



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB4567

Introduced 1/31/2024, by Rep. Anne Stava-Murray - Diane Blair-Sherlock

SYNOPSIS AS INTRODUCED:

720 ILCS 5/12-9	from Ch. 38, par. 12-9
720 ILCS 5/26-1	from Ch. 38, par. 26-1
720 ILCS 5/29D-20	
720 ILCS 5/29D-25	

Amends the Criminal Code of 2012. Includes in offense of threatening a public official or human service provider, threatening a library employee. Provides that the threat to a public official, human service provider, or library employee includes a threat made electronically or via social media. Defines "library employee". In the offense of threatening a public official, human service provider, or library employee, includes in the definition of "public official" an employee of any State of Illinois constitutional office, State agency, or the General Assembly. Provides that the offense of disorderly conduct includes transmitting or causing to be transmitted threats or false reports electronically or via social media. Provides that disorderly conduct includes the knowing transmission of or causing to be transmitted in any manner, including electronically or via social media, a lewd, lascivious, indecent, or obscene message to a public official. Provides that making a terrorist threat or falsely making a terrorist threat includes making a terrorist threat or falsely making a terrorist threat by any means of communication, including electronically or via social media. Makes other changes.

LRB103 37112 RLC 67231 b

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 12-9, 26-1, 29D-20, and 29D-25 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; library employees.

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

11 (1) that person knowingly delivers or conveys,
12 directly or indirectly, to a public official, ~~or~~ human
13 service provider, or library employee by any means a
14 communication, including electronically or via social
15 media:

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

21 (ii) containing a threat that would place the
22 public official, ~~or~~ human service provider, or library
23 employee or a member of his or her immediate family in

1 reasonable apprehension that damage will occur to
2 property in the custody, care, or control of the
3 public official, human service provider, or library
4 employee or his or her immediate family; and

5 (2) the threat was conveyed by any means of
6 communication, including electronically or via social
7 media because of the performance or nonperformance of some
8 public duty or duty as a library employee or human service
9 provider, because of hostility of the person making the
10 threat toward the status or position of the public
11 official, ~~or the~~ human service provider, or library
12 employee, or because of any other factor related to the
13 official's public existence.

14 (a-5) For purposes of a threat to a sworn law enforcement
15 officer, the threat must contain specific facts indicative of
16 a unique threat to the person, family or property of the
17 officer and not a generalized threat of harm.

18 (a-6) For purposes of a threat to a social worker,
19 caseworker, investigator, ~~or~~ human service provider, or
20 library employee the threat must contain specific facts
21 indicative of a unique threat to the person, family or
22 property of the individual and not a generalized threat of
23 harm.

24 (b) For purposes of this Section:

25 (1) "Public official" means a person who is elected to
26 office in accordance with a statute or who is appointed to

1 an office which is established, and the qualifications and
2 duties of which are prescribed, by statute, to discharge a
3 public duty for the State or any of its political
4 subdivisions or in the case of an elective office any
5 person who has filed the required documents for nomination
6 or election to such office. "Public official" includes a
7 duly appointed assistant State's Attorney,~~assistant~~
8 ~~Attorney General,~~ or Appellate Prosecutor; employee of any
9 State of Illinois constitutional office, State agency, or
10 the General Assembly; a sworn law enforcement or peace
11 officer; a social worker, caseworker, attorney, or
12 investigator employed by the Department of Healthcare and
13 Family Services, the Department of Human Services, the
14 Department of Children and Family Services, or the
15 Guardianship and Advocacy Commission; or an assistant
16 public guardian, attorney, social worker, case manager, or
17 investigator employed by a duly appointed public guardian.

18 (1.5) "Human service provider" means a social worker,
19 case worker, or investigator employed by an agency or
20 organization providing social work, case work, or
21 investigative services under a contract with or a grant
22 from the Department of Human Services, the Department of
23 Children and Family Services, the Department of Healthcare
24 and Family Services, or the Department on Aging.

25 (1.6) "Library employee" means an employee of a public
26 library, including a library that is privately endowed or

1 tax-supported and established under the Illinois Local
2 Library Act or the Public Library District Act of 1991.

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

5 (c) Threatening a public official, ~~or~~ human service
6 provider, or library employee is a Class 3 felony for a first
7 offense and a Class 2 felony for a second or subsequent
8 offense.

9 (Source: P.A. 100-1, eff. 1-1-18.)

10 (720 ILCS 5/26-1) (from Ch. 38, par. 26-1)

11 Sec. 26-1. Disorderly conduct.

12 (a) A person commits disorderly conduct when he or she
13 knowingly:

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

17 (2) Transmits or causes to be transmitted in any
18 manner, including electronically or via social media, to
19 the fire department of any city, town, village or fire
20 protection district a false alarm of fire, knowing at the
21 time of the transmission that there is no reasonable
22 ground for believing that the fire exists;

23 (3) Transmits or causes to be transmitted in any
24 manner, including electronically or via social media, to
25 another a false alarm to the effect that a bomb or other

1 explosive of any nature or a container holding poison gas,
2 a deadly biological or chemical contaminant, or
3 radioactive substance is concealed in a place where its
4 explosion or release would endanger human life, knowing at
5 the time of the transmission that there is no reasonable
6 ground for believing that the bomb, explosive or a
7 container holding poison gas, a deadly biological or
8 chemical contaminant, or radioactive substance is
9 concealed in the place;

10 (3.5) Transmits or causes to be transmitted in any
11 manner, including electronically or via social media, a
12 threat of destruction of a school or library building or
13 school or library property, or a threat of violence,
14 death, or bodily harm directed against persons at a school
15 or library, school or library function, or school or
16 library event, whether or not school is in session or the
17 library is open;

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

26 (5) Transmits or causes to be transmitted in any

1 manner, including electronically or via social media, a
2 false report to any public safety agency without the
3 reasonable grounds necessary to believe that transmitting
4 the report is necessary for the safety and welfare of the
5 public;

6 (6) Calls or texts the number "911" or transmits or
7 causes to be transmitted in any manner, including
8 electronically or via social media, to a public safety
9 agency or public safety answering point for the purpose of
10 making or transmitting a false alarm or complaint and
11 reporting information when, at the time the call, text, or
12 transmission is made, the person knows there is no
13 reasonable ground for making the call, text, or
14 transmission and further knows that the call, text, or
15 transmission could result in the emergency response of any
16 public safety agency;

17 (7) Transmits or causes to be transmitted in any
18 manner, including electronically or via social media, a
19 false report to the Department of Children and Family
20 Services under Section 4 of the Abused and Neglected Child
21 Reporting Act;

22 (8) Transmits or causes to be transmitted in any
23 manner, including electronically or via social media, a
24 false report to the Department of Public Health under the
25 Nursing Home Care Act, the Specialized Mental Health
26 Rehabilitation Act of 2013, the ID/DD Community Care Act,

1 or the MC/DD Act;

2 (9) Transmits or causes to be transmitted in any
3 manner, including electronically or via social media, to
4 the police department or fire department of any
5 municipality or fire protection district, or any privately
6 owned and operated ambulance service, a false request for
7 an ambulance, emergency medical technician-ambulance or
8 emergency medical technician-paramedic knowing at the time
9 there is no reasonable ground for believing that the
10 assistance is required;

11 (10) Transmits or causes to be transmitted in any
12 manner, including electronically or via social media, a
13 false report under Article II of Public Act 83-1432;

14 (11) Enters upon the property of another and for a
15 lewd or unlawful purpose deliberately looks into a
16 dwelling on the property through any window or other
17 opening in it; ~~or~~

18 (12) While acting as a collection agency as defined in
19 the Collection Agency Act or as an employee of the
20 collection agency, and while attempting to collect an
21 alleged debt, makes a telephone call to the alleged debtor
22 which is designed to harass, annoy or intimidate the
23 alleged debtor; or ~~or~~

24 (13) Transmits or causes to be transmitted in any
25 manner, including electronically or via social media, a
26 lewd, lascivious, indecent or obscene message to a public

1 official as defined in Section 12-9.

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

12 A violation of subsection (a)(12) of this Section is a
13 Business Offense and shall be punished by a fine not to exceed
14 \$3,000. A second or subsequent violation of subsection (a)(7)
15 or (a)(5) of this Section is a Class 4 felony. A third or
16 subsequent violation of subsection (a)(11) of this Section is
17 a Class 4 felony.

18 (c) In addition to any other sentence that may be imposed,
19 a court shall order any person convicted of disorderly conduct
20 to perform community service for not less than 30 and not more
21 than 120 hours, if community service is available in the
22 jurisdiction and is funded and approved by the county board of
23 the county where the offense was committed. In addition,
24 whenever any person is placed on supervision for an alleged
25 offense under this Section, the supervision shall be
26 conditioned upon the performance of the community service.

1 This subsection does not apply when the court imposes a
2 sentence of incarceration.

3 (d) In addition to any other sentence that may be imposed,
4 the court shall order any person convicted of disorderly
5 conduct under paragraph (3) of subsection (a) involving a
6 false alarm of a threat that a bomb or explosive device has
7 been placed in a school or library that requires an emergency
8 response to reimburse the unit of government that employs the
9 emergency response officer or officers that were dispatched to
10 the school or library for the cost of the response. If the
11 court determines that the person convicted of disorderly
12 conduct that requires an emergency response to a school or
13 library is indigent, the provisions of this subsection (d) do
14 not apply.

15 (e) In addition to any other sentence that may be imposed,
16 the court shall order any person convicted of disorderly
17 conduct under paragraph (3.5) or (6) of subsection (a) to
18 reimburse the public agency for the reasonable costs of the
19 emergency response by the public agency up to \$10,000. If the
20 court determines that the person convicted of disorderly
21 conduct under paragraph (3.5) or (6) of subsection (a) is
22 indigent, the provisions of this subsection (e) do not apply.

23 (f) For the purposes of this Section, "emergency response"
24 means any condition that results in, or could result in, the
25 response of a public official in an authorized emergency
26 vehicle, any condition that jeopardizes or could jeopardize

1 public safety and results in, or could result in, the
2 evacuation of any area, building, structure, vehicle, or of
3 any other place that any person may enter, or any incident
4 requiring a response by a police officer, a firefighter, a
5 State Fire Marshal employee, or an ambulance.

6 (Source: P.A. 103-366, eff. 1-1-24.)

7 (720 ILCS 5/29D-20)

8 Sec. 29D-20. Making a terrorist threat.

9 (a) A person is guilty of making a terrorist threat when,
10 with the intent to intimidate or coerce a significant portion
11 of a civilian population, he or she in any manner, including
12 electronically or via social media, knowingly threatens to
13 commit or threatens to cause the commission of a terrorist act
14 as defined in Section 29D-10(1) and thereby causes a
15 reasonable expectation or fear of the imminent commission of a
16 terrorist act as defined in Section 29D-10(1) or of another
17 terrorist act as defined in Section 29D-10(1).

18 (b) It is not a defense to a prosecution under this Section
19 that at the time the defendant made the terrorist threat,
20 unknown to the defendant, it was impossible to carry out the
21 threat, nor is it a defense that the threat was not made to a
22 person who was a subject or intended victim of the threatened
23 act.

24 (c) Sentence. Making a terrorist threat is a Class X
25 felony.

1 (d) In addition to any other sentence that may be imposed,
2 the court shall order any person convicted of making a
3 terrorist threat involving a threat that a bomb or explosive
4 device has been placed in a school or library to reimburse the
5 unit of government that employs the emergency response officer
6 or officers that were dispatched to the school or library for
7 the cost of the search for a bomb or explosive device. For the
8 purposes of this Section, "emergency response" means any
9 incident requiring a response by a police officer, a
10 firefighter, a State Fire Marshal employee, or an ambulance.
11 (Source: P.A. 96-413, eff. 8-13-09.)

12 (720 ILCS 5/29D-25)

13 Sec. 29D-25. Falsely making a terrorist threat.

14 (a) A person commits the offense of falsely making a
15 terrorist threat when in any manner, including by any means of
16 communication, including electronically or via social media,
17 he or she knowingly makes a threat to commit or cause to be
18 committed a terrorist act as defined in Section 29D-10(1) or
19 otherwise knowingly creates the impression or belief that a
20 terrorist act is about to be or has been committed, or in any
21 manner knowingly makes a threat to commit or cause to be
22 committed a catastrophe as defined in Section 29D-15.1 (720
23 ILCS 5/29D-15.1) of this Code that he or she knows is false.

24 (b) Sentence. Falsely making a terrorist threat is a Class
25 1 felony.

1 (c) In addition to any other sentence that may be imposed,
2 the court shall order any person convicted of falsely making a
3 terrorist threat, involving a threat that a bomb or explosive
4 device has been placed in a school or library in which the
5 offender knows that such bomb or explosive device was not
6 placed in the school or library, to reimburse the unit of
7 government that employs the emergency response officer or
8 officers that were dispatched to the school or library for the
9 cost of the search for a bomb or explosive device. For the
10 purposes of this Section, "emergency response" means any
11 incident requiring a response by a police officer, a
12 firefighter, a State Fire Marshal employee, or an ambulance.
13 (Source: P.A. 96-413, eff. 8-13-09; 96-710, eff. 1-1-10;
14 96-1000, eff. 7-2-10.)