

ORDINANCE NO. 8042

AN ORDINANCE TO PROHIBIT HARASSMENT THROUGH  
USE OF ELECTRONIC COMMUNICATION  
INCLUDING THE INTERNET AND EMAIL

WHEREAS, the City of Granite City is a home rule unit pursuant to Article VII, Section 6, of the Illinois State Constitution of 1970; and

WHEREAS, the Illinois Criminal Code, 720 ILCS 135/1-2, declares it a class B misdemeanor to harass another person through use of electronic communication; and

WHEREAS, the City Council of the City of Granite City hereby finds it necessary for the public health, safety and welfare, to prohibit such threats and harassment, through email or other internet communication, similar to the State Statute, 720 ILCS 135/1-2.

NOW, THEREFORE, be it ordained by the City Council of the City of Granite City, as follows:

1. Conduct known hereafter as harassment through electronic communication, is hereby declared a violation of City Ordinance, and prohibited conduct.

(a) Harassment through electronic communications is the use of electronic communication for any of the following purposes:

1. Making any comment, request, suggestion or proposal which is obscene with an intent to offend;
2. Interrupting, with the intent to harass, the telephone service or the electronic communication service of any person;
3. Transmitting to any person, with the intent to harass and regardless of whether the communication is read in its entirety or at all, any file, document, or other communication which prevents that person from using his or her telephone service or electronic communications device;
- 3.1. Transmitting an electronic communication or knowingly inducing a person to transmit an electronic communication for the purposes of harassing another person who is under 13 years of age, regardless of whether the person under 13 years of age consents to the harassment, if the defendant is at least 16 years of age at the time of the commission of the offense;
4. Threatening injury to the person or to the property of the person to whom an electronic communication is directed or to any of his or her family or household members; or
5. Knowingly permitting any electronic communications device to be used for any of the purposes mentioned in this subsection (a)

(b) As used in this section "Family or household member" includes spouses, former spouses, parents, children, stepchildren and other persons related by blood or by present or prior marriage, persons who share or formerly

shared a common dwelling, persons who have or allegedly share a blood relationship through a child, persons who have or have had a dating or engagement relationship, and persons with disabilities and their personal assistants. For purposes of this section, neither a casual acquaintanceship nor ordinary fraternization between 2 individuals in business or social contexts shall be deemed to constitute a dating relationship.

(c) Evidence inference. Evidence that a defendant made additional telephone calls or engaged in additional electronic communications after having been requested by a named complainant or by a family or household member of the complainant to stop may be considered as evidence of an intent to harass unless disproved by evidence to the contrary.

(d) As used in this section:

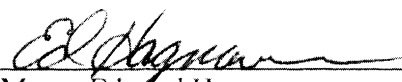
"Harassment" means to engage in a knowing and willful course of conduct directed at a specific person that alarms, torments, or terrorizes that person.

"Electronic communication" means any transfer of signs, signals, writings, sounds, data, or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic, photoelectric, or photo-optical system. "Electronic communication" includes text messaging, email, and other transmissions by a computer through the Internet to another computer.

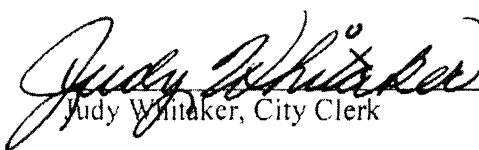
(e) Sentence. Harassment through electronic communication is punishable by a fine of up to \$750.00 per offense.

2. This Ordinance shall take effect 30 days after passage, and may be published in pamphlet form by the City Clerk. Should any court of competent jurisdiction declare any portion of this Ordinance void, preempted, or otherwise unenforceable, the remainder of this Ordinance shall remain in full force and effect. This Ordinance is not intended to replace or repeal any other prohibition of harassing, threatening or intimidating conduct, otherwise prohibited under City Ordinance, including but not limited to any Ordinance 3444 (1977) prohibiting disorderly conduct.

PASSED this 18<sup>th</sup> day of March, 2008.

APPROVED:   
Mayor Edward Hagnauer

ATTEST:

  
Judy Whitaker, City Clerk

63113