

HB6101



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB6101

Introduced 2/11/2010, by Rep. Lisa M. Dugan

SYNOPSIS AS INTRODUCED:

720 ILCS 5/26-1

from Ch. 38, par. 26-1

Amends the Criminal Code of 1961. Provides that transmitting a false 911 call is a Class 4 felony.

LRB096 20279 RLC 36551 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 1961 is amended by changing
5 Section 26-1 as follows:

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

7 (Text of Section after amendment by P.A. 96-339)

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

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

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

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

18 (3) Transmits or causes to be transmitted in any manner
19 to another a false alarm to the effect that a bomb or other
20 explosive of any nature or a container holding poison gas,
21 a deadly biological or chemical contaminant, or
22 radioactive substance is concealed in such place that its
23 explosion or release would endanger human life, knowing at

1 the time of such transmission that there is no reasonable
2 ground for believing that such bomb, explosive or a
3 container holding poison gas, a deadly biological or
4 chemical contaminant, or radioactive substance is
5 concealed in such place; or

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

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

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

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

26 (8) Transmits or causes to be transmitted a false

1 report to the Department of Public Health under the Nursing
2 Home Care Act or the MR/DD Community Care Act; or

3 (9) Transmits or causes to be transmitted in any manner
4 to 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 such
10 assistance is required; or

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

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

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

1 (13) Transmits or causes to be transmitted a threat of
2 destruction of a school building or school property, or a
3 threat of violence, death, or bodily harm directed against
4 persons at a school, school function, or school event,
5 whether or not school is in session.

6 (b) Sentence. A violation of subsection (a)(1) of this
7 Section is a Class C misdemeanor. A violation of subsection
8 (a) (5) or (a) (11), ~~or (a) (12)~~ of this Section is a Class A
9 misdemeanor. A violation of subsection (a) (8) or (a) (10) of
10 this Section is a Class B misdemeanor. A violation of
11 subsection (a) (2), (a) (4), (a) (7), (a) (9), (a) (12), or (a) (13)
12 of this Section is a Class 4 felony. A violation of subsection
13 (a) (3) of this Section is a Class 3 felony, for which a fine of
14 not less than \$3,000 and no more than \$10,000 shall be assessed
15 in addition to any other penalty imposed.

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

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

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

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

7 (d) In addition to any other sentence that may be imposed,
8 the court shall order any person convicted of disorderly
9 conduct under paragraph (3) of subsection (a) involving a false
10 alarm of a threat that a bomb or explosive device has been
11 placed in a school to reimburse the unit of government that
12 employs the emergency response officer or officers that were
13 dispatched to the school for the cost of the search for a bomb
14 or explosive device. For the purposes of this Section,
15 "emergency response" means any incident requiring a response by
16 a police officer, a firefighter, a State Fire Marshal employee,
17 or an ambulance.

18 (Source: P.A. 96-339, eff. 7-1-10; 96-413, eff. 8-13-09;
19 96-772, eff. 1-1-10; revised 9-25-09.)