



## 99TH GENERAL ASSEMBLY

### State of Illinois

2015 and 2016

**HB4419**

by Rep. Terri Bryant

#### SYNOPSIS AS INTRODUCED:

720 ILCS 5/26-1

from Ch. 38, par. 26-1

Amends the Criminal Code of 2012. Provides that it is also disorderly conduct to knowingly upload a video of a crime being committed, a gang-related fight, a battery committed with the intent to cause a person to be made unconscious, or other display of violence to a social media website or social networking website with the intent to promote or condone that activity or refuse to provide a law enforcement agency or peace officer with that uploaded video upon request of that agency or officer. Provides that a violation is a Class A misdemeanor.

LRB099 15876 RLC 40189 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 2012 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. Disorderly conduct.

8 (a) A person commits disorderly conduct when he or she  
9 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;

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 the transmission that there is no reasonable ground  
17 for believing that the fire exists;

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 a place where its  
23 explosion or release would endanger human life, knowing at

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

6 (3.5) Transmits or causes to be transmitted a threat of  
7 destruction of a school building or school property, or a  
8 threat of violence, death, or bodily harm directed against  
9 persons at a school, school function, or school event,  
10 whether or not school is in session;

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

18 (5) Transmits or causes to be transmitted a false  
19 report to any public safety agency without the reasonable  
20 grounds necessary to believe that transmitting the report  
21 is necessary for the safety and welfare of the public; or

22 (6) Calls the number "911" for the purpose of making or  
23 transmitting a false alarm or complaint and reporting  
24 information when, at the time the call or transmission is  
25 made, the person knows there is no reasonable ground for  
26 making the call or transmission and further knows that the

1 call or transmission could result in the emergency response  
2 of any public safety agency;

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

7 (8) Transmits or causes to be transmitted a false  
8 report to the Department of Public Health under the Nursing  
9 Home Care Act, the Specialized Mental Health  
10 Rehabilitation Act of 2013, the ID/DD Community Care Act,  
11 or the MC/DD Act;

12 (9) Transmits or causes to be transmitted in any manner  
13 to the police department or fire department of any  
14 municipality or fire protection district, or any privately  
15 owned and operated ambulance service, a false request for  
16 an ambulance, emergency medical technician-ambulance or  
17 emergency medical technician-paramedic knowing at the time  
18 there is no reasonable ground for believing that the  
19 assistance is required;

20 (10) Transmits or causes to be transmitted a false  
21 report under Article II of Public Act 83-1432 ~~"An Act in~~  
22 ~~relation to victims of violence and abuse", approved~~  
23 ~~September 16, 1984, as amended;~~

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

1           (12) While acting as a collection agency as defined in  
2           the Collection Agency Act or as an employee of the  
3           collection agency, and while attempting to collect an  
4           alleged debt, makes a telephone call to the alleged debtor  
5           which is designed to harass, annoy or intimidate the  
6           alleged debtor; or

7           (13) Uploads a video of a crime being committed, a  
8           gang-related fight, a battery committed with the intent to  
9           cause a person to be made unconscious, or other display of  
10           violence to a social media website or social networking  
11           website with the intent to promote or condone that activity  
12           or refuses to provide a law enforcement agency or peace  
13           officer with that uploaded video upon request of that  
14           agency or officer.

15           (b) Sentence. A violation of subsection (a)(1) of this  
16           Section is a Class C misdemeanor. A violation of subsection  
17           (a)(5), ~~or~~ (a)(11), or (a)(13) of this Section is a Class A  
18           misdemeanor. A violation of subsection (a)(8) or (a)(10) of  
19           this Section is a Class B misdemeanor. A violation of  
20           subsection (a)(2), (a)(3.5), (a)(4), (a)(6), (a)(7), or (a)(9)  
21           of this Section is a Class 4 felony. A violation of subsection  
22           (a)(3) of this Section is a Class 3 felony, for which a fine of  
23           not less than \$3,000 and no more than \$10,000 shall be assessed  
24           in addition to any other penalty imposed.

25           A violation of subsection (a)(12) of this Section is a  
26           Business Offense and shall be punished by a fine not to exceed

1 \$3,000. A second or subsequent violation of subsection (a) (7)  
2 or (a) (5) of this Section is a Class 4 felony. A third or  
3 subsequent violation of subsection (a) (11) of this Section is a  
4 Class 4 felony.

5 (c) In addition to any other sentence that may be imposed,  
6 a court shall order any person convicted of disorderly conduct  
7 to perform community service for not less than 30 and not more  
8 than 120 hours, if community service is available in the  
9 jurisdiction and is funded and approved by the county board of  
10 the county where the offense was committed. In addition,  
11 whenever any person is placed on supervision for an alleged  
12 offense under this Section, the supervision shall be  
13 conditioned upon the performance of the community service.

14 This subsection does not apply when the court imposes a  
15 sentence of incarceration.

16 (d) In addition to any other sentence that may be imposed,  
17 the court shall order any person convicted of disorderly  
18 conduct under paragraph (3) of subsection (a) involving a false  
19 alarm of a threat that a bomb or explosive device has been  
20 placed in a school to reimburse the unit of government that  
21 employs the emergency response officer or officers that were  
22 dispatched to the school for the cost of the search for a bomb  
23 or explosive device.

24 (e) In addition to any other sentence that may be imposed,  
25 the court shall order any person convicted of disorderly  
26 conduct under paragraph (6) of subsection (a) to reimburse the

1 public agency for the reasonable costs of the emergency  
2 response by the public agency up to \$10,000. If the court  
3 determines that the person convicted of disorderly conduct  
4 under paragraph (6) of subsection (a) is indigent, the  
5 provisions of this subsection (e) do not apply.

6 (f) For the purposes of this Section, "emergency response"  
7 means any condition that results in, or could result in, the  
8 response of a public official in an authorized emergency  
9 vehicle, any condition that jeopardizes or could jeopardize  
10 public safety and results in, or could result in, the  
11 evacuation of any area, building, structure, vehicle, or of any  
12 other place that any person may enter, or any incident  
13 requiring a response by a police officer, a firefighter, a  
14 State Fire Marshal employee, or an ambulance.

15 (Source: P.A. 98-104, eff. 7-22-13; 99-160, eff. 1-1-16;  
16 99-180, eff. 7-29-15; revised 10-16-15.)