

**SB2034**



**100TH GENERAL ASSEMBLY**

**State of Illinois**

**2017 and 2018**

**SB2034**

Introduced 2/10/2017, by Sen. Ira I. Silverstein

**SYNOPSIS AS INTRODUCED:**

720 ILCS 5/12-9

from Ch. 38, par. 12-9

Amends the Criminal Code of 2012. Provides that for the purposes of the offense of threatening a public official or human service provider, "public official" includes a social worker, caseworker, attorney, or investigator employed by the Department of Healthcare and Family Services, the Department of Human Services, the Department of Children and Family Services, or the Guardianship and Advocacy Commission; or an assistant public guardian, attorney, social worker, case manager, or investigator employed by a duly appointed public guardian.

LRB100 08699 RLC 18835 b

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 Criminal Code of 2012 is amended by changing  
5 Section 12-9 as follows:

6 (720 ILCS 5/12-9) (from Ch. 38, par. 12-9)

7 Sec. 12-9. Threatening public officials; human service  
8 providers.

9 (a) A person commits threatening a public official or human  
10 service provider when:

11 (1) that person knowingly delivers or conveys,  
12 directly or indirectly, to a public official or human  
13 service provider by any means a communication:

14 (i) containing a threat that would place the public  
15 official or human service provider or a member of his  
16 or her immediate family in reasonable apprehension of  
17 immediate or future bodily harm, sexual assault,  
18 confinement, or restraint; or

19 (ii) containing a threat that would place the  
20 public official or human service provider or a member  
21 of his or her immediate family in reasonable  
22 apprehension that damage will occur to property in the  
23 custody, care, or control of the public official or his

1 or her immediate family; and

2 (2) the threat was conveyed because of the performance  
3 or nonperformance of some public duty or duty as a human  
4 service provider, because of hostility of the person making  
5 the threat toward the status or position of the public  
6 official or the human service provider, or because of any  
7 other factor related to the official's public existence.

8 (a-5) For purposes of a threat to a sworn law enforcement  
9 officer, the threat must contain specific facts indicative of a  
10 unique threat to the person, family or property of the officer  
11 and not a generalized threat of harm.

12 (a-6) For purposes of a threat to a social worker,  
13 caseworker, investigator, or human service provider, the  
14 threat must contain specific facts indicative of a unique  
15 threat to the person, family or property of the individual and  
16 not a generalized threat of harm.

17 (b) For purposes of this Section:

18 (1) "Public official" means a person who is elected to  
19 office in accordance with a statute or who is appointed to  
20 an office which is established, and the qualifications and  
21 duties of which are prescribed, by statute, to discharge a  
22 public duty for the State or any of its political  
23 subdivisions or in the case of an elective office any  
24 person who has filed the required documents for nomination  
25 or election to such office. "Public official" includes a  
26 duly appointed assistant State's Attorney, assistant

1 Attorney General, or Appellate Prosecutor; a sworn law  
2 enforcement or peace officer; a social worker, caseworker,  
3 attorney, or investigator employed by the Department of  
4 Healthcare and Family Services, the Department of Human  
5 Services, ~~or~~ the Department of Children and Family  
6 Services, or the Guardianship and Advocacy Commission; or  
7 an assistant public guardian, attorney, social worker,  
8 case manager, or investigator employed by a duly appointed  
9 public guardian.

10 (1.5) "Human service provider" means a social worker,  
11 case worker, or investigator employed by an agency or  
12 organization providing social work, case work, or  
13 investigative services under a contract with or a grant  
14 from the Department of Human Services, the Department of  
15 Children and Family Services, the Department of Healthcare  
16 and Family Services, or the Department on Aging.

17 (2) "Immediate family" means a public official's  
18 spouse or child or children.

19 (c) Threatening a public official or human service provider  
20 is a Class 3 felony for a first offense and a Class 2 felony for  
21 a second or subsequent offense.

22 (Source: P.A. 97-1079, eff. 1-1-13; 98-529, eff. 1-1-14.)