



Judiciary II - Criminal Law Committee

**Filed: 5/17/2007**

09500SB0174ham001

LRB095 07165 RLC 36342 a

1 AMENDMENT TO SENATE BILL 174

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 174 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.)".