronic communication~~  
22 ~~is directed or to any of his or her family or household~~  
23 ~~members; or~~

24           (6) Knowingly permitting any electronic communications  
25 device to be used for any of the purposes mentioned in this  
26 subsection (a).

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

11       (Source: P.A. 97-1108, eff. 1-1-13.)".