

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 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  
17 reasonable person to experience significant emotional  
18 distress;

19 (2) Making a telephone call, whether or not  
20 conversation ensues, with intent to abuse, threaten injury  
21 to, or the property of, any person at the called number or  
22 to any of his or her family or household members ~~or harass~~  
23 ~~any person at the called number;~~

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

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

7           (5) Making a telephone call or knowingly inducing a  
8 person to make a telephone call for the purpose of  
9 harassing another person who is under 13 years of age,  
10 regardless of whether the person under 13 years of age  
11 consents to the harassment, if the defendant is at least  
12 16 years of age at the time of the commission of the  
13 offense; or

14           (6) Knowingly permitting any telephone under one's  
15 control to be used for any of the purposes mentioned  
16 herein.

17           (b) Every telephone directory published for distribution  
18 to members of the general public shall contain a notice  
19 setting forth a summary of the provisions of this Section. The  
20 notice shall be printed in type which is no smaller than any  
21 other type on the same page and shall be preceded by the word  
22 "WARNING". All telephone companies in this State shall  
23 cooperate with law enforcement agencies in using their  
24 facilities and personnel to detect and prevent violations of  
25 this Article.

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

1 (720 ILCS 5/26.5-3)

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

3 (a) A person commits harassment through electronic  
4 communications when he or she uses electronic communication  
5 for any of the following purposes:

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

8 (1.1) Making any comment, request, suggestion, or  
9 proposal which is known or intended to cause another  
10 person significant emotional distress and would cause a  
11 reasonable person to experience significant emotional  
12 distress;

13 (2) Interrupting, with the intent to harass, the  
14 telephone service or the electronic communication service  
15 of any person, including transmitting any file, document,  
16 or other communication which prevents that person from  
17 using his or her telephone service or electronic  
18 communications device;

19 (3) Transmitting to any person, with the intent to  
20 harass, abuse, or threaten injury to, or the property of,  
21 the person to whom an electronic communication is  
22 directed, or to any of his or her family or household  
23 members, and regardless of whether the communication is  
24 read in its entirety or at all, ~~any file, document, or~~  
25 ~~other communication which prevents that person from using~~

1 ~~his or her telephone service or electronic communications~~  
2 ~~device;~~

3 (4) Transmitting an electronic communication or  
4 knowingly inducing a person to transmit an electronic  
5 communication for the purpose of harassing another person  
6 who is under 13 years of age, regardless of whether the  
7 person under 13 years of age consents to the harassment,  
8 if the defendant is at least 16 years of age at the time of  
9 the commission of the offense;

10 (5) Making repeated electronic communications, during  
11 which conversation or text or email messages ensue, solely  
12 to harass the person to whom the electronic communication  
13 is directed ~~Threatening injury to the person or to the~~  
14 ~~property of the person to whom an electronic communication~~  
15 ~~is directed or to any of his or her family or household~~  
16 ~~members; or~~

17 (6) Knowingly permitting any electronic communications  
18 device to be used for any of the purposes mentioned in this  
19 subsection (a).

20 (b) Telecommunications carriers, commercial mobile service  
21 providers, and providers of information services, including,  
22 but not limited to, Internet service providers and hosting  
23 service providers, are not liable under this Section, except  
24 for willful and wanton misconduct, by virtue of the  
25 transmission, storage, or caching of electronic communications  
26 or messages of others or by virtue of the provision of other

1 related telecommunications, commercial mobile services, or  
2 information services used by others in violation of this  
3 Section.

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