



Sen. Bill Cunningham

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1 AMENDMENT TO SENATE BILL 563

2 AMENDMENT NO. _____. Amend Senate Bill 563 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Criminal Code of 2012 is amended by
5 changing Section 26-1 as follows:

6 (720 ILCS 5/26-1) (from Ch. 38, par. 26-1)

7 Sec. 26-1. Disorderly conduct.

8 (a) A person commits disorderly conduct when he or she
9 knowingly:

10 (1) Does any act in such unreasonable manner as to
11 alarm or disturb another and to provoke a breach of the
12 peace;

13 (2) Transmits or causes to be transmitted in any manner
14 to the fire department of any city, town, village or fire
15 protection district a false alarm of fire, knowing at the
16 time of the transmission that there is no reasonable ground

1 for believing that the fire exists;

2 (3) Transmits or causes to be transmitted in any manner
3 to another a false alarm to the effect that a bomb or other
4 explosive of any nature or a container holding poison gas,
5 a deadly biological or chemical contaminant, or
6 radioactive substance is concealed in a place where its
7 explosion or release would endanger human life, knowing at
8 the time of the transmission that there is no reasonable
9 ground for believing that the bomb, explosive or a
10 container holding poison gas, a deadly biological or
11 chemical contaminant, or radioactive substance is
12 concealed in the place;

13 (3.5) Transmits or causes to be transmitted in any
14 manner a threat of destruction of a school building or
15 school property, or a threat of violence, death, or bodily
16 harm directed against persons at a school, school function,
17 or school event, whether or not school is in session;

18 (4) Transmits or causes to be transmitted in any manner
19 to any peace officer, public officer or public employee a
20 report to the effect that an offense will be committed, is
21 being committed, or has been committed, knowing at the time
22 of the transmission that there is no reasonable ground for
23 believing that the offense will be committed, is being
24 committed, or has been committed;

25 (5) Transmits or causes to be transmitted a false
26 report to any public safety agency without the reasonable

1 grounds necessary to believe that transmitting the report
2 is necessary for the safety and welfare of the public; or

3 (6) Calls the number "911" or transmits or causes to be
4 transmitted in any manner for the purpose of making or
5 transmitting a false alarm or complaint and reporting
6 information when, at the time the call or transmission is
7 made, the person knows there is no reasonable ground for
8 making the call or transmission and further knows that the
9 call or transmission could result in the emergency response
10 of any public safety agency;

11 (7) Transmits or causes to be transmitted a false
12 report to the Department of Children and Family Services
13 under Section 4 of the Abused and Neglected Child Reporting
14 Act;

15 (8) Transmits or causes to be transmitted a false
16 report to the Department of Public Health under the Nursing
17 Home Care Act, the Specialized Mental Health
18 Rehabilitation Act of 2013, the ID/DD Community Care Act,
19 or the MC/DD Act;

20 (9) Transmits or causes to be transmitted in any manner
21 to the police department or fire department of any
22 municipality or fire protection district, or any privately
23 owned and operated ambulance service, a false request for
24 an ambulance, emergency medical technician-ambulance or
25 emergency medical technician-paramedic knowing at the time
26 there is no reasonable ground for believing that the

1 assistance is required;

2 (10) Transmits or causes to be transmitted a false
3 report under Article II of Public Act 83-1432;

4 (11) Enters upon the property of another and for a lewd
5 or unlawful purpose deliberately looks into a dwelling on
6 the property through any window or other opening in it; or

7 (12) While acting as a collection agency as defined in
8 the Collection Agency Act or as an employee of the
9 collection agency, and while attempting to collect an
10 alleged debt, makes a telephone call to the alleged debtor
11 which is designed to harass, annoy or intimidate the
12 alleged debtor.

13 (b) Sentence. A violation of subsection (a)(1) of this
14 Section is a Class C misdemeanor. A violation of subsection
15 (a)(5) or (a)(11) of this Section is a Class A misdemeanor. A
16 violation of subsection (a)(8) or (a)(10) of this Section is a
17 Class B misdemeanor. A violation of subsection (a)(2),
18 (a)(3.5), (a)(4), (a)(6), (a)(7), or (a)(9) of this Section is
19 a Class 4 felony. A violation of subsection (a)(3) of this
20 Section is a Class 3 felony, for which a fine of not less than
21 \$3,000 and no more than \$10,000 shall be assessed in addition
22 to any other penalty imposed.

23 A violation of subsection (a)(12) of this Section is a
24 Business Offense and shall be punished by a fine not to exceed
25 \$3,000. A second or subsequent violation of subsection (a)(7)
26 or (a)(5) of this Section is a Class 4 felony. A third or

1 subsequent violation of subsection (a) (11) of this Section is a
2 Class 4 felony.

3 (c) In addition to any other sentence that may be imposed,
4 a court shall order any person convicted of disorderly conduct
5 to perform community service for not less than 30 and not more
6 than 120 hours, if community service is available in the
7 jurisdiction and is funded and approved by the county board of
8 the county where the offense was committed. In addition,
9 whenever any person is placed on supervision for an alleged
10 offense under this Section, the supervision shall be
11 conditioned upon the performance of the community service.

12 This subsection does not apply when the court imposes a
13 sentence of incarceration.

14 (d) In addition to any other sentence that may be imposed,
15 the court shall order any person convicted of disorderly
16 conduct that requires an emergency response to ~~under paragraph~~
17 ~~(3) of subsection (a) involving a false alarm of a threat that~~
18 ~~a bomb or explosive device has been placed in~~ a school to
19 reimburse the unit of government that employs the emergency
20 response officer or officers that were dispatched to the school
21 for the cost of the response ~~search for a bomb or explosive~~
22 ~~device~~.

23 (e) In addition to any other sentence that may be imposed,
24 the court shall order any person convicted of disorderly
25 conduct under paragraph (6) of subsection (a) to reimburse the
26 public agency for the reasonable costs of the emergency

1 response by the public agency up to \$10,000. If the court
2 determines that the person convicted of disorderly conduct
3 under paragraph (6) of subsection (a) is indigent, the
4 provisions of this subsection (e) do not apply.

5 (f) For the purposes of this Section, "emergency response"
6 means any condition that results in, or could result in, the
7 response of a public official in an authorized emergency
8 vehicle, any condition that jeopardizes or could jeopardize
9 public safety and results in, or could result in, the
10 evacuation of any area, building, structure, vehicle, or of any
11 other place that any person may enter, or any incident
12 requiring a response by a police officer, a firefighter, a
13 State Fire Marshal employee, or an ambulance.

14 (Source: P.A. 98-104, eff. 7-22-13; 99-160, eff. 1-1-16;
15 99-180, eff. 7-29-15; 99-642, eff. 7-28-16.)

16 Section 10. The Code of Criminal Procedure of 1963 is
17 amended by changing Section 107-6 as follows:

18 (725 ILCS 5/107-6) (from Ch. 38, par. 107-6)

19 Sec. 107-6. Release by officer of person arrested; mental
20 health evaluation.

21 (a) In this Section, "qualified examiner" has the meaning
22 provided in Section 1-122 of the Mental Health and
23 Developmental Disabilities Code.

24 (b) A peace officer who arrests a person without a warrant

1 is authorized to release the person without requiring him or
2 her to appear before a court when the officer is satisfied that
3 there are no grounds for criminal complaint against the person
4 arrested.

5 (c) To assist a peace officer in making the determination
6 to release a person under subsection (b) of this Section or
7 with respect to release of a person after detention by the
8 officer without an arrest, if the officer has reasonable
9 grounds to believe the person made a threat of violence, death,
10 or bodily harm against a person, school, school function, or
11 school event, the officer may seek to obtain a mental health
12 evaluation of the person by a physician, clinical psychologist,
13 or qualified examiner, whether employed by the State, by any
14 public or private mental health facility or part of the
15 facility, or by any public or private medical facility or part
16 of the facility.

17 (Source: Laws 1963, p. 2836.)".