



Sen. Dale A. Righter

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09500HB0328sam001

LRB095 04435 RLC 35696 a

1 AMENDMENT TO HOUSE BILL 328

2 AMENDMENT NO. _____. Amend House Bill 328 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Criminal Code of 1961 is amended by
5 changing Section 12-9 as follows:

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

7 Sec. 12-9. Threatening public officials.

8 (a) A person commits the offense of threatening a public
9 official when:

10 (1) that person knowingly and willfully delivers or
11 conveys, directly or indirectly, to a public official by
12 any means a communication:

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

1 (ii) containing a threat that would place the
2 public official or a member of his or her immediate
3 family in reasonable apprehension that damage will
4 occur to property in the custody, care, or control of
5 the public official or his or her immediate family; and

6 (2) the threat was conveyed because of the performance
7 or nonperformance of some public duty, because of hostility
8 of the person making the threat toward the status or
9 position of the public official, or because of any other
10 factor related to the official's public existence.

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

15 (b) For purposes of this Section:

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

26 (2) "Immediate family" means a public official's

1 spouse or child or children.

2 (c) Threatening a public official is a Class 3 felony for a
3 first offense and a Class 2 felony for a second or subsequent
4 offense.

5 (Source: P.A. 91-335, eff. 1-1-00; 91-387, eff. 1-1-00; 92-16,
6 eff. 6-28-01.)".