



Rep. Barbara Wheeler

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10000SB3411ham001

LRB100 19997 HEP 40062 a

1 AMENDMENT TO SENATE BILL 3411

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 3411 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Stalking No Contact Order Act is amended by  
5 changing Sections 5, 10, and 15 as follows:

6 (740 ILCS 21/5)

7 Sec. 5. Purpose. Stalking generally refers to a course of  
8 conduct, not a single act. Stalking behavior includes following  
9 a person, conducting surveillance of the person, appearing at  
10 the person's home, work or school, making unwanted phone calls,  
11 sending unwanted emails, unwanted messages via social media, or  
12 text messages, leaving objects for the person, vandalizing the  
13 person's property, or injuring a pet. Stalking is a serious  
14 crime. Victims experience fear for their safety, fear for the  
15 safety of others and suffer emotional distress. Many victims  
16 alter their daily routines to avoid the persons who are

1 stalking them. Some victims are in such fear that they relocate  
2 to another city, town or state. While estimates suggest that  
3 70% of victims know the individuals stalking them, only 30% of  
4 victims have dated or been in intimate relationships with their  
5 stalkers. All stalking victims should be able to seek a civil  
6 remedy requiring the offenders stay away from the victims and  
7 third parties.

8 (Source: P.A. 96-246, eff. 1-1-10.)

9 (740 ILCS 21/10)

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

11 "Course of conduct" means 2 or more acts, including but not  
12 limited to acts in which a respondent directly, indirectly, or  
13 through third parties, by any action, method, device, or means  
14 follows, monitors, observes, surveils, or threatens, ~~or~~  
15 ~~communicates to or about~~, a person, workplace, school, or place  
16 of worship, engages in other contact, or interferes with or  
17 damages a person's property or pet. A course of conduct may  
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.

24 "Contact" includes any contact with the victim, that is  
25 initiated or continued without the victim's consent, or that is

1 in disregard of the victim's expressed desire that the contact  
2 be avoided or discontinued, including but not limited to being  
3 in the physical presence of the victim; appearing within the  
4 sight of the victim; approaching or confronting the victim in a  
5 public place or on private property; appearing at the workplace  
6 or residence of the victim; entering onto or remaining on  
7 property owned, leased, or occupied by the victim; ~~or~~ placing  
8 an object on, or delivering an object to, property owned,  
9 leased, or occupied by the victim; and appearing at the  
10 prohibited workplace, school, or place of worship.

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

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

19 "Stalking" means engaging in a course of conduct directed  
20 at a specific person, and he or she knows or should know that  
21 this course of conduct would cause a reasonable person to fear  
22 for his or her safety, the safety of a workplace, school, or  
23 place of worship, or the safety of a third person or suffer  
24 emotional distress. Stalking does not include an exercise of  
25 the right to free speech or assembly that is otherwise lawful  
26 or picketing occurring at the workplace that is otherwise

1 lawful and arises out of a bona fide labor dispute, including  
2 any controversy concerning wages, salaries, hours, working  
3 conditions or benefits, including health and welfare, sick  
4 leave, insurance, and pension or retirement provisions, the  
5 making or maintaining of collective bargaining agreements, and  
6 the terms to be included in those agreements.

7 "Stalking No Contact Order" means an emergency order or  
8 plenary order granted under this Act, which includes a remedy  
9 authorized by Section 80 of this Act.

10 (Source: P.A. 96-246, eff. 1-1-10.)

11 (740 ILCS 21/15)

12 Sec. 15. Persons protected by this Act. A petition for a  
13 stalking no contact order may be filed when relief is not  
14 available to the petitioner under the Illinois Domestic  
15 Violence Act of 1986:

16 (1) by any person who is a victim of stalking; ~~or~~

17 (2) by a person on behalf of a minor child or an adult  
18 who is a victim of stalking but, because of age,  
19 disability, health, or inaccessibility, cannot file the  
20 petition; ~~or~~

21 (3) by an authorized agent of a workplace;

22 (4) by an authorized agent of a place of worship; or

23 (5) by an authorized agent of a school.

24 (Source: P.A. 96-246, eff. 1-1-10.)".