



## 96TH GENERAL ASSEMBLY

### State of Illinois

2009 and 2010

HB1320

Introduced 2/18/2009, by Rep. Jil Tracy - Sandra M. Pihos

#### 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.

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CORRECTIONAL  
BUDGET AND  
IMPACT NOTE ACT  
MAY APPLY

A BILL FOR

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 (Text of Section after amendment by P.A. 95-984)

8 Sec. 2. Sentence.

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

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

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

1 under Section 1-2 of this Act, or any similar offense of  
2 any state;

3 (2) The person has previously violated the harassment  
4 by telephone provisions of Section 1-1 of this Act or the  
5 harassment through electronic communications provisions of  
6 Section 1-2 of this Act or committed any similar offense in  
7 any state with the same victim or a member of the victim's  
8 family or household;

9 (3) At the time of the offense, the offender was under  
10 conditions of bail, probation, mandatory supervised  
11 release or was the subject of an order of protection, in  
12 this or any other state, prohibiting contact with the  
13 victim or any member of the victim's family or household;

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

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

20 (6) The person violates paragraph (4.1) of Section 1-1  
21 or paragraph (3.1) of subsection (a) of Section 1-2; or

22 (7) The person was at least 18 years of age at the time  
23 of the commission of the offense and the victim was under  
24 18 years of age at the time of the commission of the  
25 offense.

26 (c) Any violation of Section 1, 1-1, or 1-2 is a Class 3

1 felony if, in the course of the offense, the offender  
2 threatened to kill the victim or any member of the victim's  
3 family or household.

4 (Source: P.A. 95-984, eff. 6-1-09.)