

## Stop Street Harassment

### Illinois

A variety of forms of street harassment are illegal in Illinois, including verbal harassment, up-skirt photos, indecent exposure, following, and groping. Here are the laws and reporting procedures you need to know.

#### Verbal Harassment

In Illinois, harassment laws refer specifically to harassing communications in writing or by phone. But there are other laws you can use to report verbal harassment in public places.

##### ***Disorderly Conduct***

[Chapter 720, § 5-26-1](#)

Some types of harassment in public fall under disorderly conduct.

- A person exhibits disorderly conduct when s/he knowingly commits an act in such an unreasonable manner that it alarms or disturbs another or provokes a breach of the peace.
- Disorderly conduct can include verbal acts, such as shouting or cursing.

The “provokes a breach of the peace” part makes it a “fighting words” law. Since street harassment rarely results in the harassed person fighting back, these laws usually have not been used to address street harassment. But you can still try using it, and if enough people make a case for why it should be used, then it might be applied more often.

**Penalty:** Disorderly conduct is a misdemeanor in Illinois, punishable by a fine of up to \$1,500 and/or up to 30 days in jail. Disorderly conduct convictions also require between 30 and 120 hours of community service in counties where appropriate programs exist.

##### ***Intimidation***

[Chapter 720, §5-12-6, §5-12-9](#)

Illinois law specifically protects you from threats made to intimidate you into doing or not doing something.

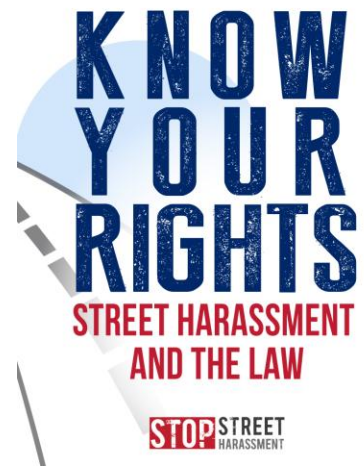
If a harasser makes a threat that includes any kind of ultimatum like “if you do/don’t do this, I will...” you can report him/her.

**Penalty:** Intimidation is a felony, punishable by a fine of up to \$25,000 and/or between 2 and 10 years imprisonment. If the intimidation is related to your attempt to report a crime, the charge may be increased to aggravated intimidation, which has a harsher penalty.

##### ***Soliciting A Sexual Act***

[Chapter 720, § 5-11-14.1](#)

Soliciting someone for the purposes of prostitution is illegal in Illinois. If a street harasser solicits sexual activity from you, you can report him/her.



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You can also make the case that harassers who yell, “How much?!” or offer you money, or anything else, for sex, even in jest, are soliciting prostitution.

Stop Street Harassment doesn’t oppose consensual sex work, but we do think it’s inappropriate for a street harasser to make assumptions about your sexual availability and make you feel uncomfortable.

Penalty: Soliciting a sexual act is a misdemeanor, punishable by a fine of up to \$2,500 and/or up to 1 year in jail. If the person being solicited is a minor or has a severe intellectual disability, soliciting a sexual act is a felony, punishable by a fine of up to \$25,000 and between 1 and 3 years in prison.

### Make Change Chicago

The City of Chicago has a specific Chapter in the legal code – Chapter 8, Title 10 – called “Use of Public Ways and Places.”

At the time of writing, this chapter guarantees quiet areas around schools and hospitals, provides rules for public events like parades and festivals, and protects against excessive sales and solicitation. This section of the law seems like the perfect place for a Safe Spaces ordinance.

A Safe Spaces Ordinance could define the actions that constitute street harassment in Chicago and prescribe a penalty for those committing them. Such an ordinance would deter harassing behavior, provide greater protection for women and other groups, and give us a tool for reporting, prosecuting, and preventing street harassment in Chicago and, potentially, nationwide.

## Unlawful Filming/Photographing

### *Unauthorized Video Recording and Live Video Transmission*

#### Chapter 720, §5-26-4

In Illinois, the following is illegal:

1. Photographing or recording another person in a restroom, tanning bed, tanning salon, locker room, changing room, or hotel bedroom without that person’s consent.
2. Photographing or recording a non-consenting person’s underwear or photographing or recording through that person’s clothing.

If a street harasser takes an up-skirt or down-blouse photo of you, or otherwise observes or photographs you in an inappropriate way, you can report him/her.

Penalty: Unauthorized video recording is a Class A misdemeanor, punishable by a fine of up to \$2,500 and/or up to one year in prison.

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### Indecent Exposure

#### **Public Indecency**

##### [Chapter 720, § 5-11-30](#)

Public indecency covers any act of sexual conduct or any lewd exposure done with the intent of sexual arousal or satisfaction in a public place.

If a harasser flashes you, otherwise exposes him or herself to you, or masturbates in a public place, such as a park, on public transportation, or in a store, you can report that person.

Penalty: Public indecency is a misdemeanor in Illinois, and carries a possible penalty of up to one year in prison, a fine of up to \$2,500, and/or up to two years probation.

#### **Indecent Exposure (Chicago)**

##### [Title 8, Chapter 8, §080, Municipal Code of Chicago](#)

The City of Chicago has a slightly more specific definition of indecent exposure, and uses that term directly. Any person who appears in public with his or her genitals, genital area, buttocks, or the lower half of female breasts exposed or not covered by an opaque covering commits indecent exposure in Chicago.

If someone exposes himself or herself to you in this way, you can report him or her for public indecency statewide and for indecent exposure in Chicago.

Penalty: Violations of indecent exposure in Chicago carry a fine of between \$20 and \$200 dollars.

### Following

If you think someone is following you, you can call 911 right away, the first time it happens. You do not have to wait for that person to commit a crime.

#### **Assault**

##### [Chapter 720, § 5-12-1](#)

In Illinois, a person commits assault when s/he places another person in reasonable fear of receiving a battery - any bodily harm or any physical contact of an insulting or provoking nature.

If someone is committing some action that makes you fear s/he will immediately hurt you, such as raising their hand to you, you can report them for assault.

Penalty: Assault is a misdemeanor in Illinois, punishable by 30 to 120 hours of community service, a fine of up to \$1,500, and/or up to 30 days in jail.

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### ***Stalking***

#### [Chapter 720, § 5-12-7.3](#)

Stalking is illegal in Illinois. Stalking is defined as a “course of conduct” – two or more acts – that would cause a reasonable person emotional distress or fear for his or her safety or the safety of another person.

If a harasser repeatedly follows you in your neighborhood, where you work, near your school, or any place at all, and gives you reason to fear bodily harm or sexual assault, you can report him or her for stalking in Illinois. Similarly, if s/he repeatedly contacts you without your consent, and especially if s/he issues any threats, this also constitutes stalking.

**Penalty:** Stalking is a felony, punishable by a fine of up to \$25,000 and/or between 1 and 3 years in prison.

### **Groping**

#### ***Battery***

#### [Chapter 720, § 5-12-3](#)

Battery in Illinois is defined as bodily harm *or* any physical contact of an insulting or provoking nature.

If a harasser puts his or her hands on you – whether s/he grabs your arm, your breasts, your crotch, or your butt – you can report that person.

**Penalty:** Battery is a misdemeanor in Illinois, punishable by a fine of up to \$2,500 and/or up to 1 year in jail.

#### ***Criminal Sexual Abuse***

#### [Chapter 720, § 5-11-1.5](#)

It is illegal in Illinois to commit sexual conduct with another person by force, by threat of force, or if the other person cannot give consent or is younger than 17 years old. Sexual conduct is defined as any touching or fondling, either directly or through clothing, of the sex organs, anus, or breast of the harasser or the person being abused.

If someone purposely touches or grabs you in a sexual way, either over or under your clothing, while you are someplace like on the bus, on the street, or in a club, and you did not give consent, you can report that person.

**Penalty:** Criminal sexual abuse is a felony, punishable by a fine of up to \$25,000 and/or between 1 and 3 years in prison.

### **Hate Crimes**

#### [Chapter 720, §5-12-7.1](#)

In Illinois, a number of crimes – including disorderly conduct, assault, and battery – are considered hate crimes when they are motivated by a bias against someone’s actual or perceived race, color, creed, religion, ancestry, gender, sexual orientation, physical or mental disability, or national origin.

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Demonstrating that the crime was committed because of the offender's bias is the key element in determining if something was a hate crime. If a harasser indicates that s/he is committing an act against you – such as following you, threatening you, or putting his or her hands on you – because of your gender, race, orientation, or another protected characteristic, you can report his or her crime and the indication of hate to the police.

An example of a hate crime in the context of street harassment would be someone following you and shouting something like, “Don’t you know you shouldn’t be here because you’re [a woman/gay/black/white/latina/etc.]? I should [violent threat] so you’ll stay inside.”

When reporting a hate crime, report the crime that was committed – assault, battery, etc. – and the indication that the crime was motivated by bias.

Penalty: A hate crime is a felony, punishable by a fine of up to \$25,000 and/or between 1 and 3 years in prison. Penalties may also include retribution to the victim(s). In addition to criminal charges, you may bring civil charges against a harasser who commits a hate crime if you experience damage to your property or physical harm. In a civil case, a judge may award actual or punitive damages, including damages for emotional distress and/or legal fees.

### Reporting Crimes to the Police

- Call 911 for help if:
  - The crime is in progress
  - You or someone else is physically hurt or have been threatened with physical violence
  - You can provide information about who may have committed a crime.
  
- Call the local police office's non-emergency number to submit a report afterward. For example, in Chicago, this number is (312) 746-6000. Be prepared to provide them with:
  - When it happened (date and time).
  - Where it happened (street location, store location, bus line or bus stop, park name, etc).
  - Who is reporting (your name and contact information).
  - A description of what happened.
  - The name and contact information of witnesses, if you spoke to any.
  - It can be helpful to include the law the crime falls under, such as Public Indecency, section 5-11-30. If you're not sure which law you should use to report an incident of street harassment, just tell the police what happened and s/he or the district attorney's office can determine the appropriate charges.
  - A description of the harasser/s.
  
- Many police departments also have online reporting forms, for example, the Chicago Police Department has a [Citizens Online Police Reporting System](#).
  
- Some police departments also allow you to anonymously text a tip about a crime, for example if you see a group of people routinely harassing passersby at the same location. Visit your local police department website for information.
  - For example, the Evanston Police Department allows you to text a tip to CRIMES (274637) – start your message with EPDTIP.

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- Once you've reported a crime, if you've provided your contact information, within a few days, you will receive a call with a police report case number and may have to answer follow-up questions. Save a copy of the police report for your records.

If someone tries to tell you that street harassment "isn't a big deal," or isn't illegal, don't buy it. You always have the right to be free from sexual harassment and assault in public.



**If it's unwanted,  
it's harassment**  
Touching · Rude comments · Leering

**SPEAK UP. IF YOU SEE SOMETHING, SAY SOMETHING.**

Tell a CTA employee immediately if you are a victim of harassment. Your safety comes first.  
Call CTA Customer Service: 1-888-YOUR-CTA (1-888-968-7282), TTY: 1-888-CTA-TTY1 (1-888-282-8891), or visit [www.transitchicago.com](http://www.transitchicago.com)

