



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB1105

Introduced 2/11/2009, by Rep. Dennis M. Reboletti - Timothy L. Schmitz

SYNOPSIS AS INTRODUCED:

720 ILCS 5/26-1
720 ILCS 135/2

from Ch. 38, par. 26-1
from Ch. 134, par. 16.5

Amends the Criminal Code of 1961. Provides that disorderly conduct involving a person who knowingly does any act in such unreasonable manner as to alarm or disturb another and to provoke a breach of the peace and which involves a threat of destruction of a school building or school property, or a threat of violence, death, or bodily harm directed toward persons at a school or school function or school event, whether or not school is in session, is a Class 4 felony (rather than a Class C misdemeanor). Amends the Harassing and Obscene Communications Act. Provides that obscene messages or harassment by telephone or through electronic communications that involves a threat of destruction of a school building or school property, or a threat of violence or bodily harm directed toward persons at a school or school function or school event, whether or not school is in session, is a Class 4 felony (instead of a Class B misdemeanor for a first offense and a Class A misdemeanor for a second or subsequent offense).

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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 1961 is amended by changing
5 Section 26-1 as follows:

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

7 Sec. 26-1. Elements of the Offense.

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

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

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

17 (3) Transmits or causes to be transmitted in any manner
18 to another a false alarm to the effect that a bomb or other
19 explosive of any nature or a container holding poison gas,
20 a deadly biological or chemical contaminant, or
21 radioactive substance is concealed in such place that its
22 explosion or release would endanger human life, knowing at
23 the time of such transmission that there is no reasonable

1 ground for believing that such bomb, explosive or a
2 container holding poison gas, a deadly biological or
3 chemical contaminant, or radioactive substance is
4 concealed in such place; or

5 (4) Transmits or causes to be transmitted in any manner
6 to any peace officer, public officer or public employee a
7 report to the effect that an offense will be committed, is
8 being committed, or has been committed, knowing at the time
9 of such transmission that there is no reasonable ground for
10 believing that such an offense will be committed, is being
11 committed, or has been committed; or

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

15 (6) While acting as a collection agency as defined in
16 the "Collection Agency Act" or as an employee of such
17 collection agency, and while attempting to collect an
18 alleged debt, makes a telephone call to the alleged debtor
19 which is designed to harass, annoy or intimidate the
20 alleged debtor; or

21 (7) Transmits or causes to be transmitted a false
22 report to the Department of Children and Family Services
23 under Section 4 of the "Abused and Neglected Child
24 Reporting Act"; or

25 (8) Transmits or causes to be transmitted a false
26 report to the Department of Public Health under the Nursing

1 Home Care Act; or

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

10 (10) Transmits or causes to be transmitted a false
11 report under Article II of "An Act in relation to victims
12 of violence and abuse", approved September 16, 1984, as
13 amended; or

14 (11) Transmits or causes to be transmitted a false
15 report to any public safety agency without the reasonable
16 grounds necessary to believe that transmitting such a
17 report is necessary for the safety and welfare of the
18 public; or

19 (12) Calls the number "911" for the purpose of making
20 or transmitting a false alarm or complaint and reporting
21 information when, at the time the call or transmission is
22 made, the person knows there is no reasonable ground for
23 making the call or transmission and further knows that the
24 call or transmission could result in the emergency response
25 of any public safety agency.

26 (b) Sentence. A violation of subsection (a)(1) of this

1 Section is a Class C misdemeanor. A violation of subsection
2 (a) (5), (a) (11), or (a) (12) of this Section is a Class A
3 misdemeanor. A violation of subsection (a) (8) or (a) (10) of
4 this Section is a Class B misdemeanor. A violation of
5 subsection (a) (1) involving a threat of destruction of a school
6 building or school property, or a threat of violence, death, or
7 bodily harm directed toward persons at a school or school
8 function or school event, whether or not school is in session,
9 or a violation of subsection ~~A violation of subsection~~ (a) (2),
10 (a) (4), (a) (7), or (a) (9) of this Section is a Class 4 felony.
11 A violation of subsection (a) (3) of this Section is a Class 3
12 felony, for which a fine of not less than \$3,000 and no more
13 than \$10,000 shall be assessed in addition to any other penalty
14 imposed.

15 A violation of subsection (a) (6) of this Section is a
16 Business Offense and shall be punished by a fine not to exceed
17 \$3,000. A second or subsequent violation of subsection (a) (7),
18 (a) (11), or (a) (12) of this Section is a Class 4 felony. A
19 third or subsequent violation of subsection (a) (5) of this
20 Section is a Class 4 felony.

21 (c) In addition to any other sentence that may be imposed,
22 a court shall order any person convicted of disorderly conduct
23 to perform community service for not less than 30 and not more
24 than 120 hours, if community service is available in the
25 jurisdiction and is funded and approved by the county board of
26 the county where the offense was committed. In addition,

1 whenever any person is placed on supervision for an alleged
2 offense under this Section, the supervision shall be
3 conditioned upon the performance of the community service.

4 This subsection does not apply when the court imposes a
5 sentence of incarceration.

6 (Source: P.A. 92-16, eff. 6-28-01; 92-502, eff. 12-19-01;
7 93-431, eff. 8-5-03.)

8 Section 10. The Harassing and Obscene Communications Act is
9 amended by changing Section 2 as follows:

10 (720 ILCS 135/2) (from Ch. 134, par. 16.5)

11 (Text of Section after amendment by P.A. 95-984)

12 Sec. 2. Sentence.

13 (a) Except as provided in subsection (b), a person who
14 violates any of the provisions of Section 1, 1-1, or 1-2 of
15 this Act is guilty of a Class B misdemeanor. Except as provided
16 in subsection (b), a second or subsequent violation of Section
17 1, 1-1, or 1-2 of this Act is a Class A misdemeanor, for which
18 the court shall impose a minimum of 14 days in jail or, if
19 public or community service is established in the county in
20 which the offender was convicted, 240 hours of public or
21 community service.

22 (b) In any of the following circumstances, a person who
23 violates Section 1, 1-1, or 1-2 of this Act shall be guilty of
24 a Class 4 felony:

1 (1) The person has 3 or more prior violations in the
2 last 10 years of harassment by telephone under Section 1-1
3 of this Act, harassment through electronic communications
4 under Section 1-2 of this Act, or any similar offense of
5 any state;

6 (2) The person has previously violated the harassment
7 by telephone provisions of Section 1-1 of this Act or the
8 harassment through electronic communications provisions of
9 Section 1-2 of this Act or committed any similar offense in
10 any state with the same victim or a member of the victim's
11 family or household;

12 (3) At the time of the offense, the offender was under
13 conditions of bail, probation, mandatory supervised
14 release or was the subject of an order of protection, in
15 this or any other state, prohibiting contact with the
16 victim or any member of the victim's family or household;

17 (4) In the course of the offense, the offender
18 threatened to kill the victim or any member of the victim's
19 family or household;

20 (5) The person has been convicted in the last 10 years
21 of a forcible felony as defined in Section 2-8 of the
22 Criminal Code of 1961;

23 (6) The person violates paragraph (4.1) of Section 1-1
24 or paragraph (3.1) of subsection (a) of Section 1-2; ~~or~~

25 (7) The person was at least 18 years of age at the time
26 of the commission of the offense and the victim was under

1 18 years of age at the time of the commission of the
2 offense; or -

3 (8) The violation of Section 1, 1-1, or 1-2 involves a
4 threat of destruction of a school building or school
5 property, or a threat of violence or bodily harm directed
6 toward persons at a school or school function or school
7 event, whether or not school is in session.

8 (Source: P.A. 95-984, eff. 6-1-09.)